INDEPENDENT INQUIRY
CHILD SEXUAL ABUSE

Investigation reports of the Independent Inquiry into Child Sexual Abuse

Children Outside the United Kingdom

Phase 2

Allegations of child sexual abuse linked to Westminster

The Internet

September 2022

Volume 4
HC 646 IV

2022

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The Independent Inquiry into Child Sexual Abuse (IICSA) was established by the then Home Secretary in 2015 to look at the extent to which institutions in England and Wales have discharged their duty to protect children from sexual abuse. The Inquiry is chaired by Professor Alexis Jay OBE.

The programme of public hearings and their investigation reports has now finished, and all 19 investigation reports have been published. The reports which make up this volume and which are now prepared for presentation to Parliament were originally published by the Inquiry in January 2020, February 2020 and March 2020.

All of the Inquiry's investigation reports are available on the Inquiry's website and on the Inquiry's collection page on gov.uk.

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Ivor Frank
Drusilla Sharpling CBE

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Executive Summary

The full scale of the sexual abuse of children by UK nationals and residents outside of the UK is unknown but it is extensive. Between 2013 and 2017, 361 UK nationals requested consular assistance abroad after being arrested for child sex offences, 78 of which were in 2017. British offenders figure highly in prevalence surveys and there have been numerous convictions. Inevitably, these represent a fraction of the numbers of offenders and offences. Moreover, sexual abuse of children abroad does not have to take place abroad. It has been estimated that some 80,000 people in the UK may present a sexual threat to children online, increasingly through live-streaming. This activity targets the poorest and most vulnerable children in many parts of the world.

This investigation focusses on three forms of response by institutions in England and Wales to the sexual abuse of children outside the UK.

The first concerns the use of civil orders, which can be used to restrict foreign travel. Since March 2015, two such orders have been available. A sexual harm prevention order (SHPO) may be made following a conviction for a sexual offence. A sexual risk order (SRO) may be made in cases where there has not been a conviction. Both orders may include restrictions on travelling abroad should this be necessary to protect children or vulnerable adults from sexual harm. In practice, such travel restrictions are rarely imposed. Only 11 of the 5,551 SHPOs made in 2017/18 and six of the SROs in force in March 2019 did so. As a result, many known sex offenders may be able to travel to parts of the world where they can sexually abuse children. Where travel restrictions are imposed which only apply to limited countries, they can often be circumvented by travelling through third countries. Greater use should be made of the civil orders regime in order to reduce further the risks posed by sex offenders travelling overseas from England and Wales.

The second response examined by this investigation concerns the prosecution in England and Wales of UK nationals and residents who sexually abuse children whilst abroad. Section 72 of the Sexual Offences Act 2003 (and its precursor) extends the jurisdiction of domestic courts to permit this. There appear to have been eight successful such prosecutions since 1997. One example was Keith Morris, who was sentenced to 18.5 years' imprisonment for 10 sexual offences against vulnerable children in Kenya and two counts of attempting to pervert the course of justice. Another concerns Mark Frost, who was sentenced to 13 terms of life imprisonment having pleaded guilty to 45 offences against boys in Thailand. Once again, it may be that section 72 is underused. While in principle prosecutions ought to take place in the country in which the offence occurred, there are numerous instances where a prosecution in England and Wales can and should take place. It ought not to be considered a matter of 'last resort', given that the quality of local justice may be suspect. There is a need for increased awareness of section 72 by police forces in England and Wales, to be achieved through guidance and training. There is also a need to ensure effective cooperation between law enforcement agencies internationally. This requires an adequate number of international liaison officers able to work effectively with international partners in high-risk countries.

The third response examined concerns the operation of disclosure and barring regimes, the purpose of which is to enable employers to make safer recruitment decisions and help prevent those who pose a risk to children from working with them. Agencies based in England and Wales which recruit staff in England and Wales to work with children overseas are obliged to undertake Disclosure and Barring Service (DBS) checks. Institutions which are based overseas cannot request a DBS check when recruiting British nationals but may request an International Child Protection Certificate (ICPC) if they wish. Neither a DBS certificate nor an ICPC will necessarily contain information concerning offending which has taken place outside of the UK. Moreover, there are some discrepancies between the information which the two certificates contain. The system is confusing, inconsistent and can be exploited by those who wish to sexually abuse children abroad. It needs to be reformed.

The Inquiry experienced some difficulties in accessing comprehensive statistics concerning the use of travel restrictions and section 72 prosecutions.

Each of these regimes is therefore limited in its effectiveness. The gaps in these regimes operate, in some cases together, to enable offenders to perpetrate sexual abuse and exploitation overseas. This is symptomatic of a general lack of focus on this aspect of child protection.

We have made several recommendations aimed at providing a more coherent national strategy on these issues, making better use of the travel restriction regime, and enhancing the Disclosure and Barring Service scheme by extending its geographical reach to work with children overseas and making it mandatory in certain circumstances.

Pen portraits

OU-A1

OU-A1[1] attended a school in Germany for children of British armed forces personnel. She described regular incidents of sexual abuse perpetrated by a male teacher (OU-F3) in the early 1980s, when she was of primary school age, that continued for several years. She said he touched her and that she was made to touch him. She felt frightened and knew that it was wrong.

OU-A1 later disclosed the abuse to a boyfriend and her mother, as well as to a counsellor in 1992, who drafted a statement which she understood had been passed to the Royal Military Police (RMP). She later discovered that OU-F3 had become a head teacher in Wales and she contacted the police herself. She described a hearing in November 2005 where she gave evidence for three hours but was later told that the RMP investigation would not be proceeding further. She settled a civil claim against the Ministry of Defence in 2017, without any admission of liability.

OU-A2, OU-A3 and OU-A5

The Inquiry received several accounts of abuse of children perpetrated in Uganda by OU-F2. He was a member of a UK-based religious charity which engaged in various activities, including missionary, educational and pastoral work with disadvantaged youths in Africa. It is understood that he travelled between the UK and Uganda from the 1980s to 2007.[2]

OU-A2[3] described encountering OU-F2 at a youth group which he ran. He also provided financial support for her education when she was aged 15. On one occasion, after accusing her and other students of stealing his sweets, he drove them to his "*workshop*" and took them to his bedroom, one by one. When it was her turn, he made her remove her top and lean over a sink, and he hit her on her buttocks. Her father told her she had to forgive OU-F2, because he was paying her school fees. For this reason, she felt "*completely at* [his] *mercy*". She described being sexually harassed by another student around four years later. The charity Kiddies Support Scheme (KISS) was helpful and put her in touch with British lawyers, but she has not spoken about her abuse to Ugandan or British police.

OU-A3[4] described abuse by OU-F2. OU-A3 was blamed for misbehaviour and taken to OU-F2's bedroom, where OU-F2 removed OU-A3's trousers and underwear, made him bend over and hit his bottom with a ruler, causing serious pain. OU-A3 also felt unable to complain because OU-F2 was paying his school fees. He was beaten for a second time, this time with OU-F2 using his bare hands. OU-F2 was known to have done the same to other children. OU-A3 did not go to the police.

[1] OU-A1 11 February 2019 8-10
[2] Spreckley (INQ003616) paras 8–9
[3] OU-A2 11 February 2019 10-11
[4] OU-A3 11 February 2019 11

OU-A5[5] also described abuse by OU-F2, after he agreed to pay for OU-A5's schooling. OU-A5 had met him at a youth group which he attended from the early 1990s. OU-A5 described three incidents of abuse, two of which involved OU-F2 beating his bottom with his bare hands and a metal brush. OU-A5's grandmother knew about the abuse but said that nothing could be done because OU-F2 was paying OU-A5's school fees. OU-A5 disclosed the abuse to friends and family and to a KISS representative after OU-F2 had returned to England in around 2008. OU-A5 never spoke to the Ugandan or British police, believing that to do so would lead OU-F2 to withdraw financial support.

Lorna

Lorna[6] is eight years old and from the Philippines. She is a recent victim of online sexual exploitation. Lorna started doing online "*shows*" when she was seven years old. She was recruited by a neighbour to perform online sexual acts on a webcam for foreigners. Lorna did "*shows*" three times a day and was paid US$6. She explained that a man told her to take off her clothes, spread her legs and rub her thighs. She described that he was "*white and hairy*". Lorna used the money to buy food. Her mother never knew anything about the abuse. Lorna said she felt angry and wanted to forget it.

Lorna was taken by the police from her family home to a UNICEF-sponsored shelter. She is required by law to be separated from her family until the dispute with her neighbour is resolved. Her family have only visited her once. Lorna hopes they will visit her again and that she can be reunited with her family.

Girl A

Girl A lived with her mother and eight siblings in Goa, in very impoverished conditions after the death of her father. Her brother sold peanuts on a beach, where he met a man from Hertfordshire who befriended their family. The man offered to sponsor the education of Girl A's brother, paying for him to attend a boarding school. He would ask Girl A's brother to bring her to his apartment, which he did. There, the man would sedate her by putting temazepam in her mango juice. He raped and sexually assaulted her on several occasions and filmed himself in doing so.

Girl A felt unable to report the abuse because the man was sponsoring her brother's education. The abuse was discovered when UK police seized the perpetrator's computer on the suspicion that he was downloading child sexual abuse images, and eventually he was prosecuted and imprisoned.[7]

Boy B

Boy B lived in an orphanage in Albania founded by a British man. When Boy B was four years old, he and other children were sexually abused by a former salesman and a former social therapy nurse, who had come from Britain to work at the orphanage as caretakers.

[5] OU-A5 11 February 2019 11-12
[6] 'Lorna' 15 February 2019 89; 96
[7] *Off the Radar: Protecting Children from British Sex Offenders who Travel*, ECPAT UK, 2011 (ECP000006), p23

At the men's trial, three years later, Boy B wept when he gave evidence via video-link. One of the men claimed that the allegations were a "*fantasy*" and that he had quit his job in England to "*help the needy in Eastern Europe*". In January 2010, both men were convicted and received lengthy custodial sentences with an order for deportation at the end of the custodial term. The founder of the orphanage had been convicted in November 2008 for sexually abusing children and was also imprisoned.[8]

Boy C

Boy C was living in Pattaya, Thailand. In an account given to the Royal Thai Police, he described a British man tricking him into going to a hotel room and asking him to perform oral sex for 1,000 Baht (around £25). The man was charged with having sex with a minor.[9]

Boy D and Boy E

Boys D and E, aged 12 and 14, lived in Thailand. They did not go to school because their parents could not afford it. A British man made financial arrangements with their parents for them to live with him and acted as their guardian. The man would hire tutors to teach them at home. He also bought them games, gave them money and sent presents to their parents. However, the man would sexually abuse them. He made the boys sleep naked with him in the same bed, and would take photographs of them. The man threatened the boys that if they told the police, he would not give them any more money and that their lives would be in danger. When Pattaya tourist police entered the house where the man was staying, they found a notebook computer containing indecent images of sex acts involving young boys. The man admitted the allegations during police questioning.[10]

[8] *Off the Radar: Protecting Children from British Sex Offenders who Travel*, ECPAT UK, 2011 (ECP000006), p15
[9] *Return to Sender: British child sex offenders abroad – why more must be done*, ECPAT UK, 2008 (ECP000005), p20
[10] *Return to Sender: British child sex offenders abroad – why more must be done*, ECPAT UK, 2008 (ECP000005), p21

Part A

Introduction

Introduction

A.1: Introduction

1. In the Protection of Children Outside the United Kingdom investigation, we examine the extent to which institutions and organisations based in England and Wales have taken seriously their responsibilities to protect children outside the United Kingdom from sexual abuse.

2. The first phase of this investigation was a case study on the Child Migration Programmes. It considered the sexual abuse of children sent overseas from England and Wales.

3. This second phase of the investigation is concerned with adults who leave England and Wales and who pose a risk of sexual harm to children overseas. Its scope is drawn from three separate but overlapping areas of concern:

- The apparently limited use of powers to make civil orders restricting foreign travel by those known to pose a risk to children.
- Difficulties in ensuring accountability in the criminal courts for British nationals and residents who commit sexual offences against children overseas.[11]
- Issues with how disclosure and barring regimes apply to those who leave England and Wales to work with children overseas.

4. Some high-profile cases highlight these issues.

4.1. Paul Gadd (also known as Gary Glitter) was sentenced to four months' imprisonment in 1999 after he admitted possessing 4,000 indecent images of children and was placed on the sex offenders' register. He was acquitted of charges of child sexual offences pre-dating that conviction but the allegations were well known to the British authorities. He then went on to travel to Cambodia, Thailand and Vietnam. In 2002 he was expelled from Cambodia over unspecified allegations and in March 2006 he was convicted of sexually abusing two girls, aged 10 and 11, in Vietnam. On his return to the UK, he was placed on the sex offenders' register for life. In 2015 he was convicted of six sexual offences in the 1970s and 1980s against three girls aged between eight and 13 and was sentenced to 16 years' imprisonment.

4.2. The case of Richard Huckle received widespread media attention because of the scale of the abuse he perpetrated. He was investigated by the National Crime Agency (NCA) following the receipt of intelligence from the Australian authorities. After extensive collaboration with the Australian and Malaysian authorities, Huckle was charged with 91 offences over an eight-year period against 25 children aged between several months and 13 years old. In 2016, he pleaded guilty to 71 of these counts. He was sentenced to 22 life sentences and ordered to serve a minimum term of 25 years' imprisonment.

[11] Under the Sexual Offences Act 2003, section 72(9), a UK national is a person who holds British nationality or citizenship either as a British citizen, British overseas territory citizen, a British National (Overseas) or a British Overseas citizen and a UK resident is a person who resides in the UK.

5. The Inquiry examined the three legislative regimes in England and Wales that seek to address the areas of concern set out above:

- the framework of civil orders to prevent individuals known to the UK authorities as posing a risk to children from travelling abroad, set out in the Sexual Offences Act 2003;
- the use of section 72 of the Sexual Offences Act 2003 to prosecute British nationals and residents for sexual offences committed against children overseas; and
- the operation of various disclosure and barring regimes in respect of those travelling from England and Wales who intend to work with children overseas.

These issues were derived from the Inquiry's terms of reference set by the Home Secretary and the scope of this investigation set by the Inquiry.

A.2: The nature and scale of allegations of child sexual abuse overseas

The nature of the abuse

6. The Inquiry heard evidence of child sexual abuse and exploitation in a large number of countries, including Kenya, Uganda, Malaysia, India, the Philippines, Cambodia, Indonesia, Thailand and Myanmar. We were told about foreign nationals travelling overseas specifically to sexually abuse children.

7. Child sexual abuse overseas often involves the use of tourism-related accommodation, transportation and other services which facilitate contact with children and enable the abuser to remain inconspicuous. There may be a locally based trafficker who will assist, such as by arranging accommodation and enabling the abuser to visit remote areas.

8. Poverty and corruption in many countries leaves children vulnerable. Abusers (whether foreign nationals[12] or local) often target poor children who may already be sexually exploited. They also target poor families where family members or other third parties are willing to act as facilitators. In those cases, the disparity between the financial position of the abuser and the victim and their family is a key factor. Abusers establish trust with vulnerable children and families by masquerading as philanthropists by providing money and subsistence, before sexually abusing the children.

9. Where abusers 'put down roots' in a particular country, they are better able to exploit victims in institutional care, education establishments, charities or religious groups. We were also told about a particular offending pattern where an individual sets up a shelter, orphanage or school, perhaps with other volunteers, specifically to create an opportunity for the sexual abuse of children.[13]

[12] Those who travel from England and Wales and sexually abuse and exploit children overseas are known by law enforcement agencies as transnational child sex offenders. (See Jones (Robert) 13 February 2019 112/17-113/2; witness statement of Robert Jones dated 3 October 2018 (NCA000296_002 para 2b).)
[13] Beddoe 11 February 2019 182/2-18

10. Child sexual abuse and exploitation are often linked with child trafficking. Children are treated as objects, trafficked from location to location, kept in conditions of sexual slavery and subjected to torture.[14]

11. The increasing use of the internet, including through the use of low-cost live-streaming services that can cost less than £1, substantially adds to these risks. The NCA has also observed an increase in the severity of offending involving sexual abuse images, particularly on the "*dark web*".[15] Online and "*contact*" abuse and exploitation also often overlaps. For example, abusers may first interact with children online and then travel to the country in question to abuse them in person. Travelling offenders may also take videos and photographs of the abuse.

12. These elements combine to create an illicit market in child trafficking, live-streaming of abuse and exploitation tourism involving local and foreign offenders.[16]

13. Some abusers operate in sophisticated networks, for example by sharing tips and strategies to avoid detection, such as information about legal frameworks and areas which have active law enforcement or non-governmental organisations (NGOs) focussing on crimes against children. They also share information about what to do if caught, including the amount of money they can expect to pay to "*bribe their way out of it*".[17]

14. Disaster areas can pose a particular risk of sexual abuse for children.

14.1. In February 2018, it was reported that, in Haiti in 2010, Oxfam staff had sexually exploited children. Additional allegations were made about Oxfam GB's Country Director in Haiti, including that he had been allowed to resign. Subsequently a different allegation arose about the conduct of Oxfam staff in the Philippines in 2013. This also alleged sexual misconduct. As a result, in February 2018, the Charity Commission opened an inquiry into the charity. Its report was published in June 2019, finding that the charity repeatedly fell below expected safeguarding standards, had a culture of tolerating poor behaviour and failed to meet commitments on safeguarding.[18]

14.2. After Typhoon Haiyan devastated part of the Philippines in 2013, many foreign NGOs came to assist with disaster relief. Concerns were expressed that children were disappearing; the suggestion was that there was a direct correlation between disaster relief and child trafficking.[19]

The scale of the abuse

15. The true scale of child sexual abuse overseas by foreign nationals and residents is unknown.[20] The victims and survivors of child sexual abuse overseas were described by ECPAT (Every Child Protected Against Trafficking) as "*off the radar*".[21]

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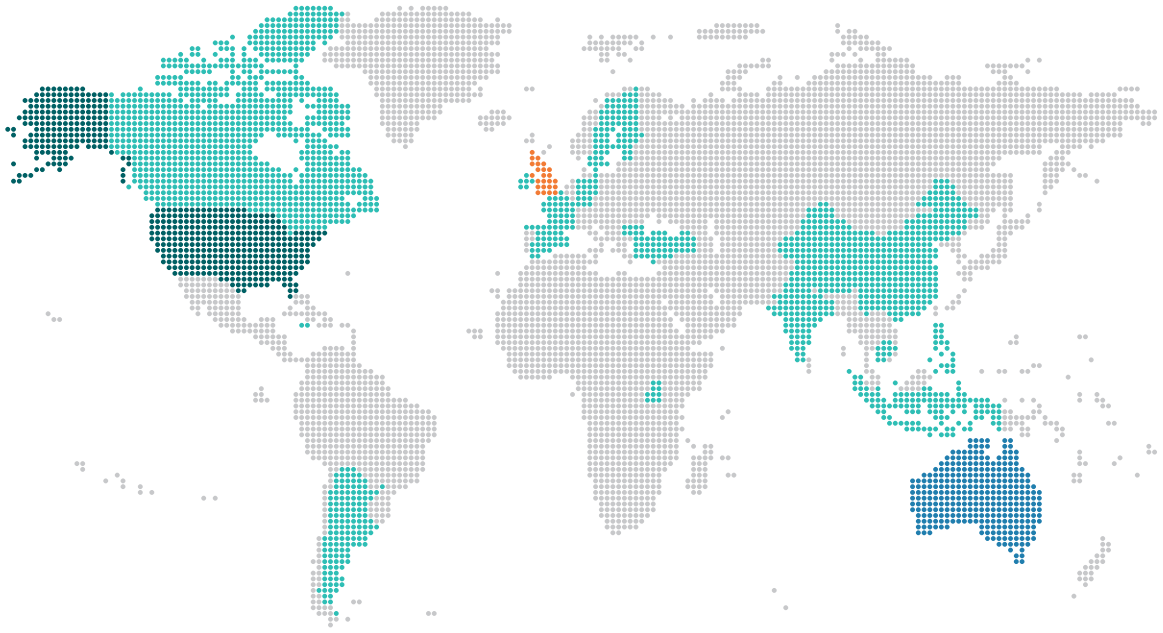
[14] Hulley 13 February 2019 5/5-19; witness statement of Glen Hulley dated 4 December 2018 (INQ003648 para 7); see also *Protecting the Future: Improving the Response to Child Sex Offending in Southeast Asia*, UNODC, 2014 (CRS000004), p4; *Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism 2016*, ECPAT, 2016 (INQ003707), p49.
[15] Jones (Robert) 13 February 2019 120/9-13
[16] For evidence of this overall context, see for example the evidence from Bharti Patel, Chief Executive Officer of ECPAT UK (ECP000007), Professor W Warren H Binford, Trustee of Child Redress International (CRS000021) and Robert Jones, Director of Threat Leadership at the National Crime Agency (NCA000296).
[17] Hulley 13 February 2019 7/18-8/16
[18] Charity Commission Inquiry into Oxfam GB
[19] OU-X1 14 February 2019 188/3-10; INQ003949 para 32
[20] Lemineur 12 February 2019 56/20-25; NCA000287_026 para 116; ECP000003_009
[21] ECPAT Opening Statement 11 February 2019 39/7-10

16. Some have estimated that US$36.6 billion is made from child sexual exploitation and that around 2 million children in Southeast Asia are affected.[22] The Inquiry heard that there are thought to be at least 100,000 children in the sex "*industry*" in the Philippines alone.[23] The NCA's Child Exploitation and Online Protection Command (NCA-CEOP) considers that abusers are highly likely to operate in a wider range of countries than official data indicate.[24] It estimates that around 80,000 people in the UK present some kind of sexual threat online to children both in England and Wales and abroad.[25]

17. Similarly, the potential involvement of British individuals in child sexual abuse overseas is difficult to quantify. As at March 2018, there were 58,637 registered sex offenders in England and Wales who were subject to requirements to notify the authorities of an intention to travel.[26] When Action Pour Les Enfants (APLE) reviewed the nationalities of sex offenders on its database in Cambodia, Britain was one of the countries disproportionately highly represented. British offenders amounted to 6.3 percent of those on the database, the fourth largest group by nationality.[27] Significant numbers of British nationals also request consular assistance after having been arrested for child sex offences; there were 361 such requests between 2013 and 2017.[28]

[22] Hulley 13 February 2019 4
[23] Loseno 11 February 2019 138/8; INQ003718 para 12
[24] Jones (Robert) 13 February 2019 121; NCA000287_028 para 128
[25] HOM003221_003
[26] INQ003128_005
[27] Samleang 12 February 2019 5/17-6/20; INQ003685_009. The database consisted of 288 offenders who were arrested from 2003 to 2013 as a result of APLE investigations.
[28] Patel 11 February 2019 128/6-129/7; ECP000007_003-4 para 11; ECP000001



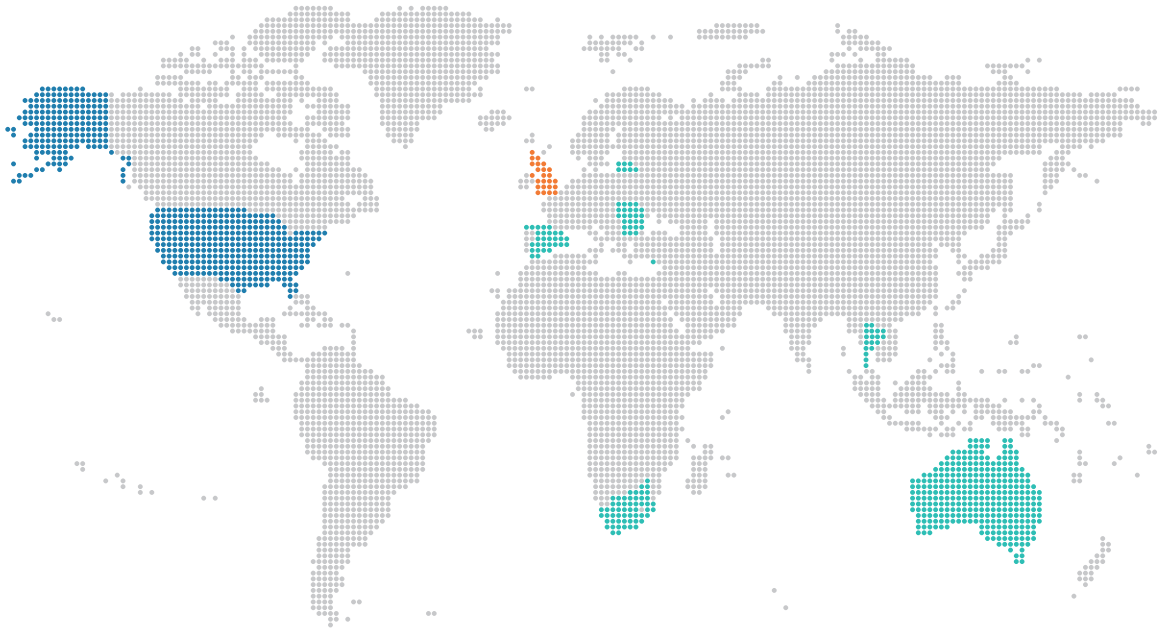
ARREST/DETENTION: CHILD SEX

0 1–5 6–10 11–15 16–20 21–25

ARGENTINA	<5	CYPRUS	<5	INDIA	<5	SPAIN	<5
AUSTRALIA	7	ESTONIA	<5	INDONESIA	<5	SWEDEN	<5
BULGARIA	<5	FINLAND	<5	IRELAND	<5	TURKEY	<5
CAMBODIA	<5	FRANCE	<5	JAMAICA	<5	UGANDA	<5
CANADA	<5	GERMANY	<5	PHILIPPINES	<5	USA	23
CHINA	<5	HONG KONG SAR	<5	SINGAPORE (CTRY.)	<5		

Source: Foreign and Commonwealth Office Consular Data 2018

Number of British nationals requesting consular assistance abroad having been arrested for child sexual offences (2018): child sex



Source: Foreign and Commonwealth Office Consular Data 2018

Number of British nationals requesting consular assistance abroad having been arrested for child sexual offences (2018): 'child pornography'

A.3: The issues for phase two of this investigation

18. There are a number of specific issues considered in this second phase.

Civil orders:

- In what circumstances can the civil orders in question be made? What do they seek to achieve?
- How often have the powers to make such orders been used since they were introduced?
- What is the practical impact of such orders on known offenders when they have been used?
- Does the civil order regime offer effective protection from sexual abuse for children overseas? If not, how might the regime be improved?

Section 72 prosecutions:

- How often has section 72 been used in recent years to prosecute alleged child sexual abuse committed abroad?

- If section 72 is used relatively rarely, what are the reasons for that? Are these reasons justified?
- Does section 72 offer effective protection from sexual abuse for children overseas? If not, how might the regime be improved?

Disclosure and barring:

- How does the statutory disclosure and barring regime operate within England and Wales?
- To what extent does this regime take account of the sexual abuse of children overseas?
- To what extent does this regime operate in respect of organisations based in England and Wales which send workers or volunteers who have contact with children overseas?
- What regimes operate in respect of organisations based overseas which recruit British nationals or residents to work with children?
- Do these disclosure and barring regimes offer effective protection from sexual abuse for children overseas? If not, how might the regime be improved?

A.4: Procedure adopted by the Inquiry

19. The procedure adopted by the Inquiry in this phase is set out in Annex 1 to this report. Core participant status was granted under rule 5 of the Inquiry Rules 2006 to two independent organisations and five institutions. In addition to two preliminary hearings, public hearings were held from 11 to 15 February 2019.

20. The Inquiry received evidence from a small number of adult complainants, who described non-recent sexual or physical abuse by adults with links to England and Wales while they were children abroad in Germany or Uganda. However, we did not consider it appropriate or proportionate to obtain individual complainant evidence from those who are still children or young adults abroad. This was for a range of reasons, including the inherent vulnerabilities of such children and young adults, the logistical challenges in obtaining such evidence from abroad, the fact that the voice of those children could be heard indirectly through the evidence of various NGOs, and the legal and policy nature of the issues in this phase of the investigation.

21. We also heard from a range of professionals with extensive experience:

- Bharti Patel, Chief Executive Officer of ECPAT UK;
- Christine Beddoe, a freelance consultant and former Director of ECPAT UK;
- Seila Samleang, Executive Director of Action Pour Les Enfants (APLE) Cambodia;
- Marie-Laure Lemineur, Deputy Director for Programmes at ECPAT International;
- Professor W Warren H Binford, Trustee of Child Redress International (CRI);
- Glen Hulley, founder and director of Project Karma;
- Cecilia French, Director of the Public Protection Directorate at the Home Office;
- Robert Jones, Director of Threat Leadership at the NCA;
- Chief Constable Michelle Skeer, National Police Lead for the Management of Sexual Offenders and Violent Offenders from the National Police Chiefs' Council (NPCC);
- Gregor McGill, Director of Legal Services for the Crown Prosecution Service;

- Peter Jones, Chief Operating Officer of the Foreign and Commonwealth Office;
- Adrian Greer, Chief Operating Officer of the British Council;
- Jane Larsson, Executive Director of the Council of International Schools (CIS) and Chair of the International Taskforce on Child Protection; and
- Colin Bell, Chief Executive Officer of the Council of British International Schools (COBIS).

22. The Inquiry had selected six police forces from which to obtain evidence: South Yorkshire Police, West Midlands Police, Lancashire Constabulary, Staffordshire Police, Hertfordshire Constabulary and Gwent Police. These forces provided evidence about their own use and understanding of civil orders and section 72, which was summarised for us.

23. Further witness statements were read or summarised, and we considered a number of additional documents obtained by the Inquiry and disclosed to the core participants, including some which were provided after the hearing.

24. Many of the witnesses expressed concerns about the efficacy of the three systems under consideration, and made various proposals for reform. Prior to the hearing, Counsel to the Inquiry distilled this witness evidence into a list of key concerns and proposed reforms.[29] This was used during the hearings to focus the witness evidence on the two key issues for the Inquiry: the efficacy and reform of each of the three areas.

A.5: Terminology

25. References in this report such as 'ECP000007' and 'ECP000007_001' are to documents or specific pages of documents which have been adduced in evidence and that can be found on the Inquiry website. A reference such as 'Patel 11 February 2019 67-68' is to the hearing transcript which is also available on the website; that particular reference is to the evidence of Ms Patel on 11 February 2019 at pages 67–68 of that day's transcript.

[29] INQ004049

Part B

Civil orders

Civil orders

B.1: Introduction

1. The preventive civil orders regime in England and Wales, under which sex offenders may be restricted from travelling abroad, has been the subject of concern for several years. This concern has included the low number of orders made.

B.2: The legal framework

2. Civil orders, including those restricting the foreign travel of sex offenders, were introduced in May 2004 under the Sexual Offences Act 2003. At this time, a foreign travel order (FTO) could be imposed after a conviction for a sexual offence against a child such as rape, sexual assault or possession of indecent images of children.[30]

3. In 2013, an Association of Chief Police Officers (ACPO) review[31] of these civil orders was published. It concluded that the regime presented an "*unnecessary and unreasonable obstruction to the objective of preventing sexual abuse of children, most particularly in vulnerable jurisdictions*"[32] and was "*deeply flawed*".[33] The review recommended the simplification and strengthening of the legal framework.[34]

4. Amendments were made to the legal framework with effect from March 2015 and FTOs were replaced by two new orders:[35]

- A sexual harm prevention order (SHPO) may be made after a person has been convicted of a sexual offence, such as rape, sexual assault or possession of indecent images of children.[36]
- A sexual risk order (SRO) may be made where there has been no conviction but the person is proven to have done an act of a sexual nature.[37]

5. An SHPO or SRO can include a range of restrictions, including on foreign travel. Before making any SHPO or SRO, or including any restriction, the court must be satisfied that it is necessary to protect the public from sexual harm. This includes protecting children or vulnerable adults outside the UK.[38]

[30] Sexual Offences Act 2003, sections 114–122. The power to make an FTO after conviction for sexual assault or possession of indecent images was subject to criteria relating to age of victim, age of offender and in some cases type of sentence imposed being met: Sexual Offences Act 2003 (section 116(2)(a) and (d), Schedule 3 paras 15 and 18). The legislation also made provision for sexual offences prevention orders (SOPOs) (Sexual Offences Act 2003, sections 104–113) and risk of sexual harm orders (RSHOs) (Sexual Offences Act 2003, sections 123–129).
[31] Commissioned by the ACPO Child Protection and Abuse Investigation Working Group (NCA000288_003 para 1.1).
[32] NCA000288_004 para 2.1
[33] NCA000288_042 para 7.9.1
[34] NCA000288_004-005 paras 2.4–2.10
[35] The two new types of order also replaced SOPOs and RSHOs.
[36] Sexual Offences Act 2003, sections 103A–K. The power to make an SHPO on conviction for sexual assault and possession of indecent images of children is subject to criteria relating to age of victim, age of offender and in some cases type of sentence imposed being met: Sexual Offences Act 2003 (section 103A(2)(a), Schedule 3 paras 15 and 18).
[37] Sexual Offences Act 2003, sections 122A–K
[38] An order may also be made to protect a particular child or vulnerable adult.

6. If an order restricting travel is made, this can apply to any foreign travel or only travel to certain countries. An order may last for up to five years, although this can be extended. A person subject to an order restricting any foreign travel must surrender their passport to a police station until the order ceases to have effect.

7. A court may impose an SHPO when dealing with an offender after conviction, if conditions are met at that stage.

8. Breach of either order without reasonable excuse is a criminal offence, punishable with up to five years in prison.[39]

9. The civil orders regime coexists with other preventive measures.

9.1. Most convicted sex offenders are subject to notification requirements (often referred to as being on the sex offenders' register).[40] This includes notifying the police of any intended foreign travel.[41] Failure to do so is a separate offence, punishable with up to five years in prison.[42]

9.2. The police may apply to a court for a notification order requiring an offender convicted abroad of certain sexual offences to comply with notification requirements.[43] In 2017/18, 97 notification orders were imposed.[44]

9.3. Regardless of whether a civil order has been imposed, law enforcement agencies may notify overseas authorities of individuals known to pose a risk of sexual harm. Intelligence about offenders is disseminated through multilateral and bilateral channels.[45] For example, the NCA is aware of 41 high-risk individuals from the UK who were refused entry into another country between 1 January and 2 June 2018 after intelligence was shared.[46]

B.3: The regime in practice

The number of orders made

10. Obtaining a consistent data set for the number of offenders whose travel has been restricted by a civil order is not straightforward.

10.1. Neither the Home Office, the Ministry of Justice nor the Crown Prosecution Service collect data about the number of orders containing foreign travel restrictions that are imposed.[47]

[39] For SHPOs, see Sexual Offences Act 2003, section 103I; for SROs, see Sexual Offences Act 2003, section 122H.
[40] Sexual Offences Act 2003, sections 80–82, 86, 103G and 122I
[41] Sexual Offences Act 2003, section 86 and Sexual Offences Act 2003 (Travel Notification Requirements) Regulations 2004 (SI 2004/1220) as amended by the Sexual Offences Act 2003 (Travel Notification Requirements) Regulations 2012 (SI 2012/1876) Regulation 5(a). Prior to 13 August 2012, a person subject to notification requirements did not need to notify police of foreign travel if the period of travel was less than three days: see the original form of SI 2004/1220, Regulation 5(1) and Patel 11 February 2019 75/12-19; for commencement of SI 2012/1876, see Regulation 1(2).
[42] Sexual Offences Act 2003, section 91
[43] Sexual Offences Act 2003, sections 97–100
[44] INQ003128_016
[45] These include the Europol regime and Interpol Diffusion Notices (Jones (Robert) 13 February 2019 146/23-25, 147/1-20).
[46] Jones (Robert) 13 February 2019 150/10-14
[47] Davison 14 February 2019 117/11; CPS004660 paras 14–17; HOM003000_005 footnote 1

10.2. The Multi-Agency Public Protection Arrangements[48] (MAPPA) annual reports include data for SHPOs but not SROs.[49]

10.3. Data on SROs are held by the National Police Chiefs' Council (NPCC), based on information provided by individual forces each quarter.[50] Although data on civil orders is stored on the Violent and Sex Offender Register (ViSOR), it has been difficult to extract figures for those orders which contain foreign travel restrictions.[51]

11. With those caveats, the data provided to the Inquiry show that few SHPOs or SROs restricting foreign travel (whether to one or more countries) have been made in recent years.

Table 1: Number of SHPOs made per year in 2015 to 2018[52]

	2015/16	2016/17	2017/18
Total SHPOs made	3,873	5,931	5,551
SHPOs with foreign travel restrictions	8	4	11

12. As at March 2019, from data provided by 40 police forces, only six SROs with foreign travel restrictions were in existence.[53]

13. To put these figures into context:

- Foreign travel restrictions were attached to less than 0.3 percent of SHPOs each year.
- Taking the most generous reading of the foreign travel order statistics,[54] only around 0.2 percent of the 58,637 registered sex offenders in England and Wales on 31 March 2018 had their foreign travel restricted.[55]
- In 2017, 78 UK nationals requested consular assistance abroad after being arrested for child sex offences.[56]

14. Following our hearings, the Home Office provided the Inquiry with its 2019 review of the civil orders regime, which we consider below.[57]

The making of civil orders

15. The success rate of applications for foreign travel restrictions remains unclear.

[48] This is the process through which the police and the probation and prison services work together with other agencies to manage the risks posed by violent and sex offenders living in the community in order to protect the public.
[49] Skeer 14 February 2019 19/12-20
[50] Skeer 14 February 2019 19/12-20
[51] Steps are being taken to address this problem (Skeer 14 February 2019 18/1-13; French 13 February 2019 41/19-43/9).
[52] Ministry of Justice, *Multi-Agency Public Protection Arrangements Annual Report 2017/18: Ministry of Justice Statistics Bulletin* 25 October 2018 (INQ003128_016), p14. Figures are for 1 April to 31 March in each period.
[53] OHY007094 para 4
[54] This assumes that (i) all those against whom a civil order restricting foreign travel had been made were Registered Sex Offenders, (ii) no individual was made subject to more than one of the orders recorded and (iii) that all the orders made since 1 April 2006 have been renewed and so remained applicable in 2017/18, and so working on a total of 124 orders (six SROs with foreign travel restrictions in existence, plus a total of 118 other foreign travel restriction orders made since 1 April 2006: INQ003128_016).
[55] There were 55,236 on 31 March 2017 and 52,770 on 31 March 2016 (Ministry of Justice, *Multi-Agency Public Protection Arrangements Annual Report 2017/18: Ministry of Justice Statistics Bulletin* 25 October 2018 (INQ003128_009), p7).
[56] There were 80 such individuals in 2016 and 82 in 2015 (ECP000001; see also FCO000150). Between 2013 and 2017, the Foreign and Commonwealth Office responded to 361 requests for consular assistance from UK nationals who had been arrested for child sex offences (ECP000007 para 11).
[57] HOM003297

15.1. Chief Constable Michelle Skeer of the NPCC told us that, across 40 forces, 31 SROs had been sought but not granted.[58] It is not clear how many of these, if any, included applications for foreign travel restrictions.

15.2. Data for the success rate of SHPO applications including foreign travel restrictions were not available.[59] Chief Constable Skeer's impression is that SHPOs are generally granted by courts when sought, and that police forces have a better success rate in SRO applications than they had in applications under the previous regime.[60]

16. Non-governmental organisations (NGOs) such as ECPAT (Every Child Protected Against Trafficking) and Child Redress International (CRI) have expressed concern that orders restricting foreign travel are not made as often as they could or should be. This concern is understandable. It is therefore necessary to consider why the number of orders made is as low as it is.

17. Orders restricting foreign travel must correspond to risk. The Court of Appeal's decision in *R v Smith and Others*[61] reinforces that civil order restrictions must be tailored to the exact and identifiable risks posed by a perpetrator.[62] It appears that concerns about this need for proportionality may lead to:

- some caution by law enforcement agencies in applying for foreign travel restrictions, especially worldwide orders;[63]
- police force legal advisers rejecting proposed applications for foreign travel restrictions;[64]
- a potentially overstated need for evidence either that the underlying sexual behaviour had been committed abroad or of a specific intent to travel;[65]
- orders being sought or made which limit an offender from travelling to a particular country only;[66] and
- some reluctance by courts to impose foreign travel restrictions.[67]

18. However, we heard of a number of cases which suggest that such concerns may be misplaced or overstated.

18.1. An SHPO with foreign travel restrictions was obtained by West Midlands Police on a sex offender's return to the UK after he had travelled to Cambodia without notifying police that he would also travel to Thailand.[68]

18.2. A travel restriction order was obtained by South Yorkshire Police after an offender, originally convicted of raping a child, failed to notify authorities of travel to Ireland after being released from prison.[69]

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[58] OHY007094 para 6
[59] OHY007094 paras 8–9
[60] Skeer 14 February 2019 26/18-27/1
[61] *R v Smith and Others* [2012] 1 WLR 1316, 19 July 2011 (INQ004602)
[62] See also the following witnesses' evidence on the requirement for restrictions to be proportionate: Skeer 14 February 2019 12/11-19, 13/11-23, 14/4-8; French 13 February 2019 72/25-73/14; Jones (Robert) 13 February 2019 135/2-18
[63] HOM002998 para 15
[64] HOM003297 p6
[65] Hertfordshire Constabulary: Jephson 14 February 2019 69/14-15; OHY006935_008; HOM003297 p5
[66] Jones (Robert) 13 February 2019 178/1-4
[67] HOM003297 p6
[68] West Midlands Police: Southern 14 February 2019 50/23-51/7; OHY006936
[69] South Yorkshire Police: Forber 14 February 2019 56/24-57/5; OHY006964

18.3. An SHPO preventing travel to all countries was imposed on an offender in Lancashire who wanted to move to a country where he believed the age of consent was 14.[70]

18.4. The Court of Appeal recently upheld a worldwide travel ban imposed on a person convicted of offences committed in England who had absconded to Southeast Asia during proceedings and failed to attend court for sentencing.[71]

18.5. A travel restriction order was made based on a perpetrator's oral confession while inebriated of his intentions to travel abroad.[72]

These cases show that courts can and do impose travel restrictions without direct evidence of sexual offending abroad, albeit that some evidence of past or intended future travel does seem to be required.

19. However, the impression held by some is that travel restrictions are unlikely to be made in cases involving 'non-contact' offending. Several police forces reported to the 2019 Home Office review that judges "*rarely associate non-contact offences (i.e. viewing indecent images) with risk of a contact offence*".[73] The NCA agreed that a significant proportion of the evidence gathered on individuals relates to criminal activity online, which is unlikely to be sufficient to support a foreign travel restriction in the absence of a clear intent to commit a contact offence overseas.[74]

20. Knowledge and training gaps may provide some explanation for the low number of orders made. Although the NCA, NPCC, individual forces and Crown Prosecution Service told us about their training events and materials, Christine Beddoe (former Director of ECPAT UK, who co-authored the ACPO review of civil orders) suggested that police forces are inconsistent in their assessment of risk and have differing levels of experience with civil orders. The Home Office reviews in 2017 and 2019 also referred to some training issues.[75] The Inquiry understands that following the public hearings a training event was held at the Home Office on 3 October 2019 which was attended by senior delegates from police forces to share best practice and knowledge in respect of offenders who travel overseas and sexually abuse children.

21. The 2019 Home Office review also identified other issues.[76]

21.1. Some forces find seeking foreign travel restrictions is extremely resource-intensive.

21.2. Serving court summonses on offenders may increase the likelihood that they travel abroad prior to the hearing at which the travel ban is to be considered.

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[70] Lancashire Constabulary: Edwards 14 February 2019 63/1-6; OHY006956
[71] *R v Marco Cheyne* [2019] 2 Cr App R (S.) 14, 8 February 2019 (INQ004600)
[72] HOM003297_005
[73] HOM003297_005
[74] HOM003297_005. See also Jones (Robert) 13 February 2019 139/11-17 for an example of an unsuccessful application where the NCA could not provide evidence of contact abuse committed abroad.
[75] Jones (Robert) 13 February 2019 136/16-24; NCA000295; Skeer 14 February 2019 2/15-3/9; 7/16-9/16; 29/1-15; 30/14-21; 36/7-12; OHY004926_002-013; OHY004924_008-014; OHY004929_004-006 paras 13–21; OHY006401_002-013; Barnett 14 February 2019 67/7-14; McGill 14 February 2019 79/22-81/17; CPS004661; Beddoe 11 February 2019 179/9-17; French 13 February 2019 55/9-56/14; HOM002433 p3; HOM003297_006
[76] HOM003297_007

21.3. In one case, it took four months to obtain an interim SRO. Such a delay could, of course, impact on the efficacy of the regime by providing an offender with an opportunity to leave the jurisdiction.

22. Finally, SROs are available where an individual has not been convicted, but it is still necessary to prove the required sexual behaviour to the high criminal standard of proof.[77] In many (but not all) cases where such evidence is available, a prosecution would have been initiated and the case would therefore more likely lead to an SHPO if there is a conviction (and if any order was deemed necessary and proportionate). Christine Beddoe's evidence was also that police forces did not appear to be applying for SROs based on offending overseas which had not resulted in a prosecution or in other 'non-prosecution' scenarios detailed in the 2013 ACPO review.[78] These are further reasons that may explain the low number of SROs.

The effectiveness of the regime

23. The Home Office considers that the current civil orders regime is an improvement on the previous regime and is effective.[79] This view is shared by several of the police forces from which the Inquiry obtained evidence.[80] Chief Constable Skeer indicated that MAPPA processes for the management of registered sex offenders (including those subject to SHPOs) are some of the best internationally.[81]

24. However, ECPAT and other NGOs consider that the low numbers of civil orders restricting foreign travel mean that the system is, overall, ineffective.[82] ECPAT's position is also that to restrict an offender from travelling to a specified country or region is "*redundant*" because it is so easy to travel from one country to another.[83] In the 2016 Home Office review, one police force commented that anything other than a worldwide travel restriction is ineffective.[84] In the 2019 Home Office review, several forces said the same.[85] An order preventing a sex offender from travelling to only one or two countries plainly has some value, as it restricts the offender from travelling to some degree. However, given the ease of contemporary travel, such an order is inherently limited in its impact, as it may not prevent an offender from abusing children in other countries.

25. Even if an order is made, if an offender succeeds in leaving the UK in breach of the order, the authorities may not be able to prevent further offending. Gwent Police and Father Shay Cullen (founding member and president of the People's Recovery, Empowerment and

[77] The legislation does not state the standard to which facts must be proved in an application for an SRO. However, case law in analogous circumstances has established the standard of proof to be the criminal standard (requiring proof beyond reasonable doubt), as opposed to the civil standard (requiring proof on the balance of probabilities): *R (on the application of McCann and Others) v Crown Court at Manchester and another* [2003] 1 AC 787 (HL), concerning anti-social behaviour orders (INQ004601); *Commissioner of Police of Metropolis v Ebanks* [2012] EWHC 2368 (Admin), concerning RSHOs (INQ004603). Home Office guidance refers to the criminal standard in making an SHPO or an SRO: *Guidance on Part 2 of the Sexual Offences Act 2003*, Home Office, September 2018 (HOM002997_028), p26.
[78] INQ004103
[79] Jones (Robert) 13 February 2019 140/13-14; French 13 February 2019 70/5-8; HOM002433_002; Skeer 14 February 2019 24/3-10
[80] Southern 14 February 2019 51/23-52/11; Barnett 14 February 2019 67/9-18
[81] Skeer 14 February 2019 33/18-22
[82] Patel 11 February 2019 78/24-80/7; witness statement of Bharti Patel dated 9 November 2019 (ECP000007) para 31; Binford 12 February 2019 114/17-19
[83] *The end of the line for child exploitation: Safeguarding the most vulnerable children*, ECPAT UK, 2006 (ECP000003) p16; Patel 11 February 2019 81/23-82/3
[84] French 13 February 2019 51/5-9 referring to HOM002998 para 15
[85] HOM003297 p6

Development Assistance (PREDA) Foundation, based in the Philippines) suggested to us that the fact restrictions cannot be acted on outside the UK is a key reason why the civil orders regime is ineffective in protecting children.[86]

B.4: Reform

26. Given the considerable disparity between the high number of registered sex offenders and the low number of orders made, it is a reasonable inference that there are more registered sex offenders whose travel could properly be restricted. The Inquiry considers that the number of civil orders made restricting foreign travel must increase.

27. We heard a number of proposals for strengthening the current civil orders regime which might achieve such an increase.

28. Witnesses referred to the difficulties in meeting the standard of proof applicable to an SRO, and so we considered whether it should be lowered to the civil law standard.[87] Furthermore, it was suggested that an applicant for an SRO be permitted to rely on closed evidence.[88] We do not consider that these reforms would be likely to lead to a substantial increase in the number of orders being made, even if concerns about the cost and procedural fairness of closed hearings could be justified.

29. Since 2017, the USA has adopted a system of unique identifiers inside the passport of those convicted of a sex offence against a child. This does not prevent sex offenders from travelling abroad, but those working in US embassies are reported to have found this to be a useful tool. Entry might still be permitted, however, if the identifier is not understood by immigration officials in the destination country.[89] There is also concern that the scheme could lead to individuals being harmed on entering countries with low human rights standards.[90] While there was some support for the adoption of a similar scheme in England and Wales,[91] overall it was considered disproportionate or of doubtful efficacy.[92] The Inquiry does not consider that the adoption of such a passport identifier scheme for British nationals would be sufficient to limit the risk that those with predatory intent may pose to children overseas from sexual abuse.

30. We note that, since 2017, the Australian government has imposed a complete ban on registered child sex offenders from travelling overseas. The context for the ban was an evidence base that around 800 registered child sex offenders had left Australia over four years without notifying the authorities and travelled to many destinations known for child sexual abuse by tourists. There were also concerns that, when notifications were given, they were not acted on by the destination country in time. Glen Hulley of Project Karma, who

[86] Brain 14 February 2019 70/19-22; OHY006951 para 12.2; Cullen 12 February 2019 77/3-79/3
[87] See French 13 February 2019 47/7-12; Jones (Robert) 13 February 2019 126/8-11, 142/6-9; Skeer 14 February 2019 13/12-23. The civil law standard is applicable in several other civil order frameworks: see, for example, the Serious Crime Act 2007, section 35, concerning serious crime prevention order applications and the Crime and Security Act 2010, section 28(2), concerning domestic violence protection order applications.
[88] Jones (Robert) 13 February 2019 127/13-22,142/6-9, 145/12-14; Skeer 14 February 2019 37/6-14
[89] Smolenski 12 February 2019 51/15-52/13
[90] Jones (Robert) 13 February 2019 143/3-16
[91] Cullen 12 February 2019 81/9-10
[92] Patel 11 February 2019 107/8-108/15; Binford 12 February 2019 124/16-125/4; Hulley 13 February 2019 22/20-23/4; French 13 February 2019 73/20-74/2

was actively involved in lobbying for the change in Australian legislation, considered that a complete ban was necessary, proportionate and the only effective means of protecting children.[93] Father Cullen also expressed support for the Australian system.[94]

31. More time is needed to see whether the Australian system has been effective in practice. Offenders might still be able to travel on a passport issued by another country.[95] A worldwide lifetime ban also raises proportionality questions and has the potential for misuse.[96]

32. A change in the approach to the use of civil orders is necessary to ensure that they are used more extensively. This will contribute to a reduction in the risks posed by known sex offenders travelling overseas.[97]

[93] Hulley 13 February 2019 13/23-19/19; 20/2-18. For excerpts of Australian legislation, see OHY003677 and OHY003676
[94] Cullen 12 February 2019 81/7-10
[95] Hulley 13 February 2019 19/22-20/6
[96] Patel 11 February 2019 107/8-108/15; Lemineur 12 February 2019 64/5-65/23; Samleang 12 February 2019 24/3-13; French 13 February 2019 73/2-14
[97] Professor Warren Binford supported the idea of a "*presumptive travel ban where exceptions are sought by the offender in court*" (Binford 12 February 2019 124/6-9; witness statement of Warren Binford dated 11 December 2018 (CRS000022) para 27); for CRI's position see witness statement of Warren Binford dated 6 February 2019 (CRS000026) para 7.

Part C

Section 72 prosecutions

Section 72 prosecutions

C.1: Introduction

1. Generally, individuals can only be prosecuted in England and Wales for alleged offences committed within this jurisdiction. Section 72 of the Sexual Offences Act 2003 is an exception to this rule for alleged child sexual offences committed abroad. It is therefore an important measure to ensure perpetrators are brought to justice, reducing the risk of further offences being committed.

C.2: The legal framework

2. Since 1 September 1997, it has been possible to prosecute UK nationals and residents in England and Wales for alleged child sexual offences committed overseas.

3. Originally, section 72 could only be used in relation to alleged sexual offences against children under 16 years old. It was also only triggered if the act in question was an offence both in the UK[98] and in the country in which the act took place.[99]

4. The current version of section 72, in effect since July 2008, applies more widely. It applies to alleged offences against children aged under 18 (unless the offence under the law of the UK can only be committed against a person under the age of 16).[100] The alleged abuse also now only needs to be an offence here (not in the country in which it took place) in respect of UK nationals (but not residents).[101]

5. The Ministry of Justice has overall policy responsibility for the operation of section 72[102] but other organisations are also involved.

5.1. Individual police forces are responsible for investigating cases, as is the National Crime Agency (NCA) through a network of 140 international liaison officers (ILOs) posted around the world.[103]

5.2. The Crown Prosecution Service initiates and conducts any section 72 prosecutions.[104]

5.3. Consulates provide assistance to those arrested for criminal offences overseas, including those to whom section 72 applies.[105]

[98] As originally enacted, section 72 applied where the act would have constituted an offence if it had occurred in England and Wales or Northern Ireland.
[99] See, for example, Greer 15 February 2019 16-17
[100] However, the current section does not apply retrospectively, ie to alleged offences committed before the relevant provisions came into force (NCA000296 pp28–29).
[101] However, if the person charged is not a national but only a resident of the UK, the conduct must be a criminal offence in both the UK jurisdiction and the country in which the act took place.
[102] MOJ 14 February 2019 125/5-7
[103] Jones (Robert) 13 February 2019 157; NCA000300; NCA000305
[104] McGill 14 February 2019 85/9-21; CPS004427
[105] Jones (Peter) 14 February 2019 139/12-19

5.4. The Home Office produces guidance on Part 2 of the Sexual Offences Act 2003, including section 72.[106]

C.3: The regime in practice

The number of section 72 prosecutions

6. Obtaining accurate data on the number of section 72 prosecutions is difficult. National statistics are not collated by the Ministry of Justice, the National Police Chiefs' Council (NPCC), the Crown Prosecution Service or the Home Office. This is because section 72 does not create an offence itself but is merely an "*enabling*" provision, permitting prosecutions to be brought in relation to the underlying sexual offences (on which data are kept).[107]

7. The NCA collates data on the use of section 72 but only on those cases where it (rather than a local police force) has been the investigating agency.[108]

NCA investigations

8. Investigations by the NCA have led to seven successful prosecutions in England and Wales under section 72, or its predecessor, between 1997 and 2019.[109]

8.1. Operation Thereva resulted in the successful prosecution of Richard Huckle, a UK national. He pleaded guilty to raping and sexually assaulting 22 children from minority communities in Malaysia and one child in Cambodia. He took images of the sexual abuse and published them on the dark web.[110]

8.2. As a result of Operation Shoran, Keith Morris was sentenced to 18.5 years' imprisonment for 10 sexual offences against vulnerable children in Kenya, and two counts of attempting to pervert the course of justice.[111]

8.3. Operation Carapax led to the prosecution of Mark Frost (also known as Andrew Tracey), who had a history of sexual offending against children in the UK. In 2013, under a separate operation, he was investigated for sexual abuse in Thailand. He fled prosecution and was later found living in Spain, before being extradited to the UK. In 2016, Frost was charged under section 72 with 22 offences, including sexual abuse of boys between 10 and 14 years of age in Thailand. After joint operations with the Spanish and Dutch authorities, he was charged with a further 67 offences, before pleading guilty to 23 of those charges. He also pleaded guilty to the original 22 counts. Frost was sentenced to 13 terms of life imprisonment.[112]

8.4. Operation Kamas investigated Trevor Monk, who paid nearly £15,000 for the live-streaming of child abuse from the Philippines. He sexually abused a child during one of his visits to the Philippines. In January 2016, he was sentenced to 19.5 years' imprisonment.[113]

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[106] HOM002997 pp64–65
[107] MOJ000904; Skeer 14 February 2019 39/20-25; McGill 14 February 2019 89/1-2
[108] Jones (Robert) 13 February 2019 166/19-25
[109] NCA000298 para 2
[110] Jones (Robert) 13 February 2019 153; NCA000296 paras 78–83; NCA000298 paras 15–19
[111] Jones (Robert) 13 February 2019 154-155; NCA000296 para 84–94; NCA000293 para 3; NCA000298 paras 20–24
[112] NCA000298 paras 6–14
[113] NCA000293 para 4(b); NCA000298 paras 25–28

8.5. Operation Acrostic concerned David Graham, who sexually abused children in Cambodia, was extradited from France and then prosecuted in the UK. In May 2013, he pleaded guilty to a charge of sexual activity with a male under 16 years old. He was sentenced to 21 months' imprisonment, ordered to pay £2,500 and was placed on the sex offenders' register for 10 years.[114]

8.6. A female British national was charged under section 72 and pleaded guilty to a number of sexual offences against children committed while resident in Cyprus.[115]

8.7. James Alexander admitted one count of arranging or facilitating the commission of a child sex offence, three counts of attempting to cause/incite a girl under 13 to engage in sexual activity, and one count of making an indecent image of a child. He had sent at least 15 money transfers to abuse facilitators in the Philippines between August 2017 and June 2018 and tried over Skype and WhatsApp to arrange to travel to the Philippines to abuse girls himself. In May 2019 he was sentenced to five years' imprisonment and was placed on the sex offenders' register for life. A sexual harm prevention order (SHPO) was made, banning him from any foreign travel.[116]

9. At the time of the Inquiry's public hearings in February 2019, the NCA told us that its current investigations included six cases where it was considering referring the case to the Crown Prosecution Service for a possible prosecution under section 72, and three cases in which the Crown Prosecution Service was considering prosecution under section 72.[117]

Local police force investigations

10. Although local police forces may conduct international investigations leading to the potential use of section 72, Chief Constable Michelle Skeer of Cumbria Constabulary, NPCC lead for the management of sexual offenders and violent offenders, considered that the number of occasions on which this had happened was "*very low*".[118]

11. The Inquiry selected six police forces from which to obtain evidence, in order to understand the frequency of use of section 72.

11.1. Hertfordshire Constabulary has not used section 72 to prosecute offences committed outside the UK.[119]

11.2. South Yorkshire Police does not record the use of section 72 in an extractable form.[120]

11.3. Gwent Police does not record the use of section 72.[121]

11.4. West Midlands Police does not hold data on the number of offenders prosecuted using section 72, as it explained there is no requirement or mechanism to do so. It described one case from 2015, where officers referred evidence to the Crown

[114] Jones (Robert) 13 February 2019 174/1-4; NCA000298 paras 29–34
[115] Jones (Robert) 13 February 2019 156/3-6; NCA000298 paras 3–5
[116] https://www.nationalcrimeagency.gov.uk/news/five-years-in-jail-and-worldwide-travel-ban-for-british-teacher-who-wanted-to-abuse-young-filipino-children
[117] Jones (Robert) 13 February 2019 166/7-11
[118] Skeer 14 February 2019 44/2-6
[119] Jephson 14 February 2019 68-70; OHY006935; OHY007090
[120] Forber 14 February 2019 60-61; OHY006964
[121] Brain 14 February 2019 71; OHY006951

Prosecution Service but the case did not proceed. The officers were advised that section 72 could not be used because the accused had not been a UK national or resident at the time the offence was committed.[122]

11.5. Staffordshire Police stated that data extraction on the use of section 72 was not possible, and no anecdotal information was available.[123]

11.6. Lancashire Constabulary is not currently able to retrieve information on the use of section 72, but it manually checked 6,700 crime records and found that none resulted in a charge under section 72.[124]

Unsuccessful section 72 cases

12. Patrick Matthews was prosecuted at Bristol Crown Court in 2010 for alleged child sexual abuse offences in India. As a result of delays in making formal requests for witnesses to give evidence via video-link, the trial could not proceed and the trial judge was critical of the conduct of the prosecution. Following an internal review, the Crown Prosecution Service acknowledged that mistakes had been made with respect to a lack of case progression and its understanding of the difficulties of mounting a complex prosecution involving victims and witnesses from abroad without specialist assistance from its Complex Casework Unit. Further national and local guidance was given to prosecutors as a result of the review.[125]

13. The case of Douglas Slade was also cited to us as an example of the failure to prosecute in the UK for crimes committed in the Philippines. In the 1970s, Slade's association with groups such as the Paedophile Information Exchange (considered in our investigation concerning allegations of child sexual abuse committed by persons of public prominence associated with Westminster[126]) led to him being named in the press. Father Shay Cullen of the People's Recovery, Empowerment and Development Assistance (PREDA) Foundation, based in the Philippines, became aware of him in the 1990s after Slade took up residence in the Philippines and was accused of sexually abusing boys. Following a trial in the Philippines, he was acquitted of alleged sexual offences against children between 1995 and 2004, although he was caught on film in 2014 admitting to escaping conviction by bribery. Father Cullen emphasised that, despite Slade being well known to the British authorities, no attempts were made to notify the Philippine authorities of the risk he posed. He also suggested that the UK authorities' attempt to extradite Slade was unsuccessful in the absence of an extradition treaty with the Philippines. Slade returned voluntarily to the UK and was arrested at Heathrow Airport, then convicted in 2016 of sexual offences against children in the UK between 1965 and 1980.[127]

Difficulties with section 72

14. A number of difficulties with section 72 and its effectiveness have been identified by non-governmental organisations (NGOs) and our investigation.

[122] Southern 14 February 2019 52-54; OHY006936
[123] Barnett 14 February 2019 67-68; OHY006977
[124] Edwards 14 February 2019 65-66; OHY006954
[125] McGill 14 February 2019 105-106; Beddoe 11 February 2019 174/6-19; INQ003740_005 para 11; CPS004668
[126] IICSA investigation concerning allegations of Child Sexual Abuse linked to Westminster
[127] Cullen 12 February 2019 77-78; Beddoe 11 February 2019 170-174; INQ003740_004 para 10

The extent of its use and comparison with other jurisdictions

15. ECPAT (Every Child Protected Against Trafficking), Child Redress International (CRI) and Glen Hulley of Project Karma expressed concern that section 72 is used less frequently in England and Wales than comparable powers in other countries.[128]

16. The NCA does not consider that there is under-utilisation of section 72. The NCA says that section 72 is just one of a range of interventions that can be used to manage the risk of child sexual abuse overseas. In every case, its focus is first on trying to safeguard the victim and then on considering a range of tactical options to bring the suspect to justice and mitigate the risk that they pose.[129]

17. The above data suggest that between 1997 and 2018 there were seven concluded prosecutions under section 72 in England and Wales, a rate of 0.33 prosecutions per year.[130]

18. We were able to carry out some comparison between the use of section 72 in England and Wales and the use of extra-territoriality provisions in two other jurisdictions.

19. Between 2003 and June 2018, federal prosecutors in the USA brought at least 68 prosecutions for child sexual abuse overseas under its extra-territoriality provisions.[131] This suggests an extraterritorial prosecution rate in the USA of around 4.5 prosecutions per year, over 10 times higher than the rate in England and Wales. However, the population in the USA is 5.7 times larger than that of England and Wales,[132] so the disparity in the use of extra-territorial powers in the USA is not as great as the numbers suggest. The levels of resources also differ.

20. Between 1994 and 2006, Australian authorities convicted 14 individuals under their extra-territorial powers and charged an additional 24 people.[133] Given that the population of Australia is smaller than England and Wales,[134] this suggests a proportionately greater use of the powers by the Australian authorities. The reasons for this are not clear.

The 'first country first' principle

21. According to the 'first country first' principle, prosecution should first be considered in the country where the offending takes place. Local prosecutions can minimise distress to children and avoid their having to give evidence in foreign courts. They also ensure that abuse is highlighted in the country in which it takes place.

22. While this may be an appropriate principle, there are several factors which may make it ineffective in practice in relation to UK nationals or residents who have abused children.

> **22.1.** The act in question may not be a criminal offence in the country in which it occurs. In such cases, a section 72 prosecution could fill an important gap.[135]

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[128] Patel 11 February 2019 84/1-8; 111/8-9; Binford 12 February 2019 126/24-25; 127/1; 129/18-25; Hulley 13 February 2019 24/5-10
[129] Jones (Robert) 13 February 2019 167/10-23
[130] This figure includes the six successful NCA prosecutions and the case of Patrick Matthews which did not result in conviction. None of the six police forces approached by the Inquiry reported any section 72 prosecutions, but other forces in the country may have used it. Accordingly, seven may be an underestimate.
[131] CRS000018_003
[132] The current population of the USA is around 330 million people, compared to the combined population of England and Wales of around 58 million.
[133] ECP000003_20
[134] As at 2006, the population of Australia was around 20.7 million people, compared to the combined population of England and Wales in 2006 of around 55 million.
[135] Samleang 12 February 2019 31/11-32/14

22.2. It has been said that law enforcement is at different stages of development around the world. For example, in some countries police officers do not have the skills and experience or resources compared to UK police forces.[136]

22.3. Investigations may be complicated by victims being unwilling to speak out due to the fear of social stigma or being pressurised to keep quiet. Threats may also be made to prosecutors and judges in some jurisdictions.[137]

22.4. Bribery and corruption may reduce the chances of a prosecution. Local officials may encourage families and victims to accept out-of-court settlements.[138]

An approach of 'last resort'?

23. In recent years, an understanding has developed that section 72 is only to be used as a 'last resort'.[139]

24. The relevant agencies denied the existence of such an understanding.[140] However, this approach is clear from the NCA's February 2018 guidance to its ILOs, which states:

> "*Encourage the host country to initiate their own investigations and prosecution against British nationals who commit CSEA[141] offences in their host country. Section 72 allows UK individuals who offend overseas to be prosecuted in the UK. However, this should be seen as the last resort or in extremis option due to the complex and resource-intensive nature of these operations.*"[142]

The Foreign and Commonwealth Office (FCO) pre-2019 guidance to its staff was also discouraging, stating that prosecutions under section 72 are "*rare*" due to logistical and diplomatic issues.[143]

Complex and resource-intensive investigations

25. Although section 72 is a relatively straightforward jurisdictional provision, investigations abroad are usually complex. Planning, resources and time are required, as well as collaboration between British and local law enforcement agencies. Factors that limit the effectiveness of the 'first country first' principle also often apply.

26. In successful section 72 prosecutions, the investigative support provided by the NCA to overseas law enforcement agencies has been high.

26.1. In Operation Shoran (which led to the prosecution of Keith Morris), the NCA used over 25 officers and staff, including investigators and child protection advisers working in Kenya and the UK, to facilitate the investigation and trial.[144]

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[136] Samleang 12 February 2019 26/7-12; INQ003685_013; Lemineur 12 February 2019 68/16-22
[137] Lemineur 12 February 2019 72/16-73/4; INQ003949 paras 2–3; Jones (Robert) 13 February 2019 158/16-24
[138] Cullen 12 February 2019 83-84
[139] Patel 11 February 2019 112/15-25, 113/1-6; Beddoe 11 February 2019 161/1-25; 163/21-25; 164/1-2 and 17
[140] Jones (Robert) 13 February 2019 161/11-24; Jones (Peter) 14 February 2019 140-141; McGill 14 February 2019 88/19-23; Skeer 14 February 2019 44/22-25
[141] CSEA is the acronym used by the NCA to refer to child sexual exploitation and abuse.
[142] NCA000305. Section 72, as originally enacted, allowed for such prosecutions in England and Wales and Northern Ireland; currently, it allows for such prosecutions in England and Wales only.
[143] FCO000146
[144] Jones (Robert) 13 February 2019 154/4-18

26.2. For Operation Carapax (which led to the prosecution of Mark Frost), an operational team of specialist NCA officers, child protection officers and a Crown Prosecution Service prosecutor travelled to Thailand to assist the Thai authorities.[145]

26.3. Operation Acrostic (which led to the prosecution of David Graham) was an investigation involving the NCA's Child Exploitation and Online Protection Command (NCA-CEOP), the Serious Organised Crime Agency, the Cambodian national police and the NGO Action Pour Les Enfants (APLE).[146]

The number of 'boots on the ground'

27. The UK's investigative capacity overseas is largely made up of the NCA's network of 140 ILOs located in countries such as Thailand, the Philippines,[147] Hong Kong, India, Vietnam and Australia. ILOs are given extensive training, including on local law enforcement, before they are deployed. Where there are gaps in the UK's coverage on the ground, the NCA is assisted by others in the 'Five Eyes' partnership,[148] which involves intelligence-sharing between the UK, USA, Australia, Canada and New Zealand.[149]

28. However, the Inquiry heard evidence from a range of witnesses to the effect that the UK does not have enough "*boots on the ground*"[150] to support effective investigations and prosecutions. The UK is perceived by some to offer less support to local law enforcement than other countries, such as the USA. The practical benefits of "*in country*" support were also emphasised.[151] It was also suggested that UK representatives overseas were slower to respond to allegations of child sexual abuse than, for example, their Norwegian, Belgian or German counterparts.[152]

29. The NCA keeps its network of ILOs under review, based on the intelligence it receives. The number of ILOs needs to be proportionate to requirements, and the NCA's view was that increasing the number of ILOs alone would not deal with the complexity of the issues.[153]

Joint working and the overall UK 'presence' overseas

30. UK law enforcement agencies cannot act as a police force in another country. As a result, effective international cooperation through intelligence-sharing and/or the building of strong relationships with local law enforcement agencies are necessary.[154]

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[145] NCA000298 paras 6–14
[146] Jones (Robert) 13 February 2019 173/17-25
[147] Jones (Robert) 13 February 2019 163/4-164/5. See NCA000343 for further details of the NCA's work in the Philippines, including its assistance with the establishment of the International Justice Mission's Philippine Internet Crimes Against Children Centre and the signing by the Director General of the NCA of a Memorandum of Understanding with the Head of the Philippines National Police.
[148] Jones (Robert) 13 February 2019 165/1-5; 163/13-20
[149] Jones (Robert) 13 February 2019 163/21-25
[150] Beddoe 11 February 2019 187/1-18; Patel 11 February 2019 99/13-22; Binford 12 February 2019 99/6-13
[151] Patel 11 February 2019 99-100; 115/12-15; 116/1-5; Binford 12 February 2019 99/6-25; 98/18-21; 100/1-2; 111/1-8; 133/9-24; Beddoe 11 February 2019 187/4-11; Hulley 13 February 2019 28/16-21; Samleang 12 February 2019 13/13-17; 17/1-11; 21/1-25; 22/1-7; Cullen 12 February 2019 87-89
[152] OU-X1 14 February 2019 181/20-25; Cullen 12 February 2019 87/18; Binford 12 February 2019 132/12-20
[153] Jones (Robert) 13 February 2019 159/10-22; 164/1-17; 165/9-228. By way of example, after the hearing the Inquiry received further evidence of recent investment in an initiative in Kenya which has led to the opening of a cyber-centre that allows the Kenyan authorities, for the first time, to investigate and prosecute internet-based child abuse (HOM003221_013 and HOM003246).
[154] Patel 11 February 2019 98/18-99/1-4; 114/17-24; 115/17-20; 121/18-20; Beddoe 11 February 2019 166/8-18

31. The Inquiry heard some examples of good practice. Specific bilateral agreements have led to positive joint working between the USA authorities and those in the Philippines. Similarly, there are collaborative relationships between the USA and Australian authorities and various other local law enforcement agencies.[155]

32. Christine Beddoe considered that the UK does not "*have a particularly well-framed approach to investigating and prosecuting this crime of British nationals who travel abroad*". By contrast, she considered that the Swedish, American, Australian and Canadian models were "*more well defined and therefore potentially more successful at being able to bring prosecutions under their extra-territorial powers*".[156]

33. However, Robert Jones of the NCA disagreed with Ms Beddoe's assessment. He considered that the UK played a very visible role in relation to law enforcement leadership overseas. He noted that in the recent *Out of the Shadows* report, prepared by The Economist Intelligence Unit, with support from several child-focussed organisations, the UK was recently placed first out of 40 developed countries in terms of its global efforts in relation to child sexual abuse.[157]

Knowledge within police forces of section 72

34. The NPCC considered that there was awareness of the use and operation of section 72 within police forces, particularly within specialist management of sexual and violent offenders teams.[158]

35. However, of the six police forces from which the Inquiry obtained evidence, only two considered that there was an appropriate level of understanding within their forces of section 72.[159] The remaining four considered that awareness was limited, and some acknowledged that improvements to training were needed.[160]

Coordinated leadership

36. Several witnesses considered that there was a lack of coordinated leadership around section 72 prosecutions.

> **36.1.** Professor Warren Binford, a Trustee of CRI, said there was a "*crisis of leadership*" and that a number of institutions (by which we assume she meant the Home Office, the NCA, the Crown Prosecution Service and the Ministry of Justice) did not consider themselves as having direct responsibility for section 72, but rather being in a support role.[161]

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[155] Cullen 12 February 2019 85-87; Hulley 13 February 2019 27-28. There can be some reluctance to cooperate with law enforcement agencies in countries that have the death penalty in place for certain offences. Glen Hulley indicated that the Australian Federal Police cannot be seen to assist a local force to convict or prosecute an Australian national where the death penalty applies (Hulley 13 February 2019 25-26).
[156] Beddoe 11 February 2019 164/21-165/18
[157] Jones (Robert) 13 February 2019 172/12-20; NCA000341; NCA000342
[158] Skeer 14 February 2019 42/23-25, 43/23-25
[159] This was the view of West Midlands Police (Southern 14 February 2019 52-54; OHY006936) and Staffordshire Police (Barnett 14 February 2019 67-68; OHY006977).
[160] South Yorkshire Police considers that the use and knowledge of section 72 is very limited, although staff do have some awareness (Forber 14 February 2019 60-61; OHY006964). Lancashire Constabulary acknowledged that awareness of section 72 may be low due to its limited use and confirmed that there is no specific training currently given to staff on section 72 but that this would now be considered (Edwards 14 February 2019 65-66; OHY006954). Following the Inquiry's request, Hertfordshire Constabulary has undertaken a review of section 72 to be satisfied that appropriate training is given to staff (Jephson 14 February 2019 68-70; OHY006935; OHY007090). Gwent Police does not provide specific training on the provision (Brain 14 February 2019 71; OHY006951).
[161] Binford 12 February 2019 136/22-24, 137/2-7

36.2. Bharti Patel, Chief Executive Officer of ECPAT UK, shared the concern that no one was accepting overall responsibility for what are "*interconnected extra-territorial offences*". She felt that, as a result, issues were "*falling between the cracks*".[162] She argued in favour of more progressive and stronger leadership at ministerial level.[163]

36.3. Ms Beddoe understood that, in the 2000s, the Home Office had taken over matters regarding extra-territoriality from the FCO. She considered that this led to a loss of focus and a "*downgrading* [of] *the implementation of the UK's international obligations on the rights of children*".[164]

37. However, the Home Office's position is that there has been and there is strong leadership on this issue. It referred to recent policy statements and commitments given by the Home Secretary.[165] Mr Peter Jones, Chief Operating Officer of the FCO, did not agree that the FCO had historically been the lead agency in this field. The drugs and international crime department in the FCO, which dealt with some of these issues, no longer exists.[166]

C.4: Reform

38. It is clear that section 72 is relatively rarely used. There are various reasons for this.

39. One reason for section 72 not being used is the 'first country first' principle. While in principle prosecutions ought to take place in the country in which the offence occurred, there are numerous instances where a prosecution in England and Wales can and should take place.

40. Another concern has been the suggestion that section 72 should only be used as a 'last resort'. This should not be the case, given that the quality of local justice may be suspect in some countries. The Inquiry's examination of the use of section 72 appears to have led directly to the NCA and FCO changing the 'last resort' elements of their guidance documents.

40.1. The NCA accepted that its ILO guidance was not well written.[167] As a result, the guidance was reviewed and the Inquiry was provided with an updated version in February 2019. The new guidance no longer refers to section 72 as being a last resort but states that ILOs should:

> "*Engage the host country to initiate their own investigations to achieve best evidence and safeguard victims and secure prosecutions against British nationals who commit CSEA offences in their host-country. In most instances, this is the preferred option, as it is the best way of ensuring safeguarding of victims through local intervention, which is the priority in any CSEA investigation. However, consideration should also be given to the option of prosecuting under Section 72 Sexual Offences Act (2003), which allows UK individuals who offend overseas to be prosecuted in the UK. Where there are indicators*

[162] Patel 11 February 2019 121/23-122/1
[163] Patel 11 February 2019 121/21-25, 122/1
[164] Beddoe 11 February 2019 167-168
[165] Home Office Closing Statement 15 February 2019 127/2-6
[166] Jones (Peter) 14 February 2019 157/11-19
[167] Jones (Robert) 13 February 2019 161/11-24

of a lack of capability or capacity, or unwillingness to take a prosecution, or significant complications, such as human rights considerations, are developing in the case, a section 72 prosecution may be the optimal approach to take."[168]

40.2. The FCO also accepted that the tone of its guidance was unhelpful in implying a last resort approach, and mentioning diplomatic issues when reference should have been made to jurisdictional issues. The FCO confirmed that, as a result of the Inquiry process, its guidance has also been reworded.[169]

41. Section 72 investigations are undoubtedly resource-intensive. There is a need to ensure effective cooperation between law enforcement agencies internationally. This requires an adequate number of ILOs able to work effectively with international partners in high-risk countries. The NCA is taking steps to ensure that this is the case, recognising that transnational child sexual abuse is only one aspect of their work.

42. The international work of the NCA sits within a wider context, including the following:

- The Home Office houses the secretariat for the WeProtect Global Alliance, made up of 84 countries, which is seeking to coordinate a model national response to online child sexual abuse, among other initiatives.[170]
- Project Soteria is a project sponsored by the Department for International Development (DFID) which will include a team of seven to nine specialists and investigators operating from both Africa and Asia to provide support to national crime agencies.[171]
- There is a new cross-government network of overseas policy specialists (SOCNET), jointly run by the Home Office, FCO and DFID. Its role will be to use political and diplomatic means to build on existing law enforcement capabilities in other countries.[172]

43. There is a need for increased awareness of section 72 by police forces in England and Wales, to be achieved through guidance and training. During her evidence, Chief Constable Skeer undertook to include further information about section 72 in the College of Policing's Authorised Professional Practice material, which is national guidance given to all police forces.[173] That process was taken forward after the hearing and a further training event has taken place.[174]

44. The difficulties in collating data for the Inquiry have also led to amendments to the data captured on the Violent and Sex Offender Register (ViSOR) database, so that each use of section 72 will be recorded and therefore be more easily retrievable in the future.[175] The NPCC has confirmed that this interim measure will become a permanent amendment to the ViSOR system from November 2019.

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[168] Jones (Robert) 13 February 2019 161/11-15; NCA000339 p2
[169] Jones (Peter) 14 February 2019 140-141. The revised guidance provided to the Inquiry by the FCO following the public hearings states as follows in relation to extra-territorial jurisdiction for sexual offences: "*For these offences, where there are indications at post of a lack of local capability, capacity or willingness to undertake a prosecution, or significant complications developing in the case (such as human rights considerations), law enforcement colleagues will want to consider whether it would be possible for the UK to exercise extra-territorial jurisdiction.*" The "*two main reasons why it may be difficult or inappropriate to prosecute extra-territorial offences in the UK*" are described as jurisdictional and logistical reasons.
[170] Jones (Robert) 13 February 2019 170-171; NCA000296 paras 69–73
[171] Jones (Robert) 13 February 2019 182/9-183/2; Price 13 February 2019 196/1-4; INQ0003798 para 12
[172] French 13 February 2019 80/18-25, 81/1-2
[173] Skeer 14 February 2019 44
[174] OHY007094_002 para 12
[175] OHY007094_002 para 11

Part D

Disclosure and barring

Disclosure and barring

D.1: Introduction

1. Disclosure and barring regimes assist employers in making safer recruitment decisions. In the context of child sexual abuse, they seek to prevent those who pose a risk of such abuse to children from working with them. These regimes can be particularly important in countries and regions where abusers are otherwise "*more likely to enjoy impunity*".[176]

2. Abusers can and do obtain work with children overseas after they have been identified as posing a risk to children. For example:

> **2.1.** Nicholas Rabet was barred from working with children in England and Wales but was able to travel to Thailand and abuse around 300 boys, having advertised his home as a place where children could play video games.[177]
>
> **2.2.** Peter Walbran, a dual Australian/New Zealand national, worked at British and Australian international schools in Indonesia in the 1990s. He was convicted of abusing children and sentenced to three years' imprisonment in Indonesia. On his release, he was deported to Australia but travelled on his New Zealand passport to Thailand. He worked in a school in Thailand with 4,000 students, teaching children of the same age as those he had abused in Indonesia, before being arrested by Australian and local police.[178]

3. In 2011, the National Crime Agency's Child Exploitation and Online Protection Command (NCA-CEOP) reported 33 cases of British nationals abusing children overseas in an 18-month period, 23 of whom had previous convictions for offences involving children.[179] A review of 145 convicted sex offenders in Cambodia conducted by Action Pour Les Enfants (APLE) indicated that 27.6 percent had previous convictions. However, for around 70 percent of those offenders, full background information was not available. When those cases were removed from the analysis, the percentage who had previous convictions rose to 90.9 percent.[180]

4. Some offenders deliberately target institutions in countries with less developed processes for vetting staff, or set up their own charities, schools and orphanages to provide access to children for themselves and others. For example:

- Simon Harris set up a charity arranging teaching placements in Kenyan schools for British gap-year students, from which position he groomed and sexually exploited children for years.[181]

[176] Binford 12 February 2019 149/21-150/5
[177] Patel 11 February 2019 122/13-123/9; ECP000007 para 68; *The end of the line for child exploitation*, ECPAT UK, 2016 (ECP000003_019)
[178] INQ003648 paras 13.ii and 37
[179] ECP000007 para 72; *Off the Radar: Protecting Children from British Sex Offenders who Travel*, EPCAT UK, 2011 (ECP000006_015)
[180] Samleang 12 February 2019 5/17-6/20; INQ003685_012
[181] Patel 11 February 2019 122/21-123/2; ECP000007 para 71

- In 2008, DB, a man from Edinburgh who had founded an orphanage in Albania, was sentenced to 20 years' imprisonment for sexually abusing children.[182]
- APLE told us about three perpetrators (from Australia, the USA and the UK) arrested in Cambodia in 2013 who had been working with children. One had founded his own orphanage and another was a director of a shelter. Two of the three had previous convictions and one was wanted in his home country for sexual offences against children.[183]

5. If an institution's operations are based in England and Wales and the employment decision is made here, the Disclosure and Barring Service (DBS) regime applies.[184] For this reason, institutions such as the Foreign and Commonwealth Office (FCO), the British Council and aid agencies based in England and Wales can and do conduct DBS checks on staff they are posting overseas who are engaged in certain activities with children, as they would for staff based in England and Wales.[185]

6. However, where institutions are based overseas, there is no requirement that comparable checks are carried out on UK nationals or residents before they can work with children.

D.2: The legal framework

The Disclosure and Barring Service

7. The DBS is a non-departmental public body created in 2012. It operates disclosure functions for England, Wales, Jersey, Guernsey and the Isle of Man, and barring functions for England, Wales and Northern Ireland, pursuant to a complex statutory framework.[186]

8. The DBS issues a number of certificates.

- Basic disclosure certificates: These are available for any position or purpose. They include details of convictions and conditional cautions which are considered to be unspent under the terms of the Rehabilitation of Offenders Act 1974.
- Standard disclosure certificates: These are available for those working in certain roles specified in legislation[187] (such as solicitors, barristers, accountants and actuaries) and include unspent and spent convictions, cautions, reprimands and warnings.
- Enhanced disclosure certificates: These certificates involve the highest level of check and are available for anyone working with vulnerable groups and in other positions involving a high degree of trust. They include the same information as standard certificates but also information that the local police force reasonably believes is relevant and ought to be disclosed.[188]

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[182] *Off the Radar: Protecting Children from British Sex Offenders who Travel*, EPCAT UK, 2011 (ECP000006), p13
[183] Samleang 12 February 2019 32/16-33/2; INQ003720 para 37; *Investigating Travelling Child Sex Offenders*, APLE, 2014 (INQ003685), p12
[184] French 13 February 2019 92/24-93/10; HOM003000 para 36
[185] Jones (Peter) 14 February 2019 154/18-155/23; FCO0000143 paras 7.1–7.2; Taylor 14 February 2019 168/17-25; DFI000002 para 3.1; Greer 15 February 2019 18/9-21/1; 24/22-25/8; 25/22-26/10; BRC000352 paras 18–23
[186] Downey 13 February 2019 191/2-5; DBS000024 paras 2.1–2.2; DBS000026 para 1. The DBS's disclosure functions are provided for, respectively, in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and the Police Act 1997 (as amended). Its barring functions are provided for in the Safeguarding Vulnerable Groups Act 2006. For the history of the disclosure and barring regime, see DBS000024 paras 1.1–1.20. A similar service is provided in Scotland by Disclosure Scotland, while AccessNI deals with disclosures in Northern Ireland. The Inquiry's remit is limited to England and Wales.
[187] Namely the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
[188] DBS000024 paras 3.1–3.4, 4.6–4.7, 5.1–5.5 and 7.1–7.8.2; Greer 15 February 2019 20/16-21/22; BC0000352 paras 19 and 20; Downey 13 February 2019 192/10-2; DBS000026 para 13

9. If an employer, having applied for an enhanced DBS check, later withdraws permission for the employee to work with children for safeguarding reasons, the employer must report this to the DBS.[189]

10. If the role is one in 'regulated activity', an enhanced certificate will also include details of whether a person is included on the barred lists. These are lists of individuals barred from working in regulated activity with children or adults. The DBS decides whether an individual should be added to the relevant list. A conviction or caution for a specified 'automatic barring' criminal offence will result in automatic inclusion on the relevant list. In other cases, the DBS will have to consider whether the individual has harmed a child or vulnerable adult, put them at risk of harm, or would put them at risk of harm if the behaviour being considered was repeated, and whether barring is proportionate. The DBS also decides whether an individual should be removed from the list, and enables checks of the list to be made by others, subject to certain qualifying criteria. It is an offence to work in regulated activity when barred from doing so, or to employ someone in such work who is barred.[190]

11. The DBS application form requires the applicant's five-year address history. If the applicant has lived or travelled abroad in the preceding five years, details of the relevant countries and dates must be provided.[191]

The International Child Protection Certificate

12. The International Child Protection Certificate (ICPC) scheme, introduced by NCA-CEOP in 2012, is non-statutory and sits outside the DBS framework. It is aimed at individuals and organisations based outside England and Wales, such as overseas schools, who could not obtain a DBS check.[192] The ICPC is promoted by the NCA through its network of international liaison officers (ILOs). To date, applications have been made for 55,709 ICPCs from 128 countries.[193]

13. An ICPC is in two parts.

- Part 1 is provided by the Association of Chief Police Officers Criminal Records Office (ACRO). It includes known convictions, reprimands or warnings, as well as spent and unspent convictions and relevant offenders' register entries, from the Police National Computer (PNC). It also contains information about offences committed in other countries, where it has been disclosed to the UK authorities.
- Part 2 is provided by NCA-CEOP. It includes additional information or intelligence assessed as indicating that the applicant poses a potential risk to children.

[189] DBS000026 para 6
[190] HOM003000 paras 42–43; DBS000024 paras 9.1–12.2; DBS000026 para 11
[191] Greer 15 February 2019 21/2-25
[192] Such checks only being available if an institution's operations are based in England and Wales and the employment decision is made here (French 13 February 2019 92/24-93/10).
[193] French 13 February 2019 83/10-84/24; HOM003000 para 37; Jones (Robert) 13 February 2019 179/1-181/13; NCA000296 para 64; NCA000336 paras 20–23; NCA000303; Price 13 February 2019 194/5-195/13; INQ0003798 paras 3, 7, 10 and 11. For the ACPO guidance on the ICPC, see Greer 15 February 2019 46/21-47/12 and BRC000002. For the guidance that the Council of British International Schools (COBIS) provides its members on recruitment, including on the ICPC and obtaining criminal records from overseas, see Bell 15 February 2019 56/1-23 and INQ003785 paras 5.3–5.9. The British Council primarily uses the ICPC when recruiting for English Language Assistants on behalf of schools and higher education institutions abroad. It is a requirement of the programme that applicants obtain an ICPC in order to be eligible to be placed with an overseas organisation (Greer 15 February 2019 26/11-27/10; BRC000352 paras 25–27).

14. The ICPC has generated significant interest because no other country operates such a scheme. The funds it generates from applications are invested in capacity-building programmes aimed at further improving the safeguarding of children overseas.[194]

Obtaining overseas criminal records

15. The Home Office provides guidance to employers based in England and Wales on how to obtain police records from particular countries.[195]

16. However, the labour laws of some countries prevent employers seeking criminal record vetting of their nationals. To address this, the British Council (as an example of a major British employer of individuals to work overseas) requires any individual engaged in a regulated activity anywhere in the organisation to sign a form declaring that he or she has no child protection concerns (including criminal convictions) in their background. In addition, it seeks to verify a person's character and employment history using references.[196]

The inter-relationship between the schemes

17. Employer feedback to the DBS is that they find the disclosure and barring landscape complex. They find it difficult to establish which level of check can be sought, to which organisation to apply (the DBS, ACRO, Access Northern Ireland, Disclosure Scotland or overseas criminal records agencies directly), and what information can be disclosed on a certificate.[197] There is also confusion as to whether the enhanced DBS check or the ICPC are what was described to the Inquiry as representing the "*gold standard*".[198]

D.3: The regime in practice

DBS and ICPC checks include no or limited information about overseas offending

18. Information about overseas offending comes from other countries to ACRO under EU law and international protocols. ACRO will then update the PNC. Once an individual comes to the attention of the police, a foreign conviction can also be added to the PNC if it is for an offence on the Home Office's Serious Offence List. This process relies on the willingness and ability of other countries to comply with information-sharing protocols, as well as on there being the resources needed to update the PNC.

19. Depending on the criminal records infrastructure of the country in question, the PNC may contain detailed information. However, it appears that this happens in only a "*small*" number of cases. The DBS has no other means of accessing information about criminal convictions or investigations abroad. The implications of the withdrawal of the UK from the EU for the sharing of criminal records information between the UK and EU member states remain unclear.[199]

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[194] Jones (Robert) 13 February 2019 180/14-181/12; Price 13 February 2019 195/21-196/1; INQ0003798 para 12
[195] French 13 February 2019 85/1-87/17; HOM003000 para 39; HOM002854. The British Council has developed further internal guidance on applying for police checks from particular countries (Greer 15 February 2019 21/23-24/21; BRC000352 para 23; BRC000357). MOD Schools carries out these checks in appropriate cases (MOD000001 para 12).
[196] Greer 15 February 2019 22/5-23/16; BRC000352 para 24
[197] Downey 13 February 2019 193/5-8; DBS000024 para 13.3; DBS000026 para 14; Greer 15 February 2019 10/22-11/1
[198] Larsson 15 February 2019 57/1-58/2; 64/14-65/4; INQ0003866 para 5
[199] Downey 13 February 2019 190/9-18; DBS000024 paras 6.1–6.2; DBS000026 para 9; INQ0003798 paras 9 and 14; French 13 February 2019 83/5-10; HOM003000 para 37; Greer 15 February 2019 21/23-22/8; Taylor 14 February 2019 169/1-23; DFI000002 para 3.2; Price 13 February 2019 197/18-21; INQ0003798 para 15

20. It therefore remains the case that a DBS check "*may not provide a complete picture of an individual's criminal record if the individual has a criminal record outside the UK*".[200] This inevitably raises doubt about the comprehensiveness of the scheme.

21. Some witnesses considered that this issue renders the DBS scheme inadequate. Father Shay Cullen, founder of the People's Recovery, Empowerment and Development Assistance (PREDA) Foundation based in the Philippines, described the DBS's inability to search overseas convictions as a "*glaringly obvious shortfall*", as those convictions could be "*significant and pertain directly to the dangerousness of* [the individual] *working with children*".[201] Mike Cooper of the Ministry of Defence Schools agreed that this limits the effectiveness of the DBS scheme.[202] Robert Price of ACRO considered that the disclosure and barring regime is, overall, "*ineffective*" when dealing with foreign nationals (and by extension UK nationals convicted abroad), due to the inability to access foreign police information.[203]

22. The inability of DBS checks to include overseas offending consistently is a significant concern which poses clear risks to the safety of children in the UK and abroad. For example, a person with previous convictions involving children abroad obtained an enhanced DBS certificate and worked in England as a driver for school children, in which capacity he sexually abused a 10-year-old boy with special needs.[204] Although this example relates to a child within the UK and not one overseas, it illustrates how the current system could place children in the UK and abroad at risk.

23. The Council of International Schools told us that the information about overseas convictions provided on an ICPC is "*limited*", so employers will generally still need to conduct criminal checks in the country in question.[205] It therefore appears that the ICPC may suffer from the same defect as the DBS system as far as overseas offending is concerned.

DBS checks cannot be obtained by employers based overseas

24. Applications for DBS certificates cannot be made where the prospective employer is based abroad and no employment decision is being made in England and Wales.[206]

25. This means that an organisation overseas cannot conduct the checks that would be expected as standard in England and Wales, even if the person involved is a British national or resident. They must use the ICPC scheme or conduct other country-specific checks. In practice, this may facilitate those barred from working with children in England and Wales to seek employment overseas, which creates a risk for children abroad. Child Redress International regards this as a key reason why the disclosure and barring regime is not adequate and robust enough.[207]

26. In the summer of 2018, the Home Office indicated that the Council of British International Schools (COBIS) would no longer be able to access standard or enhanced DBS checks, unless the recruitment decision was being made in either England or Wales. This was

[200] Downey 13 February 2019 190/9-18; DBS000024 para 6.3
[201] INQ003532 paras 37–38
[202] Cooper 15 February 2019 49/7-11; MOD000001 para 12
[203] Price 13 February 2019 196/12-25; INQ0003798 para 15
[204] ECP000007 para 75; *Off the Radar: Protecting Children from British Sex Offenders who Travel*, EPCAT UK, 2011 (ECP000006_011), p9
[205] Larsson 15 February 2019 64/14-65/4; INQ0003866 para 5
[206] French 13 February 2019 82/24-84/24; HOM003000 paras 35–36 DBS000026 para 4; Taylor 14 February 2019 168/17-25; DFI000002 para 3.1
[207] Binford 12 February 2019 149/8-16; CRS000022 para 32

a controversial decision. The Home Office's position is that, correctly applying the legislative framework, COBIS was not entitled to conduct the checks as the overseas schools were ultimately making the suitability decision themselves.[208] COBIS had conducted thousands of these checks on behalf of member and non-member schools in the international sector over 15 years. COBIS expressed their severe disappointment at this decision, given their staunch advocacy of safer recruitment practices, safeguarding and child protection. They were supported in this position by their member schools, international schools and the International Task Force on Child Protection. COBIS lobbied unsuccessfully for the decision to be reconsidered. As a result, COBIS now only signposts members and non-members to the ICPC and country-specific background checks.[209] Although recognising the Home Office's position that COBIS should not have been able to make these checks under the current legislation, the effect of this change does appear to be a step backwards, making it harder for overseas organisations to carry out robust checks intended to protect children from the risk of sexual abuse or exploitation.

The ICPC is optional and there has been limited uptake of it in some countries

27. Use of the ICPC is not mandatory, even for British nationals and residents working in regulated activities overseas.[210] Although the ICPC has been extensively marketed, in some countries 'take up' has been low. APLE has welcomed the ICPC as a step in the right direction, but it is understood that only one ICPC has been applied for from Cambodia, where APLE is based.[211] Glen Hulley of Project Karma, which is active throughout Southeast Asia, had not come across it.[212]

28. The cost of applying for an ICPC (currently £60) appears to act as a disincentive to individuals and smaller organisations overseas.[213]

Differences between the DBS and ICPC schemes

29. An ICPC does not include a check of the barred list, which can only be provided by the DBS.[214] This appears to be a further key gap.

30. Prior to January 2018, "*soft*" information (for example, concerns that fall below the criminal standard, or that meet the criminal threshold but for other reasons did not lead to arrest) were included on an enhanced DBS check but not on an ICPC. NCA-CEOP now includes this information on an ICPC where it is deemed necessary to protect children.[215] Disclosure processes under the ICPC are in accordance with the DBS Quality Assurance Framework, based on the Statutory Disclosure Guidance issued by the Home Office.

31. There are different filtering or 'step down' rules for an enhanced DBS check and an ICPC check. It is therefore not clear whether material would be removed from an ICPC check that would remain on an enhanced DBS check (or indeed vice versa).[216]

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[208] French 13 February 2019 87/18-91/5; HOM003000 para 38
[209] Bell 15 February 2019 58/3-62/18; INQ003785 sections 6–7; INQ0003866 paras 4–5
[210] Patel 11 February 2019 123/9-124/12; ECP000007 para 76; Samleang 12 February 2019 34/14-35/25
[211] Patel 11 February 2019 123/24-124/12; ECP000007 para 76; Samleang 12 February 2019 33/15-19; *Investigating Travelling Child Sex Offenders*, APLE, 2014 (INQ003685_013)
[212] Hulley 13 February 2019 33/14-23
[213] Patel 11 February 2019 123/9-124/12; ECP000007 para 76; Samleang 12 February 2019 34/14-24
[214] Downey 13 February 2019 192/16-17; DBS000026 para 13; Larsson 15 February 2019 64/14-65/4; INQ0003866 para 5
[215] Larsson 15 February 2019 64/14-65/4; INQ0003866 para 5
[216] Downey 13 February 2019 192/18-21; DBS000026 para 13; INQ0003798 para 13; Larsson 15 February 2019 64/14-65/4; INQ0003866 para 5

32. There are further differences between an enhanced DBS check and an ICPC check, which may cause problems in practice.

32.1. Legislation determines which level of DBS check can be sought but no such provisions apply to the ICPC, which can lead to a lack of clarity for employers.

32.2. Both certificates are issued directly to the applicant, but the security features enabling organisations to identify fraudulent documents are different.

32.3. The DBS offers an update service, which allows employers to check the status of the individual's DBS directly online, avoiding the individual having to re-apply for a DBS check. This service is not available for the ICPC.[217]

Smaller organisations overseas can lack the resources to carry out full employment vetting

33. Smaller, locally run charities or institutions overseas often lack the resources to do appropriate screening and background-checking.[218]

34. Adrian Greer of the British Council was sympathetic to this. He explained that the Council's decision to adopt a global pre-appointment screening process had not been easy because of the enormous costs and resources involved. The British Council is a very large organisation, with a £1.2 billion turnover, and this initiative cost £1–1.5 million.[219]

Charity Commission guidance to overseas institutions cannot be enforced

35. The Charity Commission has issued recruitment guidelines for charities working internationally, stating that charities should make eligibility and suitability checks on trustees, volunteers, employees and anyone connected with the charity who might have access to children.[220] It cannot, however, sanction charities based overseas for non-compliance with its guidelines.[221]

Reliance on other countries' disclosure and barring regimes

36. The countries to which offenders travel may not operate robust vetting systems. Even in such countries where vetting systems are in place, obtaining full disclosure that presents a full picture of previous offences can be problematic.

37. In many countries in Southeast Asia, the vetting of staff, volunteers and visitors at institutions caring for children is poor. For example, in Cambodia, people applying for a job in a non-governmental organisation (NGO) or a school are rarely asked to provide a police clearance certificate, and take up of the ICPC has been low. There is a particular lack of awareness within the private sector of the need to vet staff, and the high demand for British teachers can mean institutions are keen to recruit individuals quickly and do so without conducting proper checks.[222] OU-X1 told us of a similar difficulty with unregistered

[217] Larsson 15 February 2019 56/1-58/2; 64/14-65/4; INQ0003866 para 5
[218] Patel 11 February 2019 123/5-11; ECP000007 para 76
[219] Greer 15 February 2019 35/5-14
[220] Patel 11 February 2019 123/3-9; 124/25-125/9; ECP000007 paras 71 and 77; *Charities Working Internationally, Charity Commission guidance* (ECP000008), p14
[221] Patel 11 February 2019 124/25-125/9; ECP000007 para 78
[222] Hulley 13 February 2019 7/11-17; INQ003648 para 8; Samleang 12 February 2019 33/7-35/13; INQ003720 para 38

orphanages in the Philippines, where staff and volunteers are not vetted.[223] In Southeast Asia, there are extremely limited systems for registration, licensing and supervision, and audits of these institutions are often non-existent.[224]

38. When institutions do try to conduct background checks, they can face practical problems. Agencies involved in recruiting English teachers in Southeast Asia often find that universities refuse to provide proof of an applicant's degree or qualifications on privacy grounds, and overseas criminal justice agencies refuse to provide the results of checks of their databases. Recruiters often therefore have to rely on web search engines or other open source information to check an applicant's background.[225]

39. In some countries, the difficulties are compounded by a lack of official birth certificates or other legal documents, poor public administration governance and infrastructures, as well as high levels of corruption.[226]

D.4: Reform

40. The limits on the application of disclosure and barring regimes to individuals from England and Wales who travel overseas, described in this part of our report, are not merely technical failings. They allow those with predatory tendencies to exploit the system and sexually abuse children abroad. The Inquiry is clear that this patchwork regime needs to be reformed in order to become more effective.

41. The following emerged during our investigation as key proposals for reform in this area:

- strengthening of the ability of the DBS to access overseas convictions and intelligence information from overseas;[227]
- the reinstatement of COBIS's permission to conduct enhanced DBS checks;[228]
- improvements to the ICPC scheme, including placing it on a statutory footing and making it mandatory;[229]
- greater promotion of the ICPC regime in different countries abroad;[230]
- the merger of the DBS and ICPC regimes;[231] and
- the creation of a centralised international system.[232]

42. These proposals for reform have to be seen in the context of other ongoing initiatives in this area.

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[223] OU-X1 14 February 2019 188/10-15; INQ003949 para 32
[224] Hulley 13 February 2019 31/19-32/12; INQ003648 para 8; Samleang 12 February 2019 33/7-34/2; INQ003720 para 38
[225] Hulley 13 February 2019 30/22-31/18; INQ003648 para 38
[226] Spreckley 11 February 2019 152/21-153/5; INQ003616 para 84
[227] INQ003866 para 6; Cooper 15 February 2019 49/7-12; MOD000001 para 13
[228] Bell 15 February 2019 72/10-14; Larsson 15 February 2019 73/3-4; Greer 15 February 2019 29/22-30/1
[229] Patel 11 February 2019 123/17-124/12; ECP000007 para 86g; Binford 12 February 2019 149/17-151/18; CRS000022 paras 33–34; INQ003866 para 6; Samleang 12 February 2019 35/14-25; INQ003720 para 41; Jones (Robert) 13 February 2019 181/13-183/2; NCA000336 para 25; Skeer 14 February 2019 47/18-48/9; Greer 15 February 2019 30/2-24. For similar reasons, the British Council would not consider it feasible to conduct checks on all those who attend as students on its teaching courses (Greer 15 February 2019 42/17-43/1).
[230] Patel 11 February 2019 124/4-6; ECP000007 para 68; Samleang 12 February 2019 34/8-13; Hulley 13 February 2019 34/22-35/3
[231] Downey 13 February 2019 193/14-19; DBS000026 para 15
[232] Binford 12 February 2019 150/15-20; CRS000022 paras 34; Greer 15 February 2019 47/13-48/6; Samleang 12 February 2019 36/8-10; INQ003720 para 41; Cooper 15 February 2019 49/11-12; MOD000001 para 13; Larsson 15 February 2019 63/10-64/13; 65/5-66/8; INQ003866 para 6; French 13 February 2019 94/12-21; British Council Closing Statement 15 February 2019 107/12-13

43. The International Task Force on Child Protection has undertaken extensive multidisciplinary work to devise its international protocol on managing allegations of child abuse by educators and other adults and develop its recommendations for teaching establishments about giving references.[233]

44. In 2018, the Secretary of State for the Department for International Development (DFID) wrote to 179 of DFID's major partners (UK charities working overseas) requesting that they provide a statement of assurance on four key points which are essential to effective safeguarding.[234]

45. DFID subsequently launched new due diligence standards for its funding, which help gauge a partner's ability to apply safeguarding of children and adults in their work. The standards cover six areas: safeguarding, whistleblowing, human resources, risk management, codes of conduct and governance. This includes, in human resources, a focus on a partner's vetting and recruitment processes, and questions about what processes the partner follows, albeit that neither the DBS nor ICPC process is mandated.[235] The FCO's programme team carries out diligence assessments of potential partners, through which they assess the adequacy of the policies, processes and practices evidenced by the potential partner. Its contractual terms and conditions for suppliers requires that DBS, Department for Education and criminal record checks are carried out.[236]

46. DFID also announced the following initiatives in October 2018, aimed specifically at improving vetting across the international aid sector:

- a new pilot scheme run by Interpol to improve background checks on aid-sector staff, provide advice to employers on international vetting and identify high-risk individuals;
- the testing by UK NGOs of a new 'passport' for aid workers to prove an individual's identity and provide background information on their previous employment and vetting status; and
- a new disclosure of misconduct scheme across the aid sector, to which 15 organisations had signed up by 18 October 2018.[237]

47. The first of these initiatives will be implemented through Project Soteria. This is a five-year project, commencing in early 2019, in which Interpol, ACRO, DFID and Save the Children are involved. There will be a pilot of an online platform to strengthen background checks on staff across the aid sector globally and to improve information-sharing between law enforcement agencies about individuals of interest. The project will also involve a team of seven to nine specialists and investigators operating from both Africa and Asia to

[233] Larsson 15 February 2019 66/9-70/1; INQ003866 para 6; Binford 12 February 2019 154/8-16
[234] These were (i) that they provide a safe and trusted environment which safeguards anyone with whom their organisation has contact, including beneficiaries, staff and volunteers; (ii) that they set an organisational culture that prioritises safeguarding so that it is safe for those affected to come forward and report incidents and concerns with the assurance that they will be handled sensitively and properly; (iii) that they have adequate safeguarding policies, procedures and measures to protect people and that these are shared and understood; and (iv) that they have absolute clarity as to how incidents and allegations will be handled should they arise, including reporting to the relevant authorities, such as the Commission, and to funding partners, such as DFID. The Secretary of State also asked them to confirm that they have referred any and all concerns their organisation may have on specific cases and individuals to the relevant authorities. See further Taylor 14 February 2019 165/3-24; DFI000001; DFI000003
[235] Taylor 14 February 2019 166/21-168/1; DFI000004
[236] FCO000152_004; FCO000153-3
[237] Taylor 14 February 2019 169/24-170/22; DFI000002 para 3.3

provide support to national crime agencies and strengthen their criminal records systems and information-sharing capabilities. The project is looking at the feasibility of creating an international regime.[238]

48. As set out in Part F, reform is needed to simplify these processes and make them more robust.

[238] Jones (Robert) 13 February 2019 182/9-183/2; Price 13 February 2019 196/1-4; INQ0003798 para 12

Part E

Further work in this investigation

Further work in this investigation

1. Since the conclusion of the Inquiry's hearings on this second phase, we have considered whether there should be a further phase in the Protection of Children Outside the United Kingdom investigation. Its purpose would be to consider whether organisations based in England and Wales (for example, the armed forces, government departments, public authorities, private or charitable institutions) have taken:

- sufficient care to ensure that their employees do not pose a risk to children living abroad and
- appropriate steps in response to allegations that their employees were involved in the sexual abuse of children abroad.[239]

2. In this second phase, the Inquiry considered evidence from the Foreign and Commonwealth Office, the Department for International Development, the British Council, Ministry of Defence Schools, the Council of British International Schools and others on the wider 'sufficiency of care' issue.[240] As a result, we now have a fuller picture of the ways in which the risk posed by employees travelling abroad can be addressed. These measures go beyond the civil orders and disclosure and barring regimes, which are only two ways in which the risk posed by employees travelling abroad can be addressed.

3. In terms of how organisations respond to allegations of abuse, we heard evidence about how the British Council has responded to allegations that those who worked for them were involved in the sexual abuse of children abroad.[241] We have had the benefit of reading the Charity Commission's June 2019 report into Oxfam.[242] We also heard about the two-year project conducted by the International Task Force on Child Protection, which resulted in a detailed international protocol for schools giving guidance on how to respond to allegations of abuse by educators and other adults.[243]

4. In light of this wider evidence, a further phase of the Protection of Children Outside the United Kingdom investigation focussed on either of these broad issues is not necessary.

5. However, the Inquiry is carrying out some targeted investigative work involving the armed forces, which is intended to be incorporated into the Inquiry's final report.

[239] As set out in para 2.2 of the definition of the scope of this investigation (https://www.iicsa.org.uk/investigations/the-protection-of-children-overseas?tab=scope)
[240] See, for example, Jones (Peter) 14 February 2019 130/23-133/13 (FCO); Taylor 14 February 2019 164/24-172/23 (DFID); Greer 15 February 2019 18/9-40/1; BRC000152_002-011; BRC000225; BRC000153 (the British Council); Cooper 15 February 2019 48/16-49/24 (Ministry of Defence Schools); Bell 15 February 2019 53/15-56/24, 61/19-62/1 (COBIS); Larsson 15 February 2019 63/10-70/1 (CIS). See also the following evidence on recruitment processes generally: French 13 February 2019 83/23-91/2; HOM002854; HOM002856; HOM003000_011; Home Office Guidance on Criminal records checks for overseas applicants
[241] Greer 15 February 2019 41/15-46/20
[242] https://www.gov.uk/government/publications/charity-inquiry-oxfam-gb
[243] Larsson 15 February 2019 66/9-17/16; INQ003841

Part F

Conclusions and recommendations

Conclusions and recommendations

F.1: Conclusions

1. Large numbers of adults around the world travel overseas and sexually abuse and exploit vulnerable children. This includes significant numbers of UK nationals and residents. Each of the three legislative frameworks examined in this phase of our investigation has the potential to reduce the risk of sexual abuse and exploitation of children overseas by nationals and residents of England and Wales. Yet it is clear that the effectiveness of each has limits in practice.

2. In 2001, at the time of the Yokohama Conference, the UK drew up a national action plan to prevent the commercial sexual exploitation of children overseas which has not subsequently been revisited or revised.[244]

3. While the Inquiry heard extensive evidence of the range of initiatives being adopted by different government departments, these would benefit from being more integrated. The UK Government has strategies in place to tackle issues such as child sexual exploitation within the UK, human trafficking and terrorism.[245] The risks posed by UK nationals and residents of England and Wales engaging in child sexual abuse and exploitation overseas should be similarly addressed. A national action plan would help ensure a coordinated response on the issue and also raise public awareness.

Conclusions in relation to civil orders

4. The number of orders restricting the foreign travel of sex offenders made under the Sexual Offences Act 2003 appears low every year. Of the 5,551 sexual harm prevention orders imposed in England and Wales in 2017/18, foreign travel restrictions were imposed in just 11 cases. Based on the available data, only around 0.2 percent of registered sex offenders typically have their travel restricted under a civil order.

5. Given the significant disparity between the high number of registered sex offenders and the low number of orders made, it is a reasonable inference that there are more registered sex offenders whose travel could properly be restricted.

6. Concerns about the proportionality of restricting an offender's travel appear to be a key reason why the number of orders made is as low as it is.

7. There is ample scope for greater use of foreign travel restriction orders.

8. Adopting the civil standard of proof or permitting reliance on closed evidence would be unlikely to lead to a substantial increase in the number of orders being made, even if concerns about the cost and procedural fairness of closed hearings could be justified.

[244] 11 February 2019 131/16-132/16
[245] ECPAT closing submissions 14 February 2019 77/15-78/20

9. More radical measures must therefore be taken to increase the number of foreign travel restriction orders made, while recognising the human rights of all concerned.

10. The European Commission maintains lists of countries that pose a significant risk in terms of money laundering. Companies and other entities are required to undertake enhanced checks on financial dealings with customers and financial institutions from the listed high-risk countries.[246] A similar approach could be taken in this context. If a list of countries where children face a significant risk of sexual abuse from overseas offenders were maintained, this could be used to further reduce the risk they face.

Conclusions in relation to section 72

11. Section 72 of the Sexual Offences Act 2003 (which allows individuals to be prosecuted in the UK for offences overseas) is also relatively rarely used. The Inquiry heard evidence of only seven concluded prosecutions under section 72 in England and Wales between 1997 and 2018, which equates to one prosecution every three years.[247]

12. There are various reasons for the low numbers of section 72 prosecutions. One is the 'first country first' principle. While in theory prosecutions ought to take place in the country in which the offence occurred, there are numerous instances where a prosecution in England and Wales can and should take place. Another concern has been the suggestion that section 72 should only be used as a 'last resort'. While previous policy guidance suggesting a 'last resort' approach may have contributed to a misleading impression of the approach to section 72, in reality there is no last resort policy in operation. There should not be such an approach. Section 72 prosecutions should be initiated in appropriate cases, particularly where the quality of local justice may be suspect.

13. Section 72 investigations are undoubtedly resource-intensive. There is a need to ensure effective cooperation between law enforcement agencies internationally. This requires an adequate number of international liaison officers able to work effectively with international partners in high-risk countries. The NCA is taking steps to ensure that this is the case.

14. There is a need for increased awareness of section 72 by police forces in England and Wales, to be achieved through guidance and training. Chief Constable Michelle Skeer committed to include further information about section 72 in the College of Policing's Authorised Professional Practice material, which is national guidance given to all police forces.[248] That process was commenced following our hearing and we are aware that a further training event has taken place.[249]

Conclusions in relation to disclosure and barring

15. The Disclosure and Barring Service (DBS) scheme applies if an institution's operations are based in England and Wales, and if the employment decision is made in England and Wales. However, DBS checks include no or limited information about overseas offending. This means they cannot be fully relied upon for those who have regularly worked with children abroad. The same applies to International Child Protection Certificate (ICPC) checks.

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[246] 'The European Commission adopts new list of third countries with weak anti-money laundering and terrorist financing regimes', Press release 13 February 2019 (https://europa.eu/rapid/press-release_IP-19-781_en.htm).
[247] This figure includes the eight successful NCA prosecutions and the case of Patrick Matthews which did not result in conviction. None of the six police forces approached by the Inquiry reported any section 72 prosecutions, but other forces in England and Wales may have used it. Accordingly, nine may be an underestimate.
[248] Skeer 14 February 2019 44
[249] OHY007094_002 para 12

This creates a clear risk to children overseas as it means that pre-employment checks are not being conducted with all the relevant information to hand. It means that someone with a conviction overseas for sexual abuse of a child could obtain work in the future with access to children.

16. There are various inconsistencies between the ICPC and DBS schemes. This creates a lack of clarity for employers. Smaller organisations overseas can lack the resources to carry out full employment vetting. Charity Commission guidance to overseas institutions cannot be enforced. Reliance cannot be placed on other countries' disclosure and barring regimes to fill these gaps.

17. DBS checks cannot be obtained by institutions based in England and Wales when they make recruitment decisions overseas, or by employers based overseas. They may choose to ensure compliance with the ICPC scheme but at present this is entirely voluntary.

18. The combined effect of these limitations in the system has damaging consequences. It permits offenders to exploit the system and sexually abuse children overseas. The system should be simplified and made more robust, including by extending the geographical reach of the existing Disclosure and Barring Service scheme and making it mandatory in certain circumstances.

F.2: Recommendations

The Chair and Panel make the following recommendations, which arise directly from this investigation.

Those mentioned in these recommendations should publish their response to each recommendation, including the timetable involved, within six months of the publication of this report.

Recommendation 1: National plan of action

The Home Office should coordinate the development of a national plan of action addressing child sexual abuse and exploitation overseas by UK nationals and residents of England and Wales, involving input from all lead governmental agencies in the field.

Recommendation 2: Civil orders – list of countries

The Home Office should bring forward legislation providing for the establishment and maintenance by the National Crime Agency of a list of countries where children are considered to be at high risk of sexual abuse and exploitation from overseas offenders. This list should be kept under regular review.

The list of countries should be made available to the police, and used routinely to help identify whether a person who has been charged with sexual offences against a child poses a risk to children overseas based on their travel history and/or plans. If the person is considered to pose a risk of sexual harm to children overseas, the police should submit an application for a foreign travel restriction order under the Sexual Offences Act 2003.

The list of countries should be admissible in court, and used when considering whether a foreign travel restriction order should be made under the Sexual Offences Act 2003 and if so, to which countries it should apply.

Recommendation 3: Disclosure and barring – extending the geographical reach of the Disclosure and Barring Service scheme

The Home Office should introduce legislation permitting the Disclosure and Barring Service to provide enhanced certificates to UK nationals and residents of England and Wales applying for (i) work or volunteering with UK-based organisations, where the recruitment decision is taken outside the UK or (ii) work or volunteering with organisations based outside the UK, in each case where the work or volunteering would be a regulated activity if in the UK.

Recommendation 4: Disclosure and barring – extending the mandatory nature of disclosure and barring

The Home Office should introduce legislation making it mandatory for:

(a) all UK nationals and residents of England and Wales to provide a prospective employer overseas with an enhanced DBS certificate before undertaking work with children overseas which if in the UK would be a regulated activity and

(b) UK government departments and agencies to require their overseas partners to ensure that UK nationals and residents of England and Wales obtain an enhanced DBS certificate before undertaking work with children overseas which if in the UK would be a regulated activity.

Recommendation 5: Disclosure and barring – guidance

The Home Office should ensure explanatory guidance is issued, providing clarity to recruiting organisations and individuals concerning the use of the Disclosure and Barring Service scheme for work and volunteering outside the UK.

Annexes

Annex 1

Overview of process and evidence obtained by the Inquiry

1. Definition of scope

The Protection of Children Outside the United Kingdom investigation is an inquiry into the extent to which institutions and organisations based in England and Wales have taken seriously their responsibilities to protect children outside the United Kingdom from sexual abuse.

The scope of this investigation is as follows:

> *"1. The Inquiry will investigate the extent to which institutions and organisations based in England and Wales have taken seriously their responsibilities to protect children outside of the United Kingdom from sexual abuse. The investigation will incorporate case specific investigations, a review of information available from published and unpublished reports and reviews, court cases, and investigations.*
>
> *2. In investigating the extent to which institutions have taken seriously their duty to protect children abroad, the Inquiry will consider, in particular:*
>
> *2.1. whether government departments, public authorities, private and/or charitable institutions based in England and Wales have taken sufficient care to protect those children they may have sent or placed abroad;*
>
> *2.2. whether the armed forces, government departments, public authorities, private and/or charitable institutions based in England and Wales have taken sufficient care to ensure that their employees do not pose a risk to children living abroad and/or whether they have taken appropriate steps in response to allegations that their employees were involved in the sexual abuse of children abroad;*
>
> *2.3. whether the responses of government departments based in England and Wales to reports of institutional failures to protect children from sexual abuse in overseas territories and crown dependencies have been appropriate;*
>
> *2.4. whether law enforcement agencies, the criminal justice system, and any other public authorities have been effective in preventing foreign travel by, or notifying foreign authorities of, individuals known to the UK authorities as posing a risk to children.*
>
> *3. The inquiry will consider the appropriateness of the statutory and regulatory framework relevant to child sexual abuse abroad, including in relation to:*
>
> *3.1. the operation of the statutory vetting and barring regime by organisations recruiting individuals to work abroad;*
>
> *3.2. monitoring of child sexual abusers by the criminal justice and law enforcement agencies in England and Wales;*

3.3. *civil orders, including sexual offences prevention orders, foreign travel orders and risk of sexual harm orders provided by the Sexual Offences Act 2003; and sexual harm prevention orders and sexual risk orders provided by the Sexual Offences Act 2003, as amended by the Anti-social Behaviour, Crime and Policing Act 2014.*

4. *In light of the investigations set out above, the Inquiry will publish a report setting out its findings, lessons learned, and recommendations to improve the protection of children outside of the United Kingdom for whom institutions in England and Wales may have some responsibilities."*[250]

The first phase of this investigation was a case study on the Child Migration Programmes. The Inquiry published its report on this phase on 1 March 2018.[251]

In March 2018, the Inquiry published an update note announcing that the second phase of this investigation would investigate:

> "*the adequacy of the civil framework for the prevention of, and notification to foreign authorities of, foreign travel by individuals known to the UK authorities as posing a risk to children*".[252]

In August 2018, the Inquiry published a decision on scope expanding the scope of the second phase of the investigation to include:

> "*issues related to the statutory vetting and barring regime, and issues related to the use and efficacy of section 72 of the Sexual Offences Act 2003*".[253]

This phase of the Protection of Children Outside the UK investigation therefore considered three broad issues:

- the framework of civil orders for the prevention of foreign travel by individuals known to the UK authorities as posing a risk to children;[254]
- the use of section 72 of the Sexual Offences Act 2003, which creates extra-territorial jurisdiction in respect of child sexual abuse; and
- the operation of the disclosure and barring regimes by organisations recruiting individuals to work abroad.

2. Core participants and legal representatives

Counsel to this investigation:

Henrietta Hill QC
Julia Faure Walker
Antonia Benfield

[250] https://www.iicsa.org.uk/investigations/the-protection-of-children-overseas?tab=scope
[251] IICSA Child Migration Programmes Investigation Report (March 2018)
[252] https://www.iicsa.org.uk/key-documents/4413/view/cotu-investigation-march-2018-update-note.pdf
[253] https://www.iicsa.org.uk/key-documents/6396/view/2018-08-02-couk-civil-orders-case-study-decision-scope.pdf
[254] Consideration was also given to the related issue of notification to foreign authorities of foreign travel by such individuals.

Independent core participants:

Every Child Protected Against Trafficking UK (ECPAT UK)	
Counsel	Caoilfhionn Gallagher QC and Keina Yoshida
Solicitor	Zubier Yazdani, Deighton Pierce Glynn
Child Redress International (CRI)	
Counsel	Caoilfhionn Gallagher QC and Keina Yoshida
Solicitor	Silvia Nicolaou Garcia, Simpson Millar

Institutional core participants:

Home Office	
Counsel	Nick Griffin QC and Amelia Walker
Solicitor	Daniel Rapport, Government Legal Department for the Treasury Solicitor
National Crime Agency	
Counsel	Neil Sheldon QC
Solicitor	Sarah Pritchard and Hilary Dyer, NCA Legal Department
National Police Chiefs' Council	
Counsel	Stephen Morley
Solicitor	Craig Sutherland and Matthew Greene, East Midlands Police Legal Services
Crown Prosecution Service	
Counsel	Zoe Johnson QC
Solicitor	Laura Tams, CPS Inquiries team
British Council	
Counsel	Aswini Weereratne QC
Solicitor	Alison Gale, British Council Senior Legal Advisor

3. Evidence received by the Inquiry

Number of witness statements obtained:
56
Organisations and individuals to which requests for documentation or witness statements were sent:
Action Pour Les Enfants
Association of Chief Police Officers Criminal Records Office
British Council
Catherine Spreckley (former Trustee and Chair of KISS)
Child Redress International
Child Wise
Christine Beddoe (freelance consultant and former Director of ECPAT UK)

College of Policing
Council of British International Schools
Council of International Schools
Crown Prosecution Service
Department for International Development
Disclosure and Barring Service
ECPAT International
ECPAT UK
ECPAT USA
Educational Collaborative for International Schools
Equations
Father Shay Cullen (founder and President of PREDA Foundation)
Foreign and Commonwealth Office
Gwent Police
Hertfordshire Constabulary
Home Office
International Taskforce on Child Protection
Lancashire Constabulary
Ministry of Defence
Ministry of Justice
National Crime Agency
National Police Chiefs' Council
OU-A1
OU-A2
OU-A3
OU-A4
OU-A5
OU-A6
OU-X1
Project Karma
South Yorkshire Police
Staffordshire Police
Voice of the Free
West Midlands Police

4. Disclosure of documents

Total number of pages disclosed: 8,551

5. Public hearings including preliminary hearings

Preliminary hearings	
1	6 June 2018
2	31 October 2018
Public hearings	
Days 1–5	11–15 February 2019

6. List of witnesses

Surname	Forename	Title	Called, read, summarised or adduced	Hearing day
OU-A1			Summarised	1
OU-A2			Summarised	1
OU-A3			Summarised	1
OU-A5			Summarised	1
Patel	Bharti	Ms	Called	1
Loseño	Sherryl	Ms	Read	1
Spreckley	Catherine	Ms	Summarised	1
Beddoe	Christine	Ms	Called	1
Samleang	Seila	Mr	Called	2
Smolenski	Carol	Ms	Read	2
Lemineur	Marie-Laure	Ms	Called	2
Cullen	Shay	Father	Summarised	2
Binford	W Warren H	Professor	Called	2
Hulley	Glen	Mr	Called	3
French	Cecilia	Ms	Called	3
Ray	Joyatri	Ms	Summarised	3
Jones	Robert	Mr	Called	3
Downey	Adele	Ms	Summarised	3
Price	Robert	Mr	Summarised	3
Skeer	Michelle	Chief Constable	Called	4
Cherry	Gillian	Police Sergeant	Summarised	4
Southern	Susan	Assistant Chief Constable	Summarised	4
Forber	Tim	Assistant Chief Constable	Summarised	4

Edwards	Joanne	Assistant Chief Constable	Summarised	4
Barnett	Emma	Assistant Chief Constable	Summarised	4
Jephson	William	Assistant Chief Constable	Summarised	4
Brain	Nicola	Detective Superintendent	Summarised	4
McGill	Gregor	Mr	Called	4
Davison	Gordon	Mr	Summarised	4
Gould	Matthew	Mr	Summarised	4
Reeve	Robert	Mr	Summarised	4
Jones	Peter	Mr	Called	4
Taylor	Peter	Mr	Read	4
OU-X1			Read	4
Greer	Adrian	Mr	Called	5
Cooper	Mike	Mr	Summarised	5
Larsson	Jane	Ms	Called	5
Bell	Colin	Mr	Called	5

7. Restriction orders

On 7 February 2019, the Chair issued a restriction order under section 19 of the Inquiries Act 2005 granting anonymity to the witness known as OU-X1. The order covered (i) any information that identifies or tends to identify OU-X1 and (ii) any information that identifies or tends to identify the nature or details of work currently undertaken by OU-X1. The order prohibited the publication and disclosure to core participants, other than the National Crime Agency, the National Police Chiefs' Council, the Crown Prosecution Service, the Home Office and the British Council, of the information covered by the order.[255]

On 1 April 2019, the Chair issued a restriction order under section 19 of the Inquiries Act 2005 to prohibit the disclosure or publication of the name of any individual whose identity has been redacted and/or ciphered by the Inquiry, and any information redacted as irrelevant and sensitive, in connection with phase two of the Protection of Children Outside the United Kingdom investigation and referred to during the course of evidence adduced during the Inquiry's proceedings.[256]

8. Broadcasting

The Chair directed that the proceedings would be broadcast, as has occurred in respect of public hearings in other investigations.

9. Redactions and ciphering

The material obtained for this phase of the investigation was redacted and, where appropriate, ciphers were applied, in accordance with the Inquiry's Protocol on the Redaction of Documents (the Protocol).[257] This meant that (in accordance with Annex A of the Protocol), for example, absent specific consent to the contrary, the identities of

[255] https://www.iicsa.org.uk/key-documents/9300/view/2019-02-07-restriction-order-ou-x1.pdf
[256] https://www.iicsa.org.uk/key-documents/10581/view/2019-04-01-restriction-order-coukp2-published-documents.pdf
[257] https://www.iicsa.org.uk/key-documents/322/view/2018-07-25-inquiry-protocol-redaction-documents-version-3.pdf

complainants and victims and survivors of child sexual abuse and other children were redacted; and if the Inquiry considered that their identity appeared to be sufficiently relevant to the investigation, a cipher was applied.

Pursuant to the Protocol, the identities of individuals convicted of child sexual abuse (including those who have accepted a police caution for offences related to child sexual abuse) were not generally redacted unless the naming of the individual would risk the identification of their victim, in which case a cipher would be applied.

The Protocol also addresses the position in respect of individuals accused, but not convicted, of child sexual or other physical abuse against a child and provides that their identities should be redacted and a cipher applied. However, where the allegations against an individual are so widely known that redaction would serve no meaningful purpose (for example where the individual's name has been published in the regulated media in connection with allegations of abuse), the Protocol provides that the Inquiry may decide not to redact their identity.

The Protocol recognises that, while the Inquiry will not distinguish as a matter of course between individuals who are known or believed to be deceased and those who are or are believed to be alive, the Inquiry may take the fact that an individual is deceased into account when considering whether or not to apply redactions in a particular instance.

The Protocol anticipates that it may be necessary for core participants to be aware of the identity of individuals whose identity has been redacted and in respect of whom a cipher has been applied, if the same is relevant to their interest in the investigation.

10. Warning letters

Rule 13 of the Inquiry Rules 2006 provides:

> *"(1) The chairman may send a warning letter to any person –*
>
> *a. he considers may be, or who has been, subject to criticism in the inquiry proceedings; or*
>
> *b. about whom criticism may be inferred from evidence that has been given during the inquiry proceedings; or*
>
> *c. who may be subject to criticism in the report, or any interim report.*
>
> *(2) The recipient of a warning letter may disclose it to his recognised legal representative.*
>
> *(3) The inquiry panel must not include any explicit or significant criticism of a person in the report, or in any interim report, unless –*
>
> *a. the chairman has sent that person a warning letter; and*
>
> *b. the person has been given a reasonable opportunity to respond to the warning letter."*

In accordance with rule 13, warning letters were sent as appropriate to those who were covered by the provisions of rule 13, and the Chair and Panel considered the responses to those letters before finalising the report.

Annex 2

Acronyms

ACPO	Association of Chief Police Officers
ACRO	Association of Chief Police Officers Criminal Records Office
APLE	Action Pour Les Enfants
APP	Authorised Professional Practice
CEOP	Child Exploitation and Online Protection Command
CIS	Council of International Schools
COBIS	Council of British International Schools
COUK	Children Outside the UK (IICSA investigation)
CRI	Child Redress International
DBS	Disclosure and Barring Service
DFID	Department for International Development
ECPAT	Every Child Protected Against Trafficking
FCO	Foreign and Commonwealth Office
FTO	foreign travel order
HMPPS	Her Majesty's Prison and Probation Service
HOSOL	Home Office's Serious Offence List
ICPC	International Child Protection Certificate
ILO	international liaison officer
KISS	Kiddies Support Scheme
MAPPA	Multi-Agency Public Protection Arrangements
MoJ	Ministry of Justice
MOSOVO	Managing Sexual Offenders and Violent Offenders
NCA	National Crime Agency
NCA-CEOP	National Crime Agency's Child Exploitation and Online Protection Command
NGO	non-governmental organisation
NPCC	National Police Chiefs' Council
PNC	Police National Computer
PREDA	People's Recovery, Empowerment and Development Assistance Foundation
RMP	Royal Military Police
ROA	Rehabilitation of Offenders Act 1974
RSHO	risk of sexual harm order

RSO	registered sex offender
SHPO	sexual harm prevention order
SOA	Sexual Offences Act 2003
SOPO	sexual offences prevention order
SRO	sexual risk order
TCSO	transnational child sex offender
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Fund
ViSOR	Violent and Sex Offender Register

The following corrections were made to this version of the report on 9 January 2020:

Page 32, paragraph 17: was amended to read 'seven **concluded** prosecutions' and the text in footnote 130, to read 'the case of Patrick Matthews which did not result in **conviction**'.
Page 54, paragraph 4: '5,550' was amended to read '**5,551**'.
Page 55, paragraph 11: was amended to read 'seven **concluded** prosecutions' and footnote 247 should read 'the case of Patrick Matthews which did not result in **conviction**'.

The following corrections were made to this version of the report on 28 February 2022:

Page 41, paragraph 8: was amended to remove the reference to specific regulated activities.
Page 45, paragraph 29: was amended to remove the reference to enhanced DBS checks.

Allegations of child sexual abuse linked to Westminster

Investigation Report
February 2020

A report of the Inquiry Panel
Professor Alexis Jay OBE
Professor Sir Malcolm Evans KCMG OBE
Ivor Frank
Drusilla Sharpling CBE

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Contents

Executive Summary

This investigation concerns institutional responses to allegations of child sexual abuse and exploitation involving persons of public prominence who were associated with Westminster. Westminster is defined in this report as the centre of the United Kingdom's government, government ministers and officials, as well as Parliament, its members and the political parties represented there.

Seven topics were covered in evidence. These were: police misconduct, political parties, whips' offices, the Paedophile Information Exchange, prosecutorial decisions, the honours system, and current safeguarding policies in government, Parliament and the political parties.

Several cross-cutting themes recurred throughout the investigation. One is the theme of 'deference' by police, prosecutors and political parties towards politicians and others believed to have some importance in public life. Another concerns differences in treatment accorded to wealthy or well-connected people as opposed to those who were poorer, more deprived, and who had no access to networks of influence. A third relates to the failure by almost every institution to put the needs and safety of children first. The police paid little regard to the welfare of sexually exploited children. Political parties showed themselves, even very recently, to be more concerned about political fallout than safeguarding; and in some cases the honours system prioritised reputation and discretion in making awards, with little or no regard for victims of nominated persons.

There is ample evidence that individual perpetrators of child sexual abuse have been linked to Westminster. However, there was no evidence of any kind of organised 'Westminster paedophile network' in which persons of prominence conspired to pass children amongst themselves for the purpose of sexual abuse. The source of some of the most lurid claims about a sinister network of abusers in Westminster has now been discredited with the conviction of Carl Beech. Nevertheless, it is clear that there have been significant failures by Westminster institutions in their responses to allegations of child sexual abuse. This included failure to recognise it, turning a blind eye to it, actively shielding and protecting child sexual abusers and covering up allegations.

Several highly placed people in the 1970s and 1980s, including Sir Peter Morrison MP and Sir Cyril Smith MP, were known or rumoured to be active in their sexual interest in children and were protected from prosecution in a number of ways, including by the police, the Director of Public Prosecutions and political parties. At that time, nobody seemed to care about the fate of the children involved, with status and political concerns overriding all else. Even though we did not find evidence of a Westminster network, the lasting effect on those who suffered as children from being sexually abused by individuals linked to Westminster has been just as profound. It has been compounded by institutional complacency and indifference to the plight of child victims.

There was no evidence that individual persons of prominence visited Elm Guest House in South London, although child sexual abuse almost certainly occurred there.

Police investigations

A vivid picture of corruption in central London in the 1960s, 1970s and 1980s was portrayed by several witnesses. This included the cruising of expensive cars around Piccadilly Circus, by those viewing boys and young men, who would hang around the railings known as the 'meat rack' to be picked up by older men and abused. The boys were described as aged between 11 and 22. Many were from damaged backgrounds or were runaways from the care system, and were known as 'street rats' by police officers.

Lord Taverne, a Home Office minister in 1966, described a meeting with the then Home Secretary, Roy Jenkins, and the then Commissioner of the Metropolitan Police, Sir Joe Simpson, at which Sir Joe remarked that there were "*several 'cottages' in Westminster which we don't investigate*" because "*they are frequented by celebrities and MPs*".[1] While not specifically about the sexual abuse of children, it is an example of a policy giving special treatment to persons of prominence and of deference towards those in power at Westminster.

The Clubs Office at the Metropolitan Police Service

The Clubs Office was a department of the Metropolitan Police Service specialising in the licensing and supervision of nightclubs, and vice and obscene publications. Three retired officers described their experiences of working in the Clubs Office. Although runaway boys found at the 'meat rack' were often arrested and brought to the police station, little was done to protect them from harm. No specialist child protection unit existed and the procedures for looking after children were described as "*rudimentary*".[2]

Robert Glen, a retired officer who worked in the Clubs Office, told the Inquiry that his team had enough evidence to prosecute Cyril Smith in the 1970s for his involvement in sexual activity with young boys. Progress of that investigation was thwarted by senior officers at the time, who claimed that it was "*too political*".[3] He told us that "*we did as we were told and you were not encouraged to question operational decisions made by senior officers*".[4]

Many years later another retired officer was traced who confirmed much of Mr Glen's account. He explained that sex workers were treated by the vast majority of police officers as second-class citizens. It was difficult to persuade victims to provide statements because they would be traumatised again by giving evidence.

Cyril Smith's name featured on at least two other occasions when police officers had cause to interview inmates at Feltham Borstal Institution on criminal matters. On one occasion officers were apparently stopped by Special Branch officers and 'warned off' the interview. They ignored the warning and, out of the blue, the inmate launched into a sexually explicit rant about the relationship he had had with Cyril Smith – something entirely unconnected with the purpose of the interview and that came as a surprise to the officers. On another occasion officers interviewed Andre Thorne, who claimed that he was a 'rent boy' and had engaged in sexual activity with Cyril Smith. He later publicly withdrew the allegations. A minor public scandal emerged around this time involving a plot by the South African Bureau

[1] Lord Taverne 5 March 2019 195/17-196/7
[2] Paul Holmes 7 March 2019 86/23-25
[3] Robert Glen 6 March 2019 92/7-93/2
[4] Robert Glen 6 March 2019 113/14-16

of State Security to smear Liberal MPs who opposed apartheid. Nevertheless little if any focus was directed at whether Cyril Smith had committed a criminal offence or posed a risk to children.

Undue deference reared its head again in the 1980s. Another retired police officer, Howard Groves, told the Inquiry about his experiences in a large police operation called Operation Circus which was an investigation targeted at so-called 'rent boys' around the Piccadilly Circus area. He has a specific memory of a briefing to the effect that if any prominent members of society were identified, the investigation was to cease. There was some support for this in the evidence we received.

The alleged involvement of Special Branch

The Inquiry also heard evidence from Don Hale, an award-winning journalist. Mr Hale has given a well-publicised account of an incident in 1984 when he says his office at the *Bury Messenger* was raided by Special Branch officers who served, or at least purported to serve, a 'D-Notice' (an official request not to publish certain details of a story for reasons of national security) on him. He said that they seized documents containing names of MPs said to be sympathetic to the Paedophile Information Exchange (PIE) and documents that Mr Hale said had been given to him by Barbara Castle, then an MEP. Mr Hale also described Cyril Smith visiting him at the office, threatening him, and demanding he hand over the same documents.

If Mr Hale's account is true then it is an example of politicians and the police acting to suppress allegations that in one way or another linked politicans to child sexual abuse. However, there is very little independent evidence that either corroborates or undermines Mr Hale's account. The reliability of his evidence cannot be determined by reference to independent sources and there are several elements of his account which are implausible. In certain key respects Mr Hale's account does not add up and the Inquiry cannot make any findings about this incident.

Elm Guest House

Elm Guest House has featured in many well-publicised allegations of child sexual abuse. It has been alleged that many politicians and other prominent individuals visited Elm Guest House, and that children were abused at sex parties held there. Allegations have also been made against the Metropolitan Police Service about the way investigations at Elm Guest House were conducted and also about how the results of those investigations were covered up.

Elm Guest House was a tawdry establishment which had come to the attention of police on several occasions. Child sexual abuse had almost certainly occurred there. However, Commander Neil Jerome from the Metropolitan Police Service stated that "*no individuals of prominence or (individuals) that could be described as being well-known*"[5] were either observed by the police during surveillance operations or found there when the property was raided.

[5] Neil Jerome 7 March 2019 156/2-10

Further concerns about police conduct

Peter McKelvie, a child protection specialist and retired social services employee and consultant, has also raised concerns about child sexual abuse links to Westminster. Many of his concerns focus on Peter Righton, a convicted child sexual abuser who, prior to his conviction, held a senior position advising the government on childcare.

Mr McKelvie has identified himself as "*the source*" of Tom Watson's 2012 Parliamentary question, in which Mr Watson alleged that there was "*clear intelligence*" of "*a powerful paedophile network linked to Parliament and No. 10*".[6] However, in his witness statement, Mr McKelvie suggested that Mr Watson's question was based on information provided by "*a number of sources*",[7] primarily two others, and that Mr McKelvie did not meet with Mr Watson until after the question had been asked.

Both the Independent Office for Police Conduct and the Metropolitan Police have acknowledged Mr McKelvie's proactive role in assisting police investigations and he appeared genuine in his concerns. However, he has not claimed to have hard evidence to support them. A police investigation was conducted over a period of 10 years which in fact resulted in convictions. Mr McKelvie might have had more confidence in the police investigations in which he assisted had the Metropolitan Police kept him better informed about their progress.

Prosecutorial decisions

The cases of Victor Montagu and Sir Peter Hayman, both prominent men linked to Westminster, were examined. Montagu was accused of committing serious offences of child sexual abuse, while Hayman was a member of PIE and frequently exchanged obscene material in the post with others.

The case of Victor Montagu

Victor Montagu was MP for South Dorset from 1941 to 1962. In 1962, when his father died, he succeeded to the 10th Earl of Sandwich. Having renounced his titles in 1963 under the Peerage Act 1963, he stood as the Conservative Party candidate in Accrington in the 1964 general election.

His son, Robert Montagu, gave evidence to the Inquiry describing years of sexual abuse committed by his father, including an occasion when was he was raped. The abuse started when he was about six and a half and continued until he was about 11 years old. It was discovered by family members and he was able to tell his mother what had happened, who in turn told the local GP. Nevertheless, after a short separation, he was returned to his father's care. The police or other authorities were never contacted and no investigation took place. As Robert Montagu rightly points out, had there been an investigation his father may have been stopped in time to prevent the sexual abuse of other children.

One case, however, did come to the attention of the police: that of a 10-year-old boy who had alleged indecent assault by Victor Montagu in 1972. Papers were submitted to the office of the Director of Public Prosecutions for a decision on whether to prosecute.

[6] INQ004102
[7] PMK000472_022

The police report described the boy as "*a simple lad, perhaps to be pitied*"[8] and contained a suggestion that the case was bedevilled by the employer and employee relationship in a rural community. Montagu had been interviewed by the police and broadly agreed with the account given by the boy but denied that the relationship was sexual. The Director of Public Prosecutions' office advised that he should be cautioned.

It appears that very little in-depth consideration was given to the case. The decision itself minimised the seriousness of the offences and in the absence of any previous convictions the Director of Public Prosecutions' office treated Montagu as a man of good character. This revelation was particularly shocking to Robert Montagu, who regarded the decision as "*entirely wrong and very indicative of the attitude towards people in public positions*".[9] The conclusion that the advice given by the police to Victor Montagu to stay away from the boy was sufficient to mark the gravity of offending was at significant odds to the policy approach taken by the Crown Prosecution Service today. The boy's interests, as far as they were considered at all, were confined to a threat of being taken into care.

When considering the case, the real offending of Victor Montagu had been all but lost. The tenor of the police report and the note of the decision itself turned on an assessment of morality and the class distinction between him and the boy he sexually abused.

The case of Sir Peter Hayman

Peter Hayman held a number of important roles in the diplomatic service between 1964 and 1974. There were longstanding public concerns about whether the decision not to prosecute, either for his involvement in PIE or for sending obscene material through the post, might have been politically motivated.

In 1974, following a report in the *News of the World*, Police Sergeant Bryan Collins was required to investigate the activities of PIE and one of the group's organisers, Tom O'Carroll. During the course of that investigation he came across someone who was eventually identified as Peter Hayman, who had spent many years exchanging obscene material through the post with others, albeit under a different name. It was not until 1978 that the police caught up with Hayman when his briefcase was found in a central London park containing various obscene writings and photographs. There was plenty of material that demonstrated Hayman's sexual interest in children and that those with whom he corresponded shared his interests.

Police Sergeant Collins believed Hayman was a fantasist rather than a perpetrator of contact offences and his report to the Director of Public Prosecutions suggested that the offence of sending obscene material through the post contrary to section 11(1)(b) of the Post Office Act 1953 was the most suitable charge. Peter Hayman was represented by the well-known solicitor Sir David Napley who, unlike the potential co-defendants, appeared to have direct access to the Director of Public Prosecutions and was able to arrange a meeting with him to discuss the case. Although no record can be found of that meeting it is likely that the Director of Public Prosecutions was told that Hayman was suicidal. That information was treated at face value with no further investigation into Hayman's mental health. Following that meeting, Hayman was given a caution and was not therefore required to attend court.

[8] CPS003345_011-014
[9] Robert Montagu 27 March 2019 18/2-23

By way of contrast, two of Hayman's potential co-defendants (one of whom was a bus inspector) were prosecuted in court for conspiracy to send obscene material through the post. Unlike Hayman, neither defendant enjoyed high public status or roles in public office. Jeremy Naunton, one of the lawyers involved in the case, offered a potential explanation for why Hayman was given a caution:

> *"The taller they are the harder they fall, and Hayman was fairly tall in respect of the diplomatic side of it. Therefore he had a lot to lose ... "*[10]

Although Mr Naunton denied that undue deference had influenced the decision, it is difficult to come to any other conclusion than Hayman was treated differently from his co-defendants on the basis of who he was. In other words, his prominent position gave rise to special pleading for which he received special treatment.

Political parties

The purpose of this part of the investigation was to determine whether there had been a tendency to protect political parties or the political establishment more widely rather than take allegations of child sexual abuse sufficiently seriously or pass them on to the police. Three examples were selected: two from the 1970s and 1980s relating to the Liberal Party (later the Liberal Democrats) and the Conservative Party. The third, more recent example, concerned the Green Party.

Political response to Sir Cyril Smith

Sir Cyril Smith came to prominence as a Rochdale local councillor, then Mayor and then later as MP for Rochdale from 1972 until his retirement in 1992. He was knighted in 1988 and died in 2010. He was chosen as the Liberal candidate for Rochdale, following an informal selection process, and won the by-election in 1972. Cyril Smith had not, however, always belonged to the Liberal Party and spent part of his earlier career as a Labour councillor. That earlier period had a significant impact on the subsequent decision-making process when allegations that he had sexually abused a number of boys came under the spotlight.

In 1969 Cyril Smith was investigated by Lancashire Constabulary over allegations that he had sexually abused teenage boys at Cambridge House Hostel in Rochdale. During that investigation Smith admitted he had acted in accordance with the boys' accounts. Papers prepared by the police were sent to the Director of Public Prosecutions' office and Smith pressed to have a decision as quickly as possible in order to fight the next parliamentary election as a Liberal candidate. The decision not to prosecute, described in more detail in the Inquiry's investigation report on Cambridge House, Knowl View and Rochdale, then paved the way for his selection. Even at this relatively early stage of Smith's parliamentary career, it is unlikely that Liberal Party members were ignorant of the allegations but nevertheless they did nothing to reconsider Smith's candidature or inhibit his progress.

The decision of the Director of Public Prosecutions' office at the time not to mount a prosecution did not, however, dispel rumours which continued to swirl in parliamentary circles. Apparently George Carman QC, who defended the Liberal Party leader Jeremy Thorpe in 1979, had known of the allegations for many years. In the same year, media

[10] Jeremy Naunton 27 March 2019 149/1-16

outlets the *Rochdale Alternative Paper* and *Private Eye* had published stories repeating those allegations. The *Private Eye* article was read by David Steel (now Lord Steel), the then leader of the Liberal Party, who decided to speak to Cyril Smith about the content.

During that discussion Cyril Smith told him that the 'story' was correct but that no further action had been taken. Lord Steel told the Inquiry that the allegations had arisen before Cyril Smith had become a member of the Liberal Party and he saw "*no reason, or no locus to go back to something that had happened during his time as councillor …* ".[11] In effect, that it was nothing to do with him. This failure to recognise the risk that Cyril Smith potentially posed to children was an abdication of responsibility by a political leader and an example of a highly placed politician turning a blind eye to something that was potentially troublesome to his party, with no apparent regard for criminal acts which might have occurred or for any victims, past or future.

Political response to Sir Peter Morrison

Sir Peter Morrison was the Conservative MP for the City of Chester between 1974 and 1992 and held several senior roles in government. There had been rumours about his sexuality for years and that he liked "*little boys*".[12] In the late 1980s an allegation arose that Morrison had been removed by police officers from a train in Crewe for sexually molesting a 15-year-old boy. Gyles Brandreth, who succeeded Morrison to become Conservative MP in 1992, described being told that Peter Morrison was a monster who interfered with children, although he went on to describe these allegations as "*slurs*".[13]

Efforts were made to suppress these rumours rather than conduct any more formal investigation. The local agent for the Conservatives, Frances Mowatt, organised a meeting with her counterpart in the Labour Party prior to the 1987 general election to prevent allegations against Peter Morrison being used in the campaign, promising that Morrison would stand down next time. At the Inquiry hearing Mrs Mowatt denied that this meeting ever took place but a letter dated 7 July 1987 from the Security Services to the then Cabinet Secretary, Sir Robert Armstrong, in effect confirmed the existence of that meeting and broadly what was discussed. Mrs Mowatt was less than frank by concealing what was an attempt by her to cover up for Peter Morrison in 1987.

Whether there was an ongoing pact between local Labour and Conservative parties not to mention Peter Morrison's behaviour during his time as MP is debatable and was subject to conflicting evidence throughout the Inquiry hearing. There was also some suggestion that the authorities had become involved in a cover-up. Allegations were made that the local police had suppressed charges following the incident on the train at Crewe after a phone call from the Prime Minister's office and that Peter Morrison was subsequently cautioned by the police but the record had been expunged from the system.

The oral evidence of political campaigners provided only limited evidence that political parties secretly conspired and that the police were willing participants in a cover-up, and there is very little documentary evidence that assists. What is clear, however, is that despite

[11] Lord Steel 13 March 2019 122/16-24
[12] Grahame Nicholls 11 March 2019 30/12-31/8
[13] Gyles Brandreth 12 March 2019 116/14-20; 119/7-18

the seriousness of the rumours and the alleged incident on the train at Crewe, no one considered the potential fate of children; the focus of attention remained unswervingly on political consequences rather than the welfare of the child.

Officials in the Westminster (rather than the local) environment were alerted to problems in January 1986, when Sir Antony Duff, Director General of MI5, wrote to Sir Robert Armstrong, the then Cabinet Secretary, recalling there had been unsubstantiated rumours circulating about Peter Morrison as early as 1983 that he had been apprehended by police for importuning, and telling him that a member of his staff (which was Eliza Manningham-Buller, now Baroness Manningham-Buller) had passed on information from a friend that Peter Morrison had been caught soliciting in a public lavatory and had narrowly escaped being charged.[14]

Sir Robert Armstrong ensured that the then Prime Minister, Margaret Thatcher, was aware of the "*potential problem*".[15] At the time, Peter Morrison was Minister of State for Trade and Industry and therefore a member of government.

Ten months later, in November 1986, the Conservative agent for Westminster provided information to a staff member of MI5 (not Eliza Manningham-Buller) that Peter Morrison had "*a penchant for small boys*".[16] At this stage, however, the 'security context' of this information appeared uppermost in the minds of the security services rather than any criminality. Some further action was considered in the form of speaking to the Conservative agent for Westminster.

In that same month, Eliza Manningham-Buller alerted Sir Antony Duff to a press article alleging that a prominent Tory was under investigation by police "*because of his interest in small boys*" (although the article did not in fact refer to 'small boys'), and that Peter Morrison had vehemently denied the rumours and said that the Prime Minister was supporting him.[17] This seemed to dampen down any appetite for further action and the Westminster agent was not involved.

It is unclear now whether the Prime Minister was told that Peter Morrison was engaging in homosexual acts (which were not illegal) or whether he was a danger to children (the rumours contained both elements). Both elements, however, were known to senior officials. The rumours themselves showed no sign of diminishing: they were considered serious enough potentially to be a security threat and to cause reputational damage to the government if they became more widely known. In evidence to the Inquiry, Lord Armstrong (as Sir Robert Armstrong became) considered that any action lay with the Conservative Party rather than government but nothing seems to have happened. It did not occur to anyone that Peter Morrison should be reported to the police.

Notwithstanding the persistence and gravity of these rumours and allegations, Peter Morrison's career was unaffected. He remained Deputy Chairman of the Conservative Party until June 1987, when he became Minister of State for Energy. He became Margaret Thatcher's Parliamentary Private Secretary in 1990 and was knighted in 1991.

[14] CAB000126
[15] CAB000099_001
[16] INQ004040
[17] INQ004036; INQ004043

The Green Party's response to David Challenor

In November 2016, David Challenor was charged with 22 serious offences, including false imprisonment, rape and sexual assault of a child. He was convicted and sentenced to 22 years' imprisonment.

At the time, Aimee Challenor, his daughter, was a member of the Green Party and chair of the national LGBTIQA+ Greens. When her father was charged, she sent a private Facebook message to two communications coordinators for the Green Party. She did not mention the fact that her father had been charged with offences against children.

In April 2017, Ms Challenor was selected to be the Green Party General Election candidate for Coventry South and in the following month she appointed her father as election agent. She did so again in May 2018. When the Green Party discovered the situation, it commissioned an independent investigations consultancy, Verita, to carry out a private investigation. The report criticised Aimee Challenor for her failure to take the appropriate action and reminded the Green Party of the significant risk that her father posed throughout the two-year period he worked in a position of authority for the Green Party. A strong safeguarding culture was required to avoid any repetition.

Whips

The whips' offices are a key part of the Westminster system and a repository of information about parliamentarians.

We were prompted to consider the role of whips by concerns raised from the comments of a former Conservative Party whip, Tim Fortescue, in a BBC interview in 1995. He suggested that whips would help to cover up scandals, including, as he described it, "*scandal involving small boys*".[18] We received evidence from a number of party whips, past and present, including Lord Ryder, Baroness Taylor, Lord Wakeham, Lord Foster, Lord Beith, Lord Young, Lord Goodlad, Lord Jopling, Kenneth Clarke, Nick Brown, Lord Arbuthnot and Gyles Brandreth.

Based on the evidence we have seen, we cannot conclude that the whips and whips' offices concealed or suppressed allegations of child sexual abuse by persons of public prominence, or used it as a form of leverage. We recognise that there were certain features of their work which may have assisted with an attempt to cover up such allegations, for example the collation of any possibly relevant information about parliamentarians, which was then shared within party bounds but otherwise kept confidential. Beyond that, we do not have evidence that allegations of child sexual abuse were known about or concealed by the whips' offices.

The honours system

The honours system itself is an institution operated on behalf of the Crown by senior politicians and civil servants within the Westminster establishment. Concerns have been raised as to whether the honours system takes account of allegations of child sexual abuse which have been made against individuals who are being considered for an honour and also against those who have already been granted an honour.

[18] INQ004083

We saw evidence of approximately 30 instances where honours had been forfeited following criminal convictions for offences involving child sexual abuse. Many of these involved individuals working in the community and in education, as well as examples of some prominent people. Peter Hayman was awarded a knighthood in 1971, was involved with PIE, and was convicted and fined for gross indecency with an adult in 1984. Officers of the Order of St Michael and St George decided to give him a warning, with no mention of the Forfeiture Committee.

In another example, Prime Minister Margaret Thatcher pressed for a knighthood for Jimmy Savile for a number of years, which was awarded in 1990. This was despite revelations in the press about his private life. These cases, amongst others including Cyril Smith and David Chesshyre, show preferential or exceptional treatment being given to individuals because of their status and contacts, regardless of the known involvement of child victims.

There continues to be a debate about posthumous forfeiture of honours, primarily prompted by the Savile case. The current policy position of the Cabinet Office is that there should be no change to the rule that an honour cannot be forfeited after the death of the recipient. The Inquiry recommends that the Cabinet Office should re-examine the policy on posthumous forfeiture, in order to consider the perspectives of victims and survivors of child sexual abuse.

Paedophile Information Exchange

Another extraordinary development in the 1970s was the emergence of the Paedophile Information Exchange, known as PIE. Its aim was to campaign for public acceptance of paedophilia as well as for changes to the law on the age of consent, in order to allow adults to have sex with children. It was run by and for paedophiles in the 1970s and 1980s. It is clear from our investigation that a number of its members, some of whom were high profile, were involved in the sexual abuse of children. One of these was Sir Peter Hayman, a former High Commissioner to Canada.

PIE's aims were given foolish and misguided support for several years by people and organisations who should have known better. These included the National Council for Civil Liberties and the Albany Trust. There was a fundamental failure to see the problem and a lack of moral courage to confront it. Some have subsequently expressed regret about what happened during this period.

A central strand of this topic was whether PIE may have received Home Office funding in the late 1970s. This allegation was made by Tim Hulbert, a retired public servant and former consultant at the Voluntary Services Unit attached to the Home Office. It was further suggested that a person or persons working within the Home Office may have intended to channel funding to PIE. Despite detailed investigation, there was no available evidence to confirm that PIE as an organisation actually received any grant of Home Office funding. The available contemporaneous documents and witness evidence suggest that the alleged funding was not provided. Beyond Mr Hulbert's allegation, we have seen no evidence that any employee of the Home Office intended to fund PIE.

Safeguarding policies

The Inquiry received disclosure of current safeguarding policies from political parties, from a large number of government departments and agencies, and from the Palace of Westminster. We appointed an expert, Professor June Thoburn, to examine the adequacy of these. From her work, it is clear that, overall, Westminster institutions have improved their approach to safeguarding in recent years.

However, at the time of the hearing in this investigation, the evidence was that certain political parties had no specific safeguarding and child protection policies at all. It is unacceptable that any political party in England and Wales operates without suitable safeguarding and child protection policies and procedures.

We also heard evidence, notably from the Green Party and the Labour Party, which indicated that there are major gaps in the practical knowledge of even senior people about basic safeguarding. Some of these people considered themselves sufficiently qualified to judge whether abuse is serious enough to be reported to the authorities, even in the Labour Party's case, where it is publicly committed to the policy of mandatory reporting.

The Inquiry recommends that all political parties registered with the Electoral Commission in England and Wales should ensure that they have a comprehensive safeguarding policy and procedures that accompany them. Further, that the Electoral Commission should monitor and oversee compliance with this recommendation. These recommendations are made in order to ensure that government departments and political parties have clear, up-to-date, and transparent policies and procedures for the handling of allegations of child sexual abuse.

Part A

Introduction

Introduction

A.1: Background to the investigation

1. On 24 October 2012 at Prime Minister's Questions in the House of Commons, Tom Watson MP claimed that there was "*clear intelligence suggesting a powerful paedophile network linked to Parliament and No. 10*". Mr Watson asserted that there had been a failure to follow up evidence obtained in the police investigation into convicted child sexual abuser Peter Righton, including evidence that, as he put it, related to a "*senior aide to a former Prime Minister*".[19]

2. Mr Watson's question gave rise to considerable public interest. His allegation came at a time of general disquiet regarding allegations of historical child sexual abuse. Mr Watson asked his question just three weeks after the first allegations about Jimmy Savile had been broadcast on ITV and only days after the launch of Operation Yewtree. His question was followed closely by Simon Danczuk MP calling in Parliament for an inquiry into alleged abuses by Cyril Smith.

3. These allegations fed into the growing public concern that a network of child sexual abusers may have operated with a degree of impunity at the highest levels of public life. That concern continued to grow. Two years later, on 6 July 2014, Simon Danczuk wrote in the *Mail on Sunday* calling for a public inquiry into historic child sexual abuse in Westminster. The same day, in a television interview on *The Andrew Marr Show*, Lord Tebbit said that this had to be understood against the "*atmosphere of the times*" and agreed, when asked by Mr Marr, that "*there may well have been*" a "*big political cover-up*" related to child sexual abuse in the 1980s.[20] In a subsequent statement to us, Lord Tebbit explained what was in his mind when he referred to "*a big political cover-up*" by the establishment. He referred to his awareness of Jimmy Savile's excessive interest in child patients at Stoke Mandeville Hospital, the lack of action taken against Cyril Smith for allegedly abusing teenage boys, rumours of sexual deviance of senior members of the Church of England and Catholic Church, and suggestions that Peter Morrison MP had an interest in young men, which Lord Tebbit took to mean "*young men of about sixth form age*".[21]

4. The public concern about Westminster child sexual abuse allegations in this two-year period following Mr Watson's Parliamentary question was a significant factor in the Independent Inquiry into Child Sexual Abuse being established. On 7 July 2014, the day after Lord Tebbit's interview, the setting up of the Inquiry in its initial non-statutory form was announced by the then Home Secretary, Theresa May MP.

5. The allegations between 2012 and 2014 of cover-up and conspiracy relating to Westminster child sexual abuse were not entirely new. Public allegations of this nature had been made from time to time over the preceding two or three decades. The two great political sex scandals of the 1960s and 1970s – the Profumo and Thorpe affairs – involved

[19] INQ004102; Hansard 24 Oct 2012, Column 923
[20] INQ004091
[21] INQ001846_002

extensive allegations that the Westminster establishment had turned a blind eye to wrongdoing or covered it up. While those two matters involved adult sexual activity, other high-profile sex scandals during the period involved children.

6. Many historic allegations from the 1960s to the 1990s have been revisited. There has, for example, been extensive commentary and debate concerning events at Elm Guest House, which was advertised as a gay guest house, and what became of the so-called 'Dickens dossier' compiled by Geoffrey Dickens MP. Claims have been made by retired police officers to the effect that investigations into prominent individuals suspected of involvement in child sexual abuse were suppressed in the 1980s and earlier. Most prominent of all were the claims of Carl Beech – known as 'Nick' – of a Westminster paedophile[22] ring in Dolphin Square. Beech's claims were first made public in 2014, and were the subject of the Metropolitan Police Service's Operation Midland. For several reasons Beech's claims did not form any part of this Inquiry, as set out below.

A.2: Scope of this investigation

7. This investigation is entitled 'Allegations of Child Sexual Abuse Linked to Westminster'. It concerns institutional responses into allegations of child sexual abuse and exploitation involving people of public prominence who were associated with Westminster. By 'Westminster', we mean the centre of the United Kingdom's government, government ministers and officials, as well as Parliament, its members and the political parties represented there.

8. With the exception of Carl Beech's allegations (discussed below), the Inquiry has sought to investigate and throw light upon the issues giving rise to public concern about child sexual abuse involving Westminster that have come to the fore since 2012. It has not been possible to examine and seek to reach conclusions about all the questions that have arisen over the years. The allegations cover a significant number of factual matters relating to events that took place all over England and Wales over decades. The Westminster investigation is also only one of the many investigations into different subject areas that the Inquiry will undertake. The Inquiry must approach its work in a selective and proportionate manner.

9. Other reviews and inquiries have already investigated some elements of this public concern. Questions around the 'Dickens dossier' and the alleged Home Office funding of the Paedophile Information Exchange (PIE) were explored in two internal Home Office reviews and by the further review carried out by Peter Wanless and Richard Whittam QC in November 2014. The Independent Office for Police Conduct (IOPC) has investigated many of the complaints of police misconduct in respect of Westminster child sexual abuse allegations. The Inquiry's work has built on these previous reviews and inquiries, in accordance with its Terms of Reference.

[22] The term 'paedophile' is a diagnostic term for a paraphilic disorder, often used inappropriately to describe all perpetrators of child sexual abuse. It applies to a person who has a primary or exclusive sexual preference for prepubescent children. Not all paedophiles act on their sexual preference or interest. Having a sexual preference or interest in children and young people is not a criminal offence, but acting on that sexual preference or interest is a criminal offence.

10. The Inquiry heard evidence in relation to seven topics,[23] which to some extent interact with each other:

- **Police misconduct:** This relates to the allegations that police investigations into cases of possible child sexual abuse linked with Westminster may have been the subject of inappropriate interference.
- **Political parties:** We considered the way in which political parties, and in particular the leadership of those parties, have reacted to allegations of child sexual abuse made about individuals within their own parties.
- **Whips' offices:** This responds to concern generated by comments made by a former Conservative Party whip, Tim Fortescue. In a BBC interview in 1995, Mr Fortescue suggested that whips would help to cover up scandals as a means of gaining loyalty, including what he described as a "*scandal involving small boys*".[24]
- **PIE:** The Inquiry heard evidence about the links between PIE and other civil society organisations during the 1970s, in particular the Albany Trust and the National Council for Civil Liberties. We also investigated the allegations by Mr Tim Hulbert, a former Home Office Voluntary Services Unit consultant, that PIE may have been in receipt of Home Office funding.
- **Prosecutorial decisions:** There has been concern that decisions whether or not to prosecute persons of public prominence associated with Westminster in child sexual abuse cases may have been the subject of improper interference from within the Westminster establishment.
- **The honours system:** The honours system itself is an institution operated on behalf of the Crown by senior politicians and civil servants within the Westminster establishment. Concerns have been raised as to whether the honours system takes appropriate account of allegations of child sexual abuse that have been made against individuals being considered for an honour or those who have already been been granted an honour.
- **Current safeguarding policies of Her Majesty's Government, the Palace of Westminster and political parties:** Finally, the Inquiry considered the sufficiency and efficacy of current safeguarding policies relating to children by Her Majesty's Government, the Palace of Westminster itself and political parties.

11. During the investigation we identified several cross-cutting themes, which will be highlighted throughout the report.

- **Addressing and allaying public concerns:** As set out above, some cases of high-profile politicians or other Westminster figures being involved in child sexual abuse are well-documented and easily verifiable. However, there have also been allegations and rumours which have circulated for many years, about which it is much harder to establish the truth. Some of these are profoundly disturbing and have rightly attracted significant public interest. Part of the Inquiry's role is to look into these allegations and rumours. If on close examination it transpired there was a satisfactory explanation for the underlying facts, we have sought to allay public concerns and put to rest some long-running beliefs which we have concluded have no credible foundation.

[23] Determination of 8 May 2018
[24] INQ004083

- **Deference:** This is a major theme that has emerged again and again in the course of this investigation. Westminster lends itself to deference of many types. It is an area of public life steeped in tradition and it is concerned above all with the exercise of power. We have seen examples of deference within political parties and other institutions towards more senior figures, and deference by police and prosecutors towards politicians and other persons of public prominence.
- **Differences in treatment due to socio-economic status:** On several occasions throughout the evidence, we noted a distinct difference in the way wealthy or well-connected individuals have been treated, as opposed to those who were poorer or more deprived and without access to networks of influence. We have formed the distinct impression that wealth and social status have played a key role in insulating perpetrators of child sexual abuse from being brought to justice, and the poverty of victims has led to allegations of child sexual abuse being taken less seriously.
- **Insufficient consideration of the needs of child victims:** A consistent pattern that has emerged from the evidence we have heard is a failure by almost every institution to put the needs and safety of children who have survived sexual abuse first. We heard how the police were more concerned about achieving prosecutions than about the welfare of sexually exploited children. Political parties in a whole variety of ways have shown themselves, even very recently, to be more concerned about political fallout than about safeguarding. Our investigation of the honours system found a process which in some cases prioritised reputation and discretion with little or no regard for victims.
- **The implementation of safeguarding policies in practice:** It is clear that until very recently none of the key Westminster institutions had anything approaching adequate safeguarding policies, frameworks or procedures. That has changed significantly in recent years. However, even the best procedures and policies are useless if they are not implemented and if the members of the institutions are unaware of their requirements. Sadly, we heard evidence that suggested practical working knowledge of relevant procedures was still sorely lacking.

Our findings in relation to each are drawn together in Part K.

12. The focus of this investigation – and of the Inquiry more generally – is on the conduct of institutions, rather than of individuals. In general terms at least, the conduct of individuals is a matter for the police and for the courts. As stated above, this investigation concerns the way in which Westminster institutions responded, or failed to respond, to allegations of child sexual abuse. The clear purpose of the Inquiry hearing evidence about such allegations was not to examine their truth, but to investigate what institutions knew about allegations of this nature and how they responded to them, if at all. It was therefore neither necessary nor proportionate for this investigation to attempt to reach conclusions about the truth of individual allegations of child sexual abuse made against Westminster figures. Indeed, statutory agencies regularly make decisions (in the context of child protection) based on allegations and a complete assessment of all the circumstances, rather than after the substance of allegations has been proven in a formal justice system process. This is because their focus is the welfare of the child rather than establishing guilt or innocence.

Operation Midland and Carl Beech

13. In late 2014 serious allegations of child sexual abuse and murder were made by Carl Beech (initially known only as 'Nick' to protect his identity) against a variety of prominent political figures, including Sir Edward Heath, Lord Brittan, Lord Bramall and the former directors of MI5 and MI6. The allegations centred on an apartment complex known as Dolphin Square, but also involved other locations.

14. As has been well publicised, the Metropolitan Police investigation into Beech's allegations – Operation Midland – ended with no charges being brought. A detailed review of Operation Midland was carried out by a retired High Court Judge, Sir Richard Henriques. His report, published in 2016, made a series of criticisms of the Metropolitan Police relating to the way in which Operation Midland had been conducted.

15. In light of the investigation of Beech's allegations, and the risk of prejudice to possible future criminal proceedings, those allegations were not included within the scope of our investigation.

16. In July 2019, several months after the conclusion of the hearings in this investigation, Carl Beech was convicted at Newcastle Crown Court of perverting the course of justice and fraud in connection with the allegations referred to above. He was sentenced to 18 years' imprisonment.

A.3: Methodology

17. The methodology adopted by the Inquiry is set out in Annex 1. Core participant status was granted under Rule 5 of the Inquiry Rules 2006 to 16 core participants, including eight victims.

18. The seven topics considered in this investigation were derived from the scope of the investigation set by the Inquiry,[25] and the Terms of Reference for the Inquiry set by the Home Secretary.[26]

19. In addition to two preliminary hearings, public hearings were held over 14 days in March 2019.

20. At the public hearings, we heard an account from one victim, Robert Montagu, about his experiences as a child who had been sexually abused. Evidence was also provided by institutional witnesses about a wide range of factual matters. These witnesses included retired and serving police officers, civil servants, politicians and journalists.

21. Various institutions also supplied corporate statements and documents, including the Metropolitan Police Service, the IOPC, the Crown Prosecution Service, various government departments, the Security Service, the Secret Intelligence Service, Government Communications Headquarters (GCHQ), and all the Westminster political parties. Finally, the Inquiry reviewed a large amount of witness and documentary evidence, which was disclosed to core participants where relevant and which has been published on the website if it was referred to during the public hearings or in this report.

[25] Definition of Scope – Westminster investigation
[26] IICSA Terms of Reference

A.4: Terminology and references

22. The Inquiry recognises that some people who have been sexually abused as children identify as victims, and others as survivors, of sexual abuse. In this report we use the term 'victim' rather than 'complainant' when referring to those who have made allegations of child sexual abuse. We use the term neutrally, without making any findings of fact in any specific cases. As stated above, investigating the truth of the allegations or reaching conclusions about them is not within the scope of this investigation.

23. Sexual abuse or exploitation at the time of some of the events in this report was then often described in ways which minimise the events as well as the impact on victims and survivors. For example, child sexual abuse was described as 'paedophilia', and those the Inquiry would regard as children as well as those in their late teens and 20s were often described as 'rent boys'. We do not use such terminology in this report, except where we are repeating words used in evidence or in a record.

24. References in the footnotes of the report such as 'INQ004094' are to documents that have been adduced in evidence or published on the Inquiry website. A reference such as 'Robert Glen 6 March 2019 78/3-13' is to the hearing transcript which is available on the Inquiry's website; that particular reference is to the evidence of Robert Glen on 6 March 2019 at page 78, lines 3 to 13.

Part B

Allegations of child sexual abuse linked to Westminster

Allegations of child sexual abuse linked to Westminster

B.1: The 1960s

1. Sir Ian Horobin was Parliamentary Secretary to the Minister for Power from 1958 to 1959. He was convicted in 1962 of 10 charges of indecency with boys under 16 and young men who were associated with the Mansfield House University Settlement, where Horobin was the warden. He was sentenced to four years' imprisonment.[27]

B.2: The 1970s

The 'meat rack' and Playland Amusement Arcade

2. In the 1970s and into the early 1980s, the so-called 'meat rack' or 'chicken rack' near the Playland Amusement Arcade at Piccadilly Circus in the West End of London was notorious as a congregating spot for teenagers and young men. It has been reported that many of these boys and men were solicited and sexually exploited by older men, some of whom were alleged to be persons of public prominence associated with Westminster. In 1975, Scotland Yard investigated a number of individuals for sexual abuse of 'rent boys' around Piccadilly Circus. Five men were charged, including Charles Hornby, a wealthy socialite and an old Etonian.[28] Hornby pleaded guilty to conspiracy to procure acts of gross indecency by males under 21, committing acts of gross indecency and attempting to pervert the course of justice.

3. The reporting of such scandals in this period often used the term 'rent boy', which was (and is) an ambiguous term in that it does not distinguish between individuals below the age of 18, whom this Inquiry regards as children, and those over 18. The term seems to have been used generally to describe both teenagers and those in their early 20s, an issue which this report will explore further. As was made clear during the hearings,[29] the Inquiry does not endorse terms such as 'rent boy', 'male prostitution' or any other such language to describe what could more accurately be described as child sexual exploitation. However, this report will refer to these terms where necessary because they are relevant to the evidence we heard and were used during the time period we have investigated.

4. Allegations have been made much more recently by individuals in relation to events around Piccadilly Circus in the 1970s. The Inquiry obtained evidence from Mr Anthony Daly in relation to his book *Playland: Secrets of a Forgotten Scandal*, which was published in 2018.[30] Mr Daly tells the story of his time as a rent boy, when he was aged 20, over three months in 1975. He alleges that he was initially captured and recruited by Charles Hornby and that he became well acquainted with Charles' brother, Simon Hornby, who paid him for sex.

[27] INQ004094
[28] OHY005124
[29] Counsel to the Inquiry 7 March 2019 216/22-217/6
[30] INQ003915

Though not a child himself at the time, Mr Daly alleges that he was forced to witness the depraved sexual abuse of two boys aged eight and 10 at a party attended by unnamed persons and two individuals whom he knew. He also made claims in his book that senior establishment figures were present at parties where underage rent boys were sexually abused and exploited.

The Paedophile Information Exchange and Sir Peter Hayman

5. The Paedophile Information Exchange (PIE) was formed in 1974. Its aim was to campaign for changes to the law on the age of consent in order to allow adults to have sex with children. Its members shared these views in its magazines *Understanding Paedophilia* and *Magpie*. PIE's philosophy was asserted in Tom O'Carroll's book *Paedophilia: the Radical Case*, published in 1980. Tom O'Carroll was a member of PIE's executive and a former secretary and chair of PIE.

6. It is clear that a number of PIE members were involved in the sexual abuse of children. High-profile members Peter Righton, Charles Napier, Richard Alston and Dr Morris Fraser were all convicted of offences related to child sexual abuse. In 1981, a number of senior PIE members, including Tom O'Carroll, were tried for conspiracy to corrupt public morals on the basis of 'contact' advertisements published in *Magpie*. Following a retrial, Tom O'Carroll was convicted and sentenced to two years' imprisonment; he later admitted and was jailed for offences of distributing indecent images of children.[31] It seems that PIE disbanded in 1984.

7. There was at least one connection between PIE and Westminster in the late 1970s and early 1980s. Sir Peter Hayman, a former High Commissioner to Canada, was a member of PIE, using the pseudonym 'Peter Henderson'.[32]

8. It has also been claimed that PIE was provided with funding by the Home Office. Tim Hulbert was a consultant at the Home Office Voluntary Service Unit (VSU) from October 1977 until he became Deputy Director of Social Services for Hereford and Worcester County Council in October 1981. The VSU was responsible for providing funding to voluntary organisations that were not the direct responsibility of any single government department. Mr Hulbert recalls seeing a quarterly summary of pending grants or grants for renewal with an entry that read 'WRVS (P.I.E.)'. He went to Clifford Hindley, the head of the unit at the time, and asked why the VSU was funding PIE. Mr Hulbert says that Mr Hindley told him that PIE was funded at the request of Special Branch, which found it useful to identify people with paedophile inclinations.[33]

B.3: The 1980s

Elm Guest House

9. There have also been allegations of child sexual abuse associated with Elm Guest House, a former hotel in Rocks Lane near Barnes Common in south-west London, since the 1980s. This establishment was run by husband and wife Haroon and Carole Kasir, and was advertised as a gay guest house. In June 1982, Elm Guest House was raided by police. It appeared that at least one boy, aged 10, had been sexually abused on the premises. The boy made a statement to police in which he said that he had been raped by adult males at

[31] INQ003739_001
[32] CPS004445_003
[33] Timothy Hulbert 25 March 2019 170/13-171/9

the house. A social worker claimed that the boy made an allegation in relation to an "*Uncle Leon*" that was not reflected in the boy's formal typed statement. A masseur who worked on the premises, then aged 17, also claimed that two undercover officers had sex with him in the guest house before the raid, and that he was intimidated by officers not to speak the truth about what he knew.

10. Following the raid, the Kasirs were taken into custody. In April 1983, Carole and Haroon Kasir were convicted of running a disorderly house. They were each sentenced to nine months' imprisonment suspended for two years and fined £1,000. None of the guests at the house was convicted of any offence and no politician or VIP was ever identified as having been involved.

11. In June 1990, Carole Kasir was found dead. At the inquest into her death, which was ruled a suicide, Mr Chris Fay (an employee of the National Association of Young People in Care (NAYPIC)) alleged that he had spoken to Carole Kasir with his colleague, Mary Moss. The so-called 'Mary Moss List' of VIP guests to Elm Guest House was produced during these interviews and later published online. Mr Fay alleged that Kasir informed him that boys were trafficked from Grafton Close Children's Home and abused by VIPs in the guest house.[34]

12. Mr Fay repeated these allegations years later, in a 2015 BBC *Panorama* programme entitled 'The VIP Paedophile Ring: What's the Truth?', in the wake of the public concern about child sexual abuse associated with Westminster.[35]

Geoffrey Prime

13. Geoffrey Prime was a former intelligence officer and Soviet spy. He worked for the Royal Air Force and later for Government Communications Headquarters (GCHQ) during the 1960s and 1970s. Prime had made a set of 2,287 index cards containing details of individual girls, their activities and their parents' routines. In 1982, he pleaded guilty to three counts of sexual offences against children as well as espionage offences. He was sentenced to 35 years' imprisonment for the espionage offences with three years' imprisonment to run consecutively for the sex offences. In November 1982, Geoffrey Dickens MP asked Prime Minister Margaret Thatcher about Prime's membership of PIE. Mrs Thatcher responded that she understood that such stories were false.[36]

The 'Dickens dossier'

14. Geoffrey Dickens was a campaigning MP. In March 1981, he used parliamentary privilege to ask the Attorney General if he would prosecute Sir Peter Hayman for sending and receiving pornographic material through the Royal Mail, and whether there would be an investigation of the security implications of the entries in Hayman's diaries referred to in Tom O'Carroll's trial at the Old Bailey. In 1983 and 1984, Mr Dickens had a series of meetings with the then Home Secretary Leon Brittan, at which he provided information purporting to identify other high-profile child sexual abusers in government and the Royal Household.

[34] INQ004101
[35] INQ004095
[36] Counsel to the Inquiry 4 March 2019 19/1-15

15. The information he provided has come to be known as the 'Dickens dossier' but what exactly was in the 'Dickens dossier' and how many dossiers there were is unclear. The evidence suggests there may have been several files or documents which have individually and misleadingly become known as the 'Dickens dossier'.

16. Claims that a copy of the dossier was seized under threat of imprisonment from journalist Don Hale in 1983 added to the intrigue. Mr Hale was the editor of the *Bury Messenger* and said he had been given substantial parts of the 'Dickens dossier' by Barbara Castle MEP, who had herself received it from Mr Dickens. Mr Hale alleges that Special Branch officers burst into his office and demanded that he hand over the material he had received from Barbara Castle, whereupon he was handed what purported to be a 'D-Notice' preventing publication of any material contained within the seized documentation.

B.4: The 1990s

Scallywag magazine

17. In the early 1990s, a series of articles concerning an alleged Westminster child sexual abuse ring were published by the controversial magazine *Scallywag*, edited by Simon Regan. The allegations published in *Scallywag* included that there was such a ring in Westminster involving at least one former Cabinet minister; that pictures and videos of child sexual abuse had been copied and distributed in Westminster; that the child sexual abuse ring was an 'all-party' affair, though predominantly in the Tory party; that parties were held at Dolphin Square involving sexual and violent conduct towards young boys; that reporting of these allegations was suppressed; that the situation was well known outside of Westminster; and that several police officers were complicit. Allegations were frequently linked to homosexuality.[37]

18. These articles, while written in a sensationalist style and relying on rumour and innuendo rather than evidence, added oxygen to the rumours already reported in the public domain.

Peter McKelvie

19. Mr Peter McKelvie is a child protection specialist and social services employee and consultant who has campaigned against child sexual abuse activity and made frequent allegations in the press. Many of his allegations concern the case of Peter Righton, a convicted child sexual abuser who, prior to his conviction, held a senior position advising the government on childcare.

20. In June 1994, Peter McKelvie's allegations concerning Righton formed the basis of an *Inside Story* documentary 'Children at Risk – The Secret Life of a Paedophile', which told the story of Peter Righton and two other convicted child sexual abusers with links to the establishment, Richard Alston and Charles Napier.

21. Mr McKelvie has previously claimed to have been the source of Tom Watson's 2012 Parliamentary question, although in the witness statement that he provided to the Inquiry Mr McKelvie suggested that Mr Watson's question was primarily based on information provided by two others.[38] It is certainly the case that Mr McKelvie has subsequently

[37] Counsel to the Inquiry 4 March 2019 33/25-34/19
[38] PMK000472

been reported as suggesting that Mr Watson acted precipitately in asking the question in Parliament, and that the language he used did not reflect the information that Mr McKelvie had given him. It was reported by *The Daily Telegraph* in 2015 that Mr McKelvie said that "*Tom Watson 'mixed up' his facts and made exaggerated claims about a 'powerful paedophile network' linked to Downing Street*".[39] According to the report, Mr McKelvie said:

> "*I would never have wanted Tom Watson to do a PMQ as a tactic until he heard the whole story. The only thing I wanted to say about politicians is every institution has abusers in it. The more powerful people are, the more likely they are to get away with it. I never talked about rings.*"

22. Mr McKelvie has made a number of more specific allegations. He raised concerns about a child sexual abuse network between four individuals and alleged that a police investigation into it had been shut down because of interference by senior police officers or politicians. He raised concerns that Charles Napier, a convicted child sexual abuser, had obtained a teaching post abroad through his establishment connections, and that the same individual had made use of or had been allowed to use the diplomatic bag while working abroad in Cairo to send or receive child pornography, and that this had not been investigated. Mr McKelvie was also concerned that individuals in the establishment should have known about Charles Napier's abuse of children. He was concerned that these allegations were not pursued with sufficient rigour by police. His allegations were investigated by the Independent Office for Police Conduct but there was no evidence or corroboration to support them.[40]

[39] INQ004098
[40] IPC000859

Part C

Searches at the security and intelligence agencies and at Metropolitan Police Special Branch

Searches at the security and intelligence agencies and at Metropolitan Police Special Branch

1. As part of this investigation, the Inquiry commissioned searches of documents and records at the Security Service (MI5), the Secret Intelligence Service (SIS, otherwise known as MI6) and Government Communications Headquarters (GCHQ). We also commissioned similar searches of Metropolitan Police Special Branch (MPSB) records, which are now held within the Metropolitan Police Counter Terrorism Command. The purpose of all these searches was to establish whether any of those organisations held documents relevant to allegations of Westminster child sexual abuse. We regarded this as an important element of our work. It responded to some public concern that evidence of Westminster child sexual abuse, perhaps even of a 'Westminster paedophile network', might be concealed within the records of these organisations, which are largely held in secret.

2. This was an extensive exercise. We liaised with each organisation to set wide search terms that would form the basis of their searches. The search terms included a comprehensive list of names of prominent individuals connected to Westminster against whom allegations of child sexual abuse had been made.

3. Once the searches had been conducted, security-cleared members of the Inquiry's legal team spent time validating the searches, examining documents and on occasions requesting further targeted searches. At a later stage, the Chair also examined documents at MI5 headquarters, where the vast majority of relevant documents were found. Some of the documents that we looked at were classified at the highest levels. Each of the four organisations provided us with its full cooperation and complied with all requests for access to documentation.

4. Further details of the way in which the search exercises were conducted and their outcome can be found in the witness statements of:

- the MI5 Witness, in particular paragraphs 13 to 28;[41]
- the SIS Witness, in particular paragraphs 3 to 8;[42]
- the GCHQ Witness, in particular paragraphs 7 to 13;[43] and

[41] INQ004032_004-008
[42] INQ003831_001-002
[43] GCQ000001_002-003

- Detective Inspector Alastair Pocock[44] (paragraphs 2 to 8) and Commander Neil Jerome[45] (paragraph 6) of the Metropolitan Police Service.

5. The searches did reveal documentation suggesting that some prominent individuals associated with Westminster were or may have been involved in child sexual abuse. Given the scale and breadth of the searches, it would have been surprising had they not done so. Most of the documents in this category were held by MI5, which is again unsurprising given the domestic focus of its work.

6. The MI5 Witness included a table[46] of these documents, including a column indicating how the information would be dealt with, under MI5's current safeguarding policy, if the information was received now:

Table 1: MI5 Witness information related to potential child sexual abuse

Individual	Information Related to Potential Abuse	How would the current policy have applied if it had been in force at the time?
OLDFIELD, Maurice Chief of SIS	In 1987, the Prime Minister informed the House of Commons that Sir Maurice Oldfield had told her in March 1980 that he had occasionally had homosexual encounters. His Positive Vetting clearance was withdrawn and MI5 conducted a lengthy investigation to determine whether Sir Maurice's sexual activities posed a risk to national security by making him vulnerable to blackmail or other pressure. The investigation included many interviews with Sir Maurice in which he provided information about homosexual encounters with male domestic staff, referred to as 'houseboys', whilst serving in the Middle East in the 1940s and hotel stewards in Asia in the 1950s. This information was previously unknown to MI5 (and, as it was understood by the MI5 Witness, to the other security and intelligence agencies, SIS and GCHQ). There is insufficient information in the records to deduce whether the term 'houseboys' is being used simply to describe domestic staff or to denote youth, leaving ambiguity over the ages of the other parties.	This information would be passed to the police.
HAYMAN, Peter Telford Diplomat	In 1980, MI5 received information that suggested that Peter Hayman engaged in sexual activities with young boys.	This information would be passed to the police.

[44] MPS003549
[45] OHY007085
[46] INQ004032_013-015

Individual	Information Related to Potential Abuse	How would the current policy have applied if it had been in force at the time?
DRIBERG, Tom MP Chairman of the Labour Party	In 1981, MI5 received information that suggested that Tom Driberg had engaged in sexual activities with young boys.	This information would be passed to the police.
MORRISON, Peter MP	In the mid-1980s MI5 received information from two sources that Peter Morrison "*has a penchant for small boys*".	This information would be passed to the police.
BRITTAN, Leon MP, Minister	In the mid-1980s, MI5 received information one afternoon that suggested that Leon Brittan or a close MP associate of Leon Brittan engaged in sexual relations with teenagers. Further information was received the next morning clarifying that the information did not in fact relate to Leon Brittan, but was rumoured to relate to the MP associate. Further information was received later in the week that clarified that the rumour had been started by a prisoner turned down for parole out of vindictiveness.	This information would be passed to the police as relating to the MP associate (not to Leon Brittan), together with the information about it being the product of vindictiveness.
CHATAWAY, Christopher MP	In 1973, the Cabinet Office informed MI5 of rumours that Christopher Chataway engaged in sexual activities with children.	As this information came from another government department, MI5 would ask the Cabinet Office if they had passed the information to the police and, if not, would agree who should do so.
IRVING, Charles Graham MP	Over a number of years MI5 received information on several occasions that Charles Irving was homosexual. In 1984, MI5 received information that whilst overseas Charles Irving had rented a hotel room "*to take boys*".	This information would be passed to the police.
LAMBTON, Anthony (later Lord Lambton) MP	In 1973, the police passed MI5 information about an alleged video recording that showed Anthony Lambton involved in sexual activities with a boy.	As this information came from the police, MI5 would not take any action.
PETERS, Colin John Meredith Diplomat	In 1968, MI5 received information from the Foreign & Commonwealth Office about the refusal of Positive Vetting clearance for Colin Peters. This was due to his arrest in Naples the previous year on allegations of the criminal assault of three Italian boys and his admission that he had committed homosexual acts.	As this information came from another government department, MI5 would ask the Foreign & Commonwealth Office if they had passed the information to the police and, if not, would agree who should do so.

Individual	Information Related to Potential Abuse	How would the current policy have applied if it had been in force at the time?
VAN STRAUBENZEE, William MP, Minister	In 1982, MI5 received information that suggested that William Van Straubenzee engaged in sexual activities with young boys whilst in Northern Ireland. This information was shared with the Cabinet Office, who shared it with the Prime Minister.	This information would be passed to the police.

7. The searches did therefore reveal documents showing individual instances of actual or possible Westminster-related child sexual abuse. However, no material was found at any of the four organisations to indicate either the existence of a 'Westminster paedophile network' or of any attempts to cover up or suppress information about the existence of such a network.

Part D

Police responses to allegations of Westminster child sexual abuse

Police responses to allegations of Westminster child sexual abuse

D.1: Introduction

1. In considering the way in which the police as an institution has responded to allegations of child sexual abuse made against persons of public prominence, the Inquiry has explored a number of related questions.

- Was there a culture of deference or general reluctance amongst police when it came to investigating sexual allegations against persons of public prominence associated with Westminster?
- Were police officers 'warned off' investigating cases of possible child sexual abuse committed by persons of public prominence?
- Were allegations of child sexual abuse involving persons of public prominence associated with Westminster known about by police but inadequate action taken to investigate them?
- Did police officers seek to protect persons of public prominence accused of child sexual abuse from being the subject of investigation or public scrutiny through the media?

2. We heard from witnesses including a senior official from the Independent Office for Police Conduct (IOPC), senior officers from the Metropolitan Police and also a number of 'whistleblower' retired police officers. Much of the evidence related to historic events in the 1970s and 1980s, although we did hear about modern practices by way of comparison. Many of the cases that we considered have been debated in the media and raise clear matters of public concern.

3. The Inquiry's Terms of Reference require us to take into account information available from published and unpublished reviews and investigations. That requirement was of particular significance to this part of the investigation. There have been 37 relevant IOPC-managed investigations of police misconduct, summarised in an overarching IOPC report,[47] and a further 17 Metropolitan Police local investigations, summarised in the witness statement of Commander Catherine Roper.[48] We heard detailed oral evidence from Mr Christopher Mahaffey of the IOPC[49] and also from Commander Roper[50] about the way in which these investigations were instituted and conducted, which are also fully addressed in the report and the witness statement.

[47] IPC000830
[48] MPS003548
[49] Christopher Mahaffey 5 March 2019 3/11-145/11
[50] Catherine Roper 5 March 2019 145/16-188/25

4. As set out in Part A of this report, the purpose of the Inquiry's work – and also that of the IOPC and Metropolitan Police investigations – has been to investigate possible failings in the way in which the police have responded to allegations of child sexual abuse. It is a necessary part of any investigation into the police response to refer to and in some cases to analyse the underlying allegations of child sexual abuse. However, it is not part of our function – any more than it was for the IOPC or the Metropolitan Police investigations – to reach conclusions as to whether or not the underlying allegations of abuse, which are allegations of criminal conduct, were or were not well founded. In naming any person about whom an allegation has been made, the Inquiry is making no suggestion that the allegation is true or that the person committed the alleged act. Section 2(1) of the Inquiries Act 2005 prevents the Inquiry from ruling on any person's civil or criminal liability.

5. The Inquiry has treated the IOPC and Metropolitan Police investigations as a starting point for our own work. It would have been disproportionate for us to reinvestigate all these matters. For many of the cases we did not call any further evidence ourselves, and we therefore simply record the IOPC and Metropolitan Police findings. For those cases in which we did call further evidence, we have been able to make our own findings to add to those of the IOPC and Metropolitan Police. In places we have been critical of their conclusions or have indicated that we think there is more work for them to do. It is not our role to mount a general investigation into the way in which the IOPC and the Metropolitan Police have conducted their work and we do not make any recommendations in this regard.

D.2: The Home Secretary and the Metropolitan Police Commissioner

6. In 1966 Lord Taverne was an MP and a minister in the Home Office. He told us about a single meeting that he attended, which Richard Scorer and Kim Harrison of Slater & Gordon, in written submissions on behalf of complainant core participants, described as being "*highly illuminating about the culture of the time*".[51] The other attendees at the meeting were Roy Jenkins, then the Home Secretary, and Sir Joe Simpson, the Commissioner of the Metropolitan Police.

7. Lord Taverne appeared to have a clear memory of the meeting, which took place the year before homosexual acts in private between consenting males aged 21 and over were decriminalised by the Sexual Offences Act 1967. He explained that Mr Jenkins had been the "*driving force*" behind the campaign in the mid-1960s to legalise homosexual acts.[52] Mr Jenkins had called the meeting as a result of his concern, as Lord Taverne put it, "*that the police spent quite a lot of time wasting their time, as he saw it, in tracking homosexuals by investigating various so-called cottages*",[53] a slang term for public lavatories frequented by homosexual men. He said that Mr Jenkins had told Sir Joe Simpson that he thought the practice of visiting these 'cottages' was a waste of police time, which ought to be discontinued.[54]

8. Lord Taverne told us that Sir Joe Simpson responded by making two comments. First, he told the Home Secretary that it was unconstitutional for him to interfere in operational matters, although he agreed to look at the matter. Then Sir Joe Simpson made what

[51] INQ004281_013
[52] Lord Taverne 5 March 2019 194/9-15
[53] Lord Taverne 5 March 2019 193/20-194/6
[54] Lord Taverne 5 March 2019 195/7-9

Lord Taverne described as "*a surprise remark*", that as "*a matter of fact, there are several cottages in Westminster which we don't investigate*". When asked why these cottages were not investigated, Sir Joe Simpson said that "*it would be embarrassing*" because "*they are frequented by celebrities and MPs*".[55]

9. Lord Taverne said that neither he nor Mr Jenkins had previously been aware of this police practice, which he regarded as selective and unjustified. He added that, to his knowledge, people were still being arrested in cottages at the time, although not in the lavatories around Westminster, which appears to corroborate the existence of the police practice described by Sir Joe Simpson.[56] Such a practice would amount to a policy giving special treatment to persons of prominence at Westminster (apparently including both MPs and celebrities), which was authorised by the Commissioner of the Metropolitan Police himself. We were not able to ask Sir Joe Simpson (who died in 1968) about this and we have no other information about it, including how long the policy was in operation or the detailed reasons for its implementation.

10. While it does not relate specifically to the sexual abuse of children, this episode is of significance to the cross-cutting themes in this investigation. It is a clear example of the most senior officer in the Metropolitan Police demonstrating deference towards, or at least reluctance to investigate, those in power at Westminster, and it is likely that this approach was shared by others within the force.

D.3: The Clubs Office

The Clubs Office and the 'meat rack'

11. The Clubs and Vice Unit, known as the 'Clubs Office', was a specialist unit within the Metropolitan Police Service. It was based throughout the 1970s at West End Central Police Station on Savile Row, and then from Charing Cross Police Station.[57]

12. Three retired police officers – Robert Glen, Paul Holmes and Malcolm Sinclair – raised concerns about a possible cover-up of child sexual abuse by prominent individuals associated with Westminster.

- Mr Glen had a 30-year career in the Metropolitan Police, retiring at the rank of superintendent in 1994. Between 1977 and 1978, he spent nine months to one year posted to the Clubs Office. At that time he held the rank of inspector.[58]
- Mr Holmes was in the Metropolitan Police between 1971 and 2002, and he spent the majority of his policing career at the Clubs Office, with an initial posting from 1975 to 1980 as a constable, followed by a second stint as a sergeant from 1987 to 1992 and then a final posting from the mid-1990s until he retired at the rank of inspector.[59]
- Mr Sinclair started in the Metropolitan Police in 1966 and retired as an inspector in 1994. He was posted to the Clubs Office as a constable from around 1977 to 1979.[60]

[55] Lord Taverne 5 March 2019 195/17-196/7
[56] Lord Taverne 5 March 2019 196/14-197/15
[57] Paul Holmes 7 March 2019 79/24-80/6
[58] Robert Glen 6 March 2019 75/20-77/9
[59] Paul Holmes 7 March 2019 78/1-79/23
[60] Malcolm Sinclair 7 March 2019 15/16-16/21

13. The Clubs Office handled a range of policing matters that uniformed officers did not usually deal with. It had three main areas of responsibility, covered by separate sections: the licensing and supervision of nightclubs (including casinos), vice and obscene publications.[61] Vice covered a range of activities such as living on immoral earnings (commonly referred to as pimping, or more often in the 1970s as being a 'ponce') and prostitution. The vice team was primarily concerned with heterosexual, rather than homosexual, vice offences, and focussed on cases of exploitation and vulnerable victims, whether due to age or other factors.[62] There was no specialist unit dealing with child sexual abuse or exploitation.[63]

14. The unit was staffed by uniformed officers operating in plain clothes, who would spend around 90 days at a time at the Clubs Office before returning to their base station to resume normal uniformed duties.[64] It had a team structure that was unusual within the Metropolitan Police, in that it was led by a chief superintendent but then the next rank down were two inspectors, who had a team of five or six sergeants and a number of police constables. There were no superintendent or chief inspector posts.[65] It is not clear why the hierarchy of the unit had this unusual form, but it may have heightened the sense of deference towards the chief superintendent and contributed to the inability or unwillingness of more junior officers within the unit to challenge his decisions.

15. All three retired officers told us that an ongoing issue the Clubs Office had to deal with was the presence of boys and young men engaged in prostitution in the Piccadilly Circus area. This was known as the 'meat rack' and the boys were referred to as 'rent boys'.[66] The boys could be between 11 and 22 years old,[67] but were mainly in their mid-to-late teens. The police would regularly bring in younger boys who had run away from home and would try to contact their parents or occasionally social services to keep them off the streets.[68] However, Mr Holmes said that the procedures that existed at the time for looking after children found on the street were "*rudimentary*".[69]

16. Mr Sinclair explained the approach was to have an active police presence around Piccadilly to scare the boys off but, when the uniformed officers were not there, the boys would all come back. Police officers would stop them and speak to them, and if they were vulnerable younger children there would be an attempt to contact their parents. However, there were "*no hard and fast rules*" about what age was a cut-off where the police would no longer do this.[70] He agreed that the Clubs Office could really only "*firefight*" the problem of exploitative sexual activity around Piccadilly Circus, and the underlying factors were never really tackled.[71]

17. Mr Holmes told us the nature of homosexual vice-related offences changed following the high-profile 'Playland' trials in the mid-1970s. He explained that some of the organised abuse of rent boys in the 1970s was perpetrated by "*upper echelons of society*", by which he meant mainly wealthy men and members of the aristocracy rather than politicians. After the

[61] Paul Holmes 7 March 2019 80/9-16
[62] Robert Glen 6 March 2019 78/3-13; Paul Holmes 7 March 2019 80/16-22
[63] Paul Holmes 7 March 2019 82/7-20
[64] Paul Holmes 7 March 2019 81/4-10; Robert Glen 6 March 2019 77/17-21
[65] Robert Glen 6 March 2019 78/14-79/22
[66] Robert Glen 6 March 2019 82/7-25
[67] Paul Holmes 7 March 2019 83/2-84/6
[68] Robert Glen 6 March 2019 83/1-84/13; Paul Holmes 7 March 2019 84/13-85/13
[69] Paul Holmes 7 March 2019 86/23-25
[70] Malcolm Sinclair 7 March 2019 46/4-47/11
[71] Malcolm Sinclair 7 March 2019 47/12-48/10

'Playland' trials, wealthy or aristocratic men looking to buy sex avoided kerb crawling directly in and around Piccadilly Circus (which had previously been the most common practice[72]) and shifted to using middle men as procurers to reduce the risk of detection.[73]

Allegations of cover-up

18. Mr Glen told us that during his short time at the Clubs Office in 1977 to 1978 the Chief Superintendent who was in command, Tom Parry, went to Hong Kong for a few weeks. Chief Superintendent Neil Diver (now deceased) temporarily took over responsibility, while also remaining in charge of Vine Street Police Station.[74]

19. At this time some officers in Mr Glen's team informed him that they had gathered evidence through covert observations that Cyril Smith (an MP at this time) was involved in sexual activity with young boys.[75] Mr Glen did not recall any other names of prominent individuals being mentioned in that investigation.[76] Mr Glen was of the firm view that there was sufficient evidence to arrest Smith, but given the sensitive nature of making such a high-profile arrest he consulted Chief Superintendent Diver.[77] Chief Superintendent Diver was "*incredibly annoyed*" and angry. He told Mr Glen that his team should never have got involved, that it was far too political and that they were to stop. Mr Glen was very upset by this reaction, as was his team, because a "*tremendous amount of police time had gone into this*".[78] Indeed, Mr Glen was so upset that he complained about the shutting down of the investigation to a higher ranking officer, a commander outside the Clubs Office. However, that officer declined to get involved and so the investigation into Cyril Smith ended.[79]

20. Mr Glen said he had several reasons to suspect that Chief Superintendent Diver had some ulterior motive for shutting down the Smith investigation.

20.1. Around the same time, there was another investigation being undertaken by the Clubs Office into the manager of the Hilton Hotel in Park Lane, which had been prompted by a tip-off that he was facilitating prostitution at the rooftop bar.[80] In the same week that he ordered the Cyril Smith investigation be shut down, Chief Superintendent Diver told the team to close the Hilton Hotel investigation, without giving Mr Glen any reason that would satisfy him.[81] When Mr Glen relayed this order to the team, he allowed them to finish the planned two or three days of provisional observation before ending the investigation. In the early hours of the morning on one of those days, the team observed Chief Superintendent Diver come into the rooftop bar and engage in a lengthy conversation with the manager who was the prime suspect.[82]

20.2. Mr Glen also considered that Chief Superintendent Diver was alcohol dependent. He said he often disappeared from night shifts in plain clothes and came back to the police station drunk.[83]

[72] Malcolm Sinclair 7 March 2019 22/4
[73] Paul Holmes 7 March 2019 88/3-92/14
[74] Robert Glen 6 March 2019 80/4-82/6
[75] Robert Glen 6 March 2019 85/7-88/15
[76] Robert Glen 6 March 2019 99/5-17
[77] Robert Glen 6 March 2019 90/21-92/5
[78] Robert Glen 6 March 2019 92/7-93/2
[79] Robert Glen 6 March 2019 95/1-96/12
[80] Robert Glen 6 March 2019 99/21-100/15
[81] Robert Glen 6 March 2019 100/25-102/25
[82] Robert Glen 6 March 2019 103/1-104/22
[83] Robert Glen 6 March 2019 105/1-25; 108/3-14

20.3. In July 1979, when Mr Glen transferred back to Vine Street, he was told by another senior police officer that Chief Superintendent Diver had been detained at the Regent Palace Hotel for trying to pass a forged cheque. When detained he was in the company of a boy whom the police officer thought had come from the 'meat rack'. Mr Glen was told that Chief Superintendent Diver was transferred to Battersea, but did not have any disciplinary action or criminal charges brought against him, despite Mr Glen contacting the Metropolitan Police Complaints Investigation Bureau (the precursor to the Directorate of Professional Standards).[84] We received evidence that the hotel receptionist was interviewed around a year afterwards by officers from the Bureau. The eventual outcome of these enquiries is unclear.[85]

21. At the time, Mr Glen felt that he had done all he could about his concerns relating to Mr Diver and the Smith investigation. He told us that the culture in the police in those days was such that:

> "*we did as we were told and you were not encouraged to question operational decisions made by senior officers … If one rocked the boat too much, it would be very much viewed upon that you were there to cause trouble*".[86]

He did not think to say anything once he retired, because he thought no one would be interested. However, in November 2012, following press reports about Cyril Smith, Mr Glen reported his concerns to Operation Yewtree.[87] This led to the IOPC investigating his allegations.[88]

22. Mr Glen was a straightforward and honest witness.[89] Yet none of the other officers contacted by the IOPC in the course of their investigation could confirm Mr Glen's account. He did not recall either Mr Sinclair or Mr Holmes, so was unable to provide the IOPC with their names.[90] The commander with whom Mr Glen says he raised the shutting down of the Smith investigation was spoken to by the IOPC, but he could not recall any such conversation.[91] As a result, the IOPC concluded in 2017 that Mr Glen's allegations "*are not corroborated to any degree*".[92]

Corroboration and further questions

23. However, there was corroborating evidence. In late 2017, following the publication of their summary closure report in Operation Conifer (the investigation into allegations of child sexual abuse made against Sir Edward Heath), Wiltshire Police were contacted by a journalist, Paul Cahalan, who put them in touch with Mr Sinclair and Mr Holmes.[93] Wiltshire Police took statements from Mr Cahalan and Mr Sinclair, interviewed Mr Holmes over the telephone,[94] and sent a report to the Metropolitan Police for the attention of Operation Winter Key, the overarching response of the Metropolitan Police to this Inquiry.[95]

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[84] Robert Glen 6 March 2019 108/15-112/25; 118/21-119/19
[85] IPC000838_009
[86] Robert Glen 6 March 2019 113/14-16
[87] OHY005078; Robert Glen 6 March 2019 113/22-117/24
[88] IPC000838_001
[89] INQ004281_009
[90] Robert Glen 6 March 2019 113/1-21; 119/20-126/14; 136/6-25
[91] Robert Glen 6 March 2019 126/15-130/12; IPC000838_008-009
[92] IPC000838_013-014
[93] Stephen Kirby 7 March 2019 1/12-3/25
[94] WTP000012
[95] WTP000013; Stephen Kirby 7 March 2019 13/19-15/1

24. By the time Mr Holmes and Mr Sinclair gave evidence to the Inquiry in March 2019, their accounts had not yet been investigated by the Metropolitan Police or the IOPC. This was despite the Wiltshire Police report having been sent on 6 February 2018 and the allegations having been reported in the *Mail on Sunday* on 12 May 2018.[96]

25. Mr Holmes confirmed that he was aware of the closing of the investigation into Cyril Smith, as described by Mr Glen, and that Dick Griffin and Peter Lamb, two of his fellow Clubs Office team members with whom he worked closely, were frustrated about it.[97]

26. Mr Holmes went further. He gave us a candid explanation of the situation facing the Clubs Office in 1978:

> "*The proposal that – whether you call it higher-echelon people, establishment, Westminster – were involved in exploiting vulnerable prostitutes, as far as we were concerned was a given. It wasn't whether it existed; it was a given. The issue was the extent to which it was networked, how high it went, and how on earth you could prove it. That was the issue; it was not the issue of whether it existed.*"[98]

He explained how in the 1970s sex workers were treated by the vast majority of police officers and the whole of the criminal justice system as "*second-class citizens*". As a result, it was difficult for him or his fellow officers to say to victims 'make a statement and this will be okay', "*knowing full well that when they got to court, it was going to be anything but okay and they would be traumatised by giving evidence as much probably as by the assault itself*".[99] Mr Holmes and his team aimed to get sufficient evidence through surveillance to make arrests, and in the aftermath of the arrests convince enough victims to become witnesses. This strategy had worked in the 'Playland' trials.[100]

27. Mr Holmes and Mr Sinclair told us that in summer 1978 they took part in an investigation into Roddam Twiss, the son of the then Black Rod, Admiral Frank Twiss. Roddam Twiss was a convicted fraudster, active in the underground homosexual scene, and suspected of being a procurer of rent boys from the 'meat rack' for wealthy or prominent men. The investigation involved the surveillance-first strategy used in the 'Playland' operation, with observation of Twiss' flat in Cricklewood Broadway for a number of weeks.[101]

28. Mr Sinclair recalled that during these observations he and Mr Holmes saw Cyril Smith, Jeremy Thorpe, Edward Heath and Leon Brittan.[102] He personally saw Smith enter the flat with "*little boys*".[103] Mr Holmes confirmed that Cyril Smith's name came up during the Twiss investigation.

> "*Cyril Smith was allegedly all over it. The name Cyril Smith wasn't news … It was expected. We anticipated that he may be seen.*"[104]

[96] INQ004078
[97] Paul Holmes 7 March 2019 94/16-95/6
[98] Paul Holmes 7 March 2019 95/14-21
[99] Paul Holmes 7 March 2019 96/6-97/1
[100] Paul Holmes 7 March 2019 97/2-11
[101] Paul Holmes 7 March 2019 97/12-99/6; Malcolm Sinclair 7 March 2019 30/10-15, 32/15-23
[102] Malcolm Sinclair 7 March 2019 35/12-36/14
[103] Malcolm Sinclair 7 March 2019 38/10-15
[104] Paul Holmes 7 March 2019 94/11-17

However, he had no recollection of Leon Brittan, Edward Heath or Jeremy Thorpe being seen on observations or mentioned in the investigation report; the most that happened was that their names were discussed by officers.[105] Mr Sinclair described Mr Holmes as having a photographic memory and was unable to offer any explanation for why Mr Holmes could not remember seeing these four MPs entering the Cricklewood Broadway flat.[106] It is likely that seeing that group of men together and in those circumstances would stick in anyone's mind.

29. Mr Holmes suspected that Twiss may have been protected in some way because he was aware Twiss had previous convictions but a search for any reference to these in the Criminal Records Office and the divisional police intelligence offices' records came back negative. The only record on Twiss that he could find was a card in the Rochester Row Police Station, which covered the Palace of Westminster. It had a red margin (a feature Mr Holmes had never seen before) and said Twiss' father had issued instructions that he was to be prohibited from entering the Parliamentary estate and detained on sight if seen. The lack of any other record suggested to Mr Holmes that Twiss had been "*cleansed from the system*", something which he said could only have been done by a very senior police officer.[107]

30. Mr Holmes and Mr Sinclair reported the findings of the Twiss observations, which they both thought warranted further investigation, to the Chief Superintendent of the Clubs Office. They were told to shut the operation down.[108] After so many years, neither officer could be sure which Chief Superintendent gave the order. Mr Sinclair believed it was Mr Diver, but Mr Holmes thought it more likely that it was Brian Sparkes. In any event, both officers were clear that the investigation was stopped without any reasonable explanation and that they were angry about it.[109] Mr Holmes' memory was that there was a heated conversation:

> "*I remember that we had a very, very Anglo-Saxon row over it, at the conclusion of which he quite rightly told me that, if I continued, then I was history, basically. And I couldn't afford to be history because I had a young family and a mortgage.*"

31. Like Mr Holmes, Mr Sinclair felt he could not take matters any further without harming his career, and he confirmed that at that time there was a culture within the Metropolitan Police of 'knowing your place'.[110]

32. Mr Holmes' memory may not have been 'photographic' but it was impressive. Taking his evidence together with that of Mr Glen, it is likely that at least some form of investigation into Cyril Smith was ended by a senior police officer inappropriately. The IOPC's conclusion that Mr Glen's allegations are uncorroborated now appears to be wrong, and it should have been reconsidered upon receipt of the report from Wiltshire Police in February 2018.

33. There remain outstanding questions about these matters which we have not found it possible to resolve.

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[105] Paul Holmes 7 March 2019 126/24-127/22
[106] Malcolm Sinclair 7 March 2019 33/14-15; 39/18-40/25
[107] Paul Holmes 7 March 2019 101/13-102/5; 103/10-107/9
[108] Paul Holmes 7 March 2019 115/1-116/13; Malcolm Sinclair 7 March 2019 51/11-14
[109] Paul Holmes 7 March 2019 117/13-118/3; Malcolm Sinclair 7 March 2019 52/10-22, 54/18-55/10
[110] Malcolm Sinclair 7 March 2019 54/1-9

33.1. It is not clear whether the two Clubs Office investigations involving Cyril Smith described by these officers were in fact one and the same, or separate incidents within a few months of each other, or two operations which took place at roughly the same time.[111]

33.2. Mr Sinclair's recollection of the general operation of the Clubs Office and the basic facts of the Twiss investigation tallied with Mr Holmes' account. However, it is not likely that his memory of seeing Jeremy Thorpe, Leon Brittan, Edward Heath and Cyril Smith visiting the property on Cricklewood Broadway was accurate. In particular, Mr Holmes' evidence did not corroborate him on this point, but rather tended to undermine it.

34. Despite these difficulties, Mr Holmes' summary of the situation was as follows:

> "*too many people were saying the same thing for there not to be at least some truth in the assertion that establishment figures were engaged in the sexual abuse of young males and that this activity was being covered up … The question was not whether it was occurring, but why it was not being exposed … In my view, there were two main reasons for this absence of probative evidence: the victims of the abuse were either too fearful and distrustful to make formal complaints concerning their abuse and/or the capacity of independent police operations to fully expose the criminality was thwarted by some senior police officers in order to cover it up.*"[112]

35. Mr Holmes' description of the problems faced by victims of sexual exploitation within the criminal justice system was compelling. This was a significant reason why more robust action was not taken to deal with the 'meat rack'. However, we have also heard convincing evidence that senior police officers stopped operations that could have exposed child sexual abuse by prominent figures, notably Cyril Smith. The question is why. Mr Holmes suggested three possible motives:[113]

- very senior police officers were criminally involved themselves in the homosexual vice scene (Mr Glen's evidence about Chief Superintendent Diver might suggest this was part of the reason, at least so far as he was concerned);
- corruption, in the sense of police officers receiving money or some other benefit to terminate the enquiries (Mr Holmes did not consider this likely); or
- an investigation which could expose a person of prominence would be an unwelcome one for an ambitious senior officer with aspirations to rise further.

The last option was considered the most likely explanation by Mr Sinclair.[114]

36. Although the Metropolitan Police noted that "*there are … any number of other possible innocent explanations to which Mr Holmes may not have been privy*",[115] the officers involved at the time had the strong impression that this was not the case. We agree with Mr Holmes that outright bribery and corruption does not seem to have been a significant factor but consider it likely that the third motive – deference towards prominent suspects because

[111] Malcolm Sinclair 7 March 2019 56/17-59/6
[112] Paul Holmes 7 March 2019 135/5-137/25
[113] Paul Holmes 7 March 2019 119/9-120/9
[114] Malcolm Sinclair 7 March 2019 53/1-22
[115] INQ004278_5

investigating them might adversely affect a senior police officer's career – played at least some role in the shutting down of the 'meat rack' investigations in the 1970s. The first motive – of personal involvement in vice activities – may also have played a part.

37. The Inquiry makes no criticism of the Metropolitan Police and IOPC for not identifying the link between Mr Glen's allegations and Mr Holmes' evidence themselves; the original IOPC investigation appears to have been a thorough one and Mr Glen did not mention Mr Holmes' name. However, further questions should have been asked by the Metropolitan Police following its receipt of the Wiltshire Police report in February 2018.

D.4: Howard Groves and Operation Circus

38. Howard Groves retired from the Metropolitan Police in 2014 as a Detective Chief Inspector. He told us about an incident that took place in about 1985 at the very beginning of his career, when he was a police constable. He had been seconded to a large investigation – Operation Circus, which targeted rent boys in and around Piccadilly Circus – involving allegations of indecency with young boys. Mr Groves told us that his role was to examine photographs that had been seized in the course of the investigation and to attempt to identify the individuals shown in them.

> *"At some point during the investigation, we were briefed by a senior officer, the salient point from the briefing was that: if we identified any prominent members of society … the enquiry was to cease. I cannot recall who gave the briefing, where it took place or who else was present. At the time, I thought the decision was strange, but as a junior PC, I went with it at the time, throughout my time on the enquiry I was not aware of any prominent people being identified."*[116]

He explained that he understood the term "*prominent members of society*" to mean MPs, royalty or other distinguished individuals.[117]

39. Mr Groves was pressed by Counsel to the Inquiry for any further details that he could recall about the briefing and it is fair to say that his recollection is very limited. He has little or no memory of when or where the briefing took place, how many others attended or who gave the briefing.[118] Mr Groves' account has been considered by two IOPC investigations, Operation Osier and Operation Jordana.[119] Those investigations contacted a number of officers who had worked on Operation Circus, but none recalled a briefing of the type that Mr Groves described. This does not in itself mean that the briefing did not happen. Mr Groves' evidence to us was that, notwithstanding his lack of recall of the surrounding details, what was said at this briefing was one of two incidents that had "*left an indelible mark*" on him as a police officer.[120]

40. Mr Groves did not suggest that any allegations against persons of prominence were actually suppressed during Operation Circus. The evidence gathered by Operation Jordana was to a similar effect – it seems that none of the Operation Circus suspects were prominent people. While Mr Groves' evidence may therefore be indicative of the culture of the police at the time, it does not go any further than that.

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[116] Howard Groves 6 March 2019 8/13-23
[117] Howard Groves 6 March 2019 8/16-18
[118] Howard Groves 6 March 2019 8/24-15/7
[119] IPC000848 (Osier); IPC000842 (Jordana)
[120] Howard Groves 6 March 2019 26/20-22

41. The evidence of Mr Groves about the deference shown by junior to senior ranks within the police in the mid-1980s echoed that of Mr Holmes and Mr Sinclair. In explaining why he did not object at the time of the briefing to the suggestion that prominent suspects would not be pursued, Mr Groves said that because of his then junior rank "*I didn't think it was my place*".[121] He explained that there was a culture of deference within police ranks at the time, although he said that it dissipated as his career progressed – in his words, the police became "*less of a disciplined service*".[122]

42. Mr Groves is likely to have a genuine memory of attending an Operation Circus briefing at which he was told that "*if we identified any prominent members of society … the enquiry was to cease*". Mr Groves was careful not to overstate his evidence. Other evidence obtained by Operation Jordana provides a measure of support for the idea that the police officers directing Operation Circus did not wish to investigate any allegations against prominent persons that their enquiries might turn up. For example, Inspector John Hoodless, who appears to have been in "*operational command*" of Operation Circus,[123] told Operation Jordana investigators about a social meeting of the team in a pub before the start of Operation Circus, in which the team discussed the prospect of encountering high-profile targets in the course of the investigation.

> "*We agreed we would not go for high-profile people because we were worried that we might have been shut down, as it might not have been in the public interest if we were to come up with politicians names, or people at Buckingham Palace; so we didn't do it. We were aware that we had a number of suspects to target and wanted to focus on what we called the 'street rats' … That said, we never came across any high-profile people during the operation, not one.*"[124]

However, Superintendent Colin Reeve, the senior investigating officer, denied that prominent suspects would have received any special treatment.[125] As already noted, Operation Circus did not encounter any individuals of prominence in any event, so the issue remained hypothetical.

43. Nonetheless, the accounts of Mr Groves and Mr Hoodless provide further evidence, when taken with that of Lord Taverne and Mr Glen, Mr Sinclair and Mr Holmes, that at least on occasions in the 1970s and 1980s the Metropolitan Police was inclined to show deference towards prominent suspects in investigations into child sexual abuse.

D.5: Sir Cyril Smith, Special Branch and the South African connection

44. The name of Cyril Smith arose again in the course of evidence we heard from Bryan Collins and Paul Foulston, two other retired police officers. As there are some echoes between the two accounts, we have considered them together.

[121] Howard Groves 6 March 2019 12/24
[122] Howard Groves 6 March 2019 13/12-14/7
[123] IPC000842_18 para 91
[124] IPC000842_15
[125] IPC000842_13 para 59

45. In 1976, Mr Foulston was a temporary detective constable in Thames Valley Police.[126] As part of an investigation into a murder, Mr Foulston and his partner Sergeant Andy Vallis (now deceased) were sent on 19 May 1976 to Feltham Borstal Institution to undertake a 'trace, interview and eliminate' action on an inmate.[127] When they stopped in the car park to review the background of the inmate, they were interrupted by two men in suits who introduced themselves as Metropolitan Police Special Branch officers, showed warrant cards, and advised Mr Foulston and Sergeant Vallis that interviewing the inmate "*wasn't in the national interest*".[128]

46. Mr Foulston remembered the Special Branch officers' manner as being officious, and Sergeant Vallis becoming angry and saying words to the effect of "*how dare they attempt to interfere in the investigation of a murder as it clearly had precedence over any national interest*".[129] He described the experience as "*being treated as a couple of provincial police officers and effectively being spoken down to*". Sergeant Vallis made it clear the interview would be carried out but agreed that the questioning would be restricted to the murder only.[130] Having agreed to this, the Special Branch officers said the inmate might mention an unspecified public figure and that no questions should be asked about that person.[131]

47. At the interview itself (which was attended by a more senior prison officer than usual), it very quickly became clear that the inmate could be eliminated from the Thames Valley officers' enquiries because he had been in custody at the time of the murder.[132] However, he then launched "*completely out of the blue*" into a sexually explicit rant about a relationship he had had with Cyril Smith. The inmate was around 16 or 17 years old, so far as Mr Foulston could recall, and the relationship seemed to have ended just before he was taken into custody. The boy did not complain about the relationship itself but about the fact that he had been "*dumped in favour of a younger boy*".[133]

48. Mr Foulston thought that Sergeant Vallis told their senior investigating officer and others in the murder team about what had happened but their team was focussed on the murder and nothing else was said or done about it.[134]

49. When Simon Danczuk MP made allegations about Cyril Smith in 2012, Mr Foulston became aware that Cyril Smith's brother, Norman Smith, had stated publicly that there was no evidence to support them. This prompted Mr Foulston to take his account to Mr Danczuk, and to appear on the Channel 4 *Dispatches* programme entitled 'The Paedophile MP: How Cyril Smith Got Away With It', broadcast on 12 September 2013.[135] He subsequently spoke to Operation Clifton officers at Greater Manchester Police, who passed him on to the IOPC.[136]

[126] Paul Foulston 6 March 2019 140/24-141/24
[127] Paul Foulston 6 March 2019 142/4-25; OHY005569
[128] Paul Foulston 6 March 2019 145/2-147/18
[129] Paul Foulston 6 March 2019 148/1-14
[130] Paul Foulston 6 March 2019 149/7-150/4
[131] Paul Foulston 6 March 2019 151/24-152/12
[132] Paul Foulston 6 March 2019 154/1-7
[133] Paul Foulston 6 March 2019 154/15-156/22
[134] Paul Foulston 6 March 2019 159/4-160/15
[135] INQ004105
[136] Paul Foulston 6 March 2019 161/8-162/8

50. The IOPC investigated Mr Foulston's allegations[137] but when they contacted the other officers mentioned by Mr Foulston as being part of the murder investigation in 1976, none of them could corroborate what he said.[138] It was confirmed that Mr Foulston and Sergeant Vallis interviewed a teenage boy (ciphered as WM-A12) at Feltham on 19 May 1976 but when spoken to he denied having any kind of conversation about Cyril Smith. WM-A12 identified the prison officer who was present at the interview as John Bishop.[139] The investigators tracked down Simon John Bishop, who was a governor at Feltham at the relevant time and who remembered an inmate, who he thought was called 'Foley' but matching WM-A12's description, making complaints of abuse against Cyril Smith, which Mr Bishop passed to the Ministry of Justice. However, Mr Bishop had no recollection of being present at a police interview when Cyril Smith was mentioned.[140]

51. The police action sheet from 1976 confirms that Mr Foulston and Sergeant Vallis did conduct an interview with WM-A12 on 19 May 1976 at Feltham. No other officers from the murder team at the time provided any corroboration of Mr Foulston's account, nor did the action sheet mention the incident with Special Branch. However, Mr Foulston's explanation for this, namely that they were all wholly focussed on the murder investigation,[141] is plausible. WM-A12's total denial is not likely to be accurate because it is contradicted by Mr Bishop, albeit not definitively.

52. Mr Collins was a sergeant in the Obscene Publications Team of the Metropolitan Police in the 1970s.[142] In the course of his duties he went to visit a boy at Feltham, Andre Thorne, who said that he was a 'rent boy' and had engaged in sexual activity with Cyril Smith and another MP. He also made more wide-ranging allegations about orgies, pornographic films and another boy being killed. Mr Collins passed on the information to his superior officers, and he was made aware that the chief superintendent of C1, the main CID department, would take over the matter.[143]

53. A few weeks later, after searching the police records and finding nothing relevant to Cyril Smith, Mr Collins and his partner were waiting outside the chief superintendent of C1's office to speak about the case, and overheard an argument between him and a commander. The chief superintendent said words to the effect of "*But you can't, because we've got him bang to rights*". Mr Collins formed the impression that they were arguing about Cyril Smith.[144] Following this, the chief superintendent called Mr Collins and his partner into his office and showed them a red file which contained an allegation that Smith had indecently assaulted a nine-year-old boy in Rochdale, but Mr Collins had nothing further to do with the investigation after that point.[145]

54. On 18 May 1976, Mr Thorne withdrew his allegations against the other MP mentioned to Mr Collins. On 21 May 1976 he produced an affidavit saying the allegations against Cyril Smith were also lies.[146] Two days later, Mr Thorne was the front-page story of the *Sunday People* under the headline 'I Lied About that Blue Film'.[147] Finally, on 28 May 1976,

[137] IPC000862
[138] OHY005568; IPC000862_005-006; Paul Foulston 6 March 2019 158/3-159/9
[139] IPC000862_007
[140] IPC000862_007-008
[141] Paul Foulston 6 March 2019 159/10-160/15, 168/9-21
[142] Bryan Collins 27 March 2019 23/5-22
[143] IPC000520_001-004; Bryan Collins 27 March 2019 25/22-28/4
[144] Bryan Collins 27 March 2019 29/12-30/10
[145] Bryan Collins 27 March 2019 28/21-29/11
[146] Bryan Collins 27 March 2019 31/19-33/8
[147] OHY005110

Mr Thorne made a statement under caution in which he withdrew his allegations against Smith. This information was collated in a file with the security classification 'secret', which contains details of a C1 investigation into Mr Thorne's allegations which was closed and no further action taken following his statement and affidavit.[148] One document in the file relates to allegations made about Smith in Rochdale which were investigated by Lancashire Constabulary in 1969 to 1970, and which the Inquiry explored in detail in its Rochdale investigation.[149]

55. Andre Thorne is now deceased and is not the same person as WM-A12, and Mr Collins knew nothing about Mr Foulston's account.[150] The two interviews at Feltham were distinct.

56. However, Andre Thorne's story was a minor public scandal (involving a plot by the South African Bureau of State Security (BOSS) to smear Liberal MPs who opposed apartheid[151]) at precisely the time Mr Foulston went to see WM-A12.

57. As suggested on behalf of some complainant core participants,[152] one explanation of Mr Foulston's contact with Special Branch officers on 19 May 1976 may be that the Special Branch officers (who could have been properly involved in the Smith investigation as it touched on issues of national security) mistakenly thought Mr Foulston and Sergeant Vallis were coming to interview Mr Thorne and tried to warn them off in an unnecessarily heavy-handed way. This seems plausible. Even if WM-A12 was not the man with whom Special Branch were concerned, he also had something to say about Cyril Smith. It is unclear whether his allegations were true or not. He denies any involvement now. Similarly, it remains unclear whether the allegations made by Mr Thorne were true or false. It may be that they contained a kernel of truth but, due to an incentive to embellish his account following offers of money from BOSS, he overplayed his hand and then had to withdraw all the allegations. It could also be that there was no truth in any of it, but Mr Thorne heard gossip about Cyril Smith from WM-A12 or others at Feltham and used it to lure BOSS into offering him money.

58. We note that the Metropolitan Police and IOPC are exploring whether there are any further lines of enquiry in Operations Conifer and Sycamore following Mr Foulston's and Mr Collins' evidence to the Inquiry. As suggested on behalf of some complainant core participants,[153] the classified file on Andre Thorne might be published to dispel any doubts or theories.[154] Counsel to the Inquiry reviewed this file and did not consider its contents clarified events.

D.6: Sir Cyril Smith and the Special Branch raid on the *Bury Messenger*: Don Hale's allegations

59. Don Hale is a journalist who has edited various local newspapers and has conducted several high-profile miscarriage of justice campaigns. He has received a number of awards for his journalism, including the OBE.

[148] IPC000861_002; Bryan Collins 27 March 2019 36/2-39/9
[149] MPS002898; Bryan Collins 27 March 2019 39/10-41/14
[150] Bryan Collins 27 March 2019 30/20-31/11
[151] INQ004199; Bryan Collins 27 March 2019 33/20-35/1
[152] INQ004281_019
[153] INQ004281_020
[154] INQ004281_020

60. Mr Hale has given a well-publicised account of an incident in 1984 when he says his office was raided by Special Branch officers, who served (or at least purported to serve) a 'D-Notice' (an official request not to publish certain details of a story for reasons of national security) on him. He said that they seized documents containing names of MPs said to be sympathetic to the Paedophile Information Exchange (PIE), documents that Mr Hale said had been given to him by Barbara Castle, then an MEP. Mr Hale also described Cyril Smith visiting him at his office, threatening him, and demanding that he hand over the same documents.

61. If what Mr Hale said is true, then it is an example of politicians and the police acting to suppress allegations that, in one way or another, linked politicians of the time to child sexual abuse. What he described was a sophisticated and well-organised cover-up, involving physical violence and the misuse of power.

62. However, doubts have been raised about the credibility of Mr Hale's evidence. An IOPC investigation identified various inconsistencies in the different accounts that Mr Hale has given over time. The Inquiry has investigated these matters, obtaining documentary evidence from the IOPC and from Special Branch. We heard oral evidence both from Mr Hale himself, who was carefully questioned over several hours by Counsel to the Inquiry, and from Brigadier Geoffrey Dodds, the current Secretary of the D-Notice Committee.

63. The core elements of Mr Hale's oral evidence to us may be summarised as follows.

63.1. Mr Hale was a professional footballer in his youth. Following his retirement from football through injury he became a journalist, working first for BBC radio and thereafter for a series of local newspapers.[155] In 1984, Mr Hale was the acting editor of the *Bury Messenger*, a free weekly newspaper with a circulation of around 60,000.[156]

63.2. He told us that he had first met Barbara Castle in the early 1970s, when he was a footballer at Blackburn and she was an MP for a local constituency,[157] and that when he was at the *Bury Messenger* some years later (by which time she had left Parliament and become an MEP) she used to pay regular visits to him in his office.[158] Mr Hale had also come across Cyril Smith, another local MP, in the course of his journalistic activities.[159]

63.3. Mr Hale described a six-to-eight-week period in 1984[160] during which Mrs Castle visited him several times at his office in Bury. The theme of these meetings was Mrs Castle's concern about organised support in Westminster for PIE. She told Mr Hale, on his account, that PIE was receiving Home Office funding and that its journal *Magpie* was distributed discreetly amongst MPs at Westminster by the MP Rhodes Boyson.[161] During the course of these meetings, Mr Hale said, Mrs Castle gave him a substantial amount of documentation – he described the total quantity as a "*wedge*", perhaps 6–8 inches thick.[162] Many of the documents, Mr Hale said, were minutes of a committee of MPs and prominent people who were attempting to support the work of PIE, in particular in lowering the age of consent. The documents also included, he told us, a

[155] Don Hale 8 March 2019 4/12-5/4
[156] Don Hale 8 March 2019 15/23-18/2
[157] Don Hale 8 March 2019 14/7-24
[158] Don Hale 8 March 2019 18/3-19/8
[159] OHY005512_001
[160] Don Hale 8 March 2019 33/18-21
[161] Don Hale 8 March 2019 22-27
[162] Don Hale 8 March 2019 34/5-35/4

list of 16 politicians who were not only PIE supporters but were themselves actively involved in child sexual abuse.[163] Mr Hale said that he kept the documents locked in his bottom drawer.[164]

63.4. In preparation for publishing a story based on the documents, he telephoned several of the politicians named as supporters of PIE in those documents. One of these politicians was Jeremy Thorpe, the former leader of the Liberal Party, who Mr Hale described as being "*stunned*" by his call.[165]

63.5. The next stage in the sequence of events that Mr Hale described to us was a visit that he received in his office at the *Bury Messenger* from Cyril Smith. Mr Hale said that this visit took place the day after his telephone call to Jeremy Thorpe, Smith's former Party leader. It was clearly Mr Hale's understanding that his call to Mr Thorpe had triggered the visit from Smith. He described Smith being "*very, very aggressive*", swearing at him, physically pushing him into his office and demanding that he hand over the documents. Mr Hale refused even though he thought that Smith "*was going to go berserk*". After 5 or 10 minutes, Smith stormed off.[166]

63.6. A "*day or two later*",[167] Mr Hale said, three Special Branch officers in plain clothes and 12 uniformed police officers came "*charging*" into his office at around 8:00am. They showed him "*a couple of screwed-up documents*" which they said were a search warrant and a D-Notice and demanded that he hand over the documents. He said that he was "*pushed and shoved*" until he agreed to release the documents. The officers then took the documents and left.[168]

63.7. Mr Hale said that he spoke to Barbara Castle on the telephone after the raid and that she responded by saying words to the effect of "*I thought that might happen*". She told him, he said, that Special Branch had been following her. She thought she was under surveillance.

64. If Mr Hale's account is accurate, the events he describes must have involved corruption and serious misconduct on the part of a number of politicians, police officers and other public officials. In deciding how much weight we are able to place on his account, there are a number of factors to consider.

65. There is very little independent evidence that either corroborates or undermines Mr Hale's account. Cyril Smith and Barbara Castle are both dead. There is no evidence from anyone who witnessed the visits of either Cyril Smith or the Special Branch team to the *Bury Messenger*. At an early stage Mr Hale suggested that a cleaner may have been present at the time of the Special Branch raid, but he explained to us that he no longer thinks that was the case,[169] and we do not regard this as significant. Extensive searches of Special Branch records have been conducted at the request of both the IOPC investigation and this Inquiry;[170] no documents have been found relating to the raid that Mr Hale describes. That does not of course mean that it did not happen, only that there is no documentary

[163] Don Hale 8 March 2019 48/12-25
[164] Don Hale 8 March 2019 34/19-23
[165] Don Hale 8 March 2019 80/24-88/23
[166] Don Hale 8 March 2019 89/1-92/16
[167] Don Hale 8 March 2019 94/23-24
[168] Don Hale 8 March 2019 95/4-99/25
[169] Don Hale 8 March 2019 96/3-25; 156/9-161/18
[170] Operation Hawthorn Report (IPC000843) paras 57–74; Witness statement of Clive Blackford (INQ003920)

evidence from this source supporting his account. Similarly, the evidence obtained both by the IOPC investigation and by the Inquiry in the form of Brigadier Dodds' statement and oral evidence makes it clear that no D-Notice was or could have been issued in support of the raid that Mr Hale describes or the confiscation of the documents. This does not mean that Mr Hale was not shown a document by someone who falsely claimed that it was a D-Notice.[171] Finally, given the serious issues relating to his credibility (discussed in Part G), we are not able to place any great weight on the evidence of Tom O'Carroll insofar as it appears to undermine Mr Hale's account.

66. The reliability or otherwise of Mr Hale's evidence cannot therefore be determined by reference to independent sources and we must consider the content of Mr Hale's own evidence.

66.1. There are several implausible elements to Mr Hale's account. In certain key respects Mr Hale's story simply does not add up. It is extremely unlikely that, if Mrs Castle had evidence of child sexual abuse and support for PIE at Westminster and wished to expose it, she would have sought to do so by giving the documents to the editor of a free newspaper in the North West with a small, local circulation. Even if, as Mr Hale said, the large national newspapers had refused to take the story, there were obvious and better alternatives, such as publication in *Private Eye*, or Mrs Castle simply making a speech to publicise what she had discovered.

66.2. It also seems unlikely that Cyril Smith would have taken the considerable risk of making such a public and violent demonstration inside Mr Hale's office simply to obtain documents that might embarrass Jeremy Thorpe. (Mr Hale was clear that the documents did not name Cyril Smith.) Smith would have had no personal interest in protecting Jeremy Thorpe – Baroness Brinton told us that the two men "*cordially loathed each other*".[172] Nor would there have been any great political purpose served by protecting him. Jeremy Thorpe had been publicly discredited by his trial several years previously in 1979, and by 1984 it was eight years since he had been leader of the Liberal Party and five years since he had ceased to be an MP.

66.3. Finally, if the documents did say what Mr Hale claimed and if the visit by Cyril Smith and the Special Branch raid did take place, it is inconceivable that neither Mr Hale nor Mrs Castle sought to bring these matters to public attention. Mrs Castle was a veteran politician with great experience of challenging the establishment. Mr Hale was an established journalist who went on to lead press campaigns including one that came to national attention and won him industry awards. The raid, if it happened, was itself evidence that there was substance in the concerns about Westminster child sexual abuse and a cover-up that was the subject of public debate led by Geoffrey Dickens MP and others in the mid-1980s. If it all happened in the way that Mr Hale described, it is likely that he and probably also Mrs Castle would have been very vocal about it. One way or another, they would have made certain that their story was told publicly. We do not consider that either of them would have been deterred by what the simplest of enquiries could have established was a false D-Notice. The fact that Mrs Castle appears to have said nothing about these events before her death in 2002 and Mr Hale said

[171] Geoffrey Dodds 8 March 2019 170-199; Witness statement of Brigadier Geoffrey Dodds (INQ000972)
[172] Baroness Brinton 13 March 2019 27/13-19

nothing for some 30 years, and then only once other allegations had been made in the wake of Jimmy Savile's death, leads us to doubt whether the events did in fact take place as Mr Hale described them.

66.4. We also have some related concerns arising from what Mr Hale can and cannot remember, and the way in which he has given his account on occasions over recent years. Mr Hale cannot remember a single name from the list of 16 politicians alleged to be active child sexual abusers that he says was amongst the documents he received from Mrs Castle. As Mr Hale acknowledged, this list was, potentially at least, journalistic "*dynamite*".[173] The names must have loomed large in his mind as he read the documents and considered how he should go about researching and publishing a story. As his oral evidence to us demonstrates, there are many other detailed facts about these events that he does recall. It is not credible that he cannot now remember any of the list of 16 names that he says he was given. It is also odd that in a July 2014 *Daily Mail* article[174] devoted to relating Mr Hale's account – for which, as he accepted, he was the source – the Special Branch raid is described as taking place before the visit from Cyril Smith. When asked about this discrepancy, Mr Hale said that it must have been a mistake made by the journalist or the sub-editor.[175] That is, of course, possible. It is also possible that Mr Hale himself got the sequencing wrong when giving his account to the journalist, and if that is right then this is a further example of a pattern of surprising features of the way in which Mr Hale has given his account over time.

66.5. Mr Hale has told his story many times over recent years – to the police and IOPC investigators on a number of occasions, to journalists and to this Inquiry. The various accounts have become more detailed over time. Even when giving oral evidence to us, some of the detail that he gave did not appear in any of his previous statements. This included points of some significance, for example the fact that he had spoken to Leon Brittan personally in seeking to research the documents that he had been given,[176] and Barbara Castle's belief that she was under surveillance by Special Branch.[177] Mr Hale gave two explanations. One was that the police had deliberately omitted details from his earlier statements. We do not accept this suggestion. We have seen no evidence to support it and, when Mr Hale said that the final typed version of one statement had changed considerably from the initial handwritten version, we obtained the original handwritten document and saw that its content was in fact identical to the typed version. The second explanation, which Mr Hale gave more than once, was that details of these events had come back to him over the course of time and that even now he was still remembering some fresh details.[178] Given the length of time that has passed since 1984, and the obvious risk that Mr Hale's memory has been contaminated by extraneous factors, the fact that his memories seem to have 'developed' in this way is a reason, we think, to treat his entire account with a degree of caution.

66.6. During the hearing Mr Hale was asked about a statement from Northamptonshire Police, which was to the effect that they had no record of interviewing him about an incident involving Cyril Smith being stopped on the M1 motorway in the 1980s. Mr Hale

[173] Don Hale 8 March 2019 48/14-52/4
[174] INQ004071
[175] Don Hale 8 March 2019 129/5-144/11
[176] Don Hale 8 March 2019 81/25-85/9
[177] Don Hale 8 March 2019 100/17-101/4
[178] Don Hale 8 March 2019 13/2-5; 85/1-4

was adamant that he had been interviewed about this incident and that the police statement was therefore mistaken. It subsequently transpired that the police statement was in error and that Mr Hale was right.[179] This does not change our view set out above.

67. For all the reasons set out above, we cannot place weight on the evidence that Mr Hale has given us. It may be that something along the lines of what he has described took place. But given the lack of any corroborative evidence and the problems described with Mr Hale's own evidence, we are not able to make any positive finding in this regard.

D.7: Allegations connected to Elm Guest House

68. Elm Guest House was a hotel in Rocks Lane near Barnes Common in south-west London. In the early 1980s it was run by husband and wife Haroon and Carole Kasir, and was advertised as a gay guest house. In June 1982, Elm Guest House was raided by police.

69. Elm Guest House has featured in many well-publicised allegations of child sexual abuse. It has been alleged that a host of politicians and other prominent individuals visited Elm Guest House, and that children were abused at sex parties held there. Allegations have also been made of possible misconduct on the part of the Metropolitan Police in the way in which investigations into alleged events at Elm Guest House were conducted, and also allegations that the results of those investigations were covered up. The allegations include the suggestion that evidence relating to Leon Brittan's presence at or involvement with Elm Guest House was suppressed.

70. The Metropolitan Police and the IOPC[180] have conducted a series of investigations into allegations of police misconduct connected with Elm Guest House. The Inquiry has not reinvestigated any of these matters, but Commander Neil Jerome, a senior Metropolitan Police officer, described to us the investigations that had taken place and their outcome.[181]

The June 1982 raid and following investigations

71. Commander Jerome explained that Elm Guest House had first come to the notice of the police towards the end of 1981, when an individual came into Richmond Police Station and reported concerns about a 10-year-old boy at the premises. A police surveillance operation was launched, which involved both external observations and also two undercover officers entering Elm Guest House on a number of occasions purporting to be members of the public. It seems that, whilst there was no direct evidence that the boy was being abused, the police remained concerned about his safety.[182] As a result, the police raided Elm Guest House on the night of 19 June 1982. Twenty people were arrested, including Mr and Mrs Kasir, who were subsequently convicted of running a disorderly house.[183]

72. There are four significant elements of the evidence that Commander Jerome gave about the initial surveillance operation, the raid and its aftermath, bearing in mind the public concern relating to Elm Guest House that had arisen in recent years.

[179] Don Hale 8 March 2019 146/3-154/4
[180] IPC000830
[181] OHY006904
[182] Neil Jerome 7 March 2019 151/2-152/5
[183] Neil Jerome 7 March 2019 160/8-12

72.1. The police investigation only identified evidence that a single child had been sexually abused at Elm Guest House. That was the 10-year-old boy about whom concerns had initially been expressed. The boy's own account, together with a medical examination, provided evidence that the boy had been the subject of extensive sexual abuse.[184] There was no evidence that any other children had been abused.[185]

72.2. Commander Jerome stated that "*no individuals of prominence or … that could be described as being well known*" were either observed at Elm Guest House by the police during the initial surveillance operation or found there on the night of the raid.[186]

72.3. There has been a detailed investigation into an allegation that when interviewed on the night of the raid the 10-year-old boy referred to one of his abusers as "*Uncle Leon*" who may have been a politician and came from "*the big house*". This allegation was made by Andrew Keir, a social worker who was present at the interview with the boy on the night of the raid, his suggestion apparently being either that this detail was deliberately omitted from the contemporaneous manuscript notes of the interview or that it was removed when the typed version was subsequently prepared. The IOPC investigation into this allegation was Operation Helena.[187] In summary, Commander Jerome informed us, having regard to some of the contemporaneous documentation, the records of an earlier inquiry, and the evidence of the officers involved, the investigation concluded that "*there was no substance … at all*" to the allegation that Mr Keir had made.[188]

72.4. Commander Jerome also explained the IOPC Operation Yvonne, which investigated allegations made by an individual who had been a 17-year-old masseur at Elm Guest House at the time of the surveillance operation and raid in 1982.[189] He made a number of allegations, the most serious of which was that the undercover policemen had sex with him prior to the raid, and that he was sexually abused whilst in police custody following the raid. Commander Jerome explained the detail of the investigation,[190] the conclusion of which was that there was no evidence to support the allegations that had been made.[191]

The 'Elm Guest House List'

73. Commander Jerome also gave evidence about investigations that the police have conducted into the so-called 'Elm Guest House List', which can be found on the internet. He said it has "*zero evidential value*".

> "*I don't think it is clear as to the origin and who the author or authors of that list are, but it's certainly very clear that evidentially that list has no value, and how it's been created is certainly dubious.*"[192]

[184] Neil Jerome 7 March 2019 158/7-159/12
[185] Neil Jerome 7 March 2019 156/11-15, 157/3-5
[186] Neil Jerome 7 March 2019 156/2-10
[187] IPC000834
[188] Neil Jerome 7 March 2019 163/12-176/1-4
[189] IPC000860
[190] Neil Jerome 7 March 2019 200/15-207/11
[191] Neil Jerome 7 March 2019 207/10-11
[192] Neil Jerome 7 March 2019 194/1-10

74. In giving his evidence Commander Jerome expressed doubts, on occasions serious doubts, as to the reliability of the two individuals who have promoted the list, Chris Fay and Mary Moss.

74.1. He said Mr Fay has a conviction for money laundering and had repeatedly failed to provide the police with documentary evidence in support of the claims that he made about famous people attending Elm Guest House.[193] Commander Jerome also pointed to significant inconsistencies and other difficulties with the evidence that Mr Fay had given to an IOPC investigation named Operation Meryta, and suggested that these matters were also relevant to his general credibility.[194]

74.2. Mary Moss published an 'Elm Guest House list' of prominent persons on the internet in 2013. Commander Jerome stated that Ms Moss had refused to provide police with documentation supporting her claims. He said that when the police obtained a search warrant and searched her property they found a quantity of documents, the provenance of which Commander Jerome described as "*dubious*". Interviews were conducted with all of those whose names appeared on the documents, but all those interviewed denied ever having been to Elm Guest House.[195]

75. For the reasons set out above, we considered that it would be proportionate to hear evidence about the Metropolitan Police and IOPC investigations into Elm Guest House allegations. Commander Jerome's conclusions were clear and forthrightly stated and should do much to allay public concern relating to Elm Guest House.

D.8: Concerns raised by Peter McKelvie

76. Peter McKelvie, a child protection specialist and retired social services employee and consultant, has raised concerns about child sexual abuse links to Westminster. Many of his concerns focus on Peter Righton, a convicted child sexual abuser who, prior to his conviction, held a senior position advising the government on childcare. The Inquiry received a large volume of documentation from Mr McKelvie, including a written statement.[196] He summarised his main concerns as follows:

> "*I consider that the Peter Righton case and the evidence uncovered by the police during their investigations provided powerful evidence of a long-term and widespread paedophile network. Based on the evidence obtained by the police and seen by me, it appears clear that a number of the persons involved in the paedophile network were prominent individuals. I consider that the evidence shows that there was a failure to properly or fully investigate the full extent of the paedophile network.*"[197]

77. Mr McKelvie has identified himself as "*the source*" of Tom Watson's 2012 Parliamentary question,[198] in which Mr Watson alleged that there was "*clear intelligence*" of "*a powerful paedophile network linked to Parliament and No. 10*".[199] However, in his witness statement,

[193] Neil Jerome 7 March 2019 178/11-180/20
[194] Neil Jerome 7 March 2019 180/21-188/2
[195] Neil Jerome 7 March 2019 194/1-3
[196] PMK000472
[197] PMK000472_006
[198] PMK000213; PMK000472_004-5
[199] INQ004102

Mr McKelvie suggested that Mr Watson's question was based on information provided by "*a number of sources*",[200] primarily two others, and that Mr McKelvie did not meet with Mr Watson until after the question had been asked.[201]

78. *The Daily Telegraph* subsequently reported that Mr McKelvie had suggested that Mr Watson acted prematurely in asking the question in Parliament, and that he "*made exaggerated claims about a 'powerful paedophile network' linked to Downing Street*".[202]

> "*I would never have wanted Tom Watson to do a PMQ as a tactic until he heard the whole story. The only thing I wanted to say about politicians is every institution has abusers in it. The more powerful people are, the more likely they are to get away with it. I never talked about rings.*"[203]

In his witness statement, Mr McKelvie claimed that *The Daily Telegraph* report had been published without his approval and had misquoted him.[204]

79. Mr McKelvie also played a role in bringing to light the allegation of Timothy Hulbert that the Home Office had funded PIE.[205]

80. Mr McKelvie's concerns were the subject of an IOPC investigation known as Operation Redrail 2. A draft closing report of Operation Redrail 2 was provided to the Inquiry.[206] Mr McKelvie had concerns that Metropolitan Police investigations into Peter Righton had not been conducted properly due to the interference of prominent individuals.[207] Peter Righton was investigated initially by West Mercia Police, but later by the Paedophile Unit of the Obscene Publications Squad at New Scotland Yard as part of a broader police operation known as Operation Clarence, which mainly investigated teachers, doctors and clergymen. Operation Clarence ran for 10 years between 1988 and 1998 and is said in the Operation Redrail 2 report to have resulted in 12 convictions, four cautions, seizure of indecent material and valuable intelligence.[208]

81. The Operation Redrail 2 report records that Mr McKelvie stated that he did not have any complaints but believed that certain links were not pursued sufficiently rigorously.[209] He raised several separate areas of concern, which can be summarised as follows:

> **81.1.** The Metropolitan Police had failed to investigate connections between a peer, Lord Henniker (who died in 2004, and was never convicted of child sexual abuse[210]), and three convicted child sexual abusers, Peter Righton, Charles Napier and Richard Alston. Mr McKelvie believed that these individuals were involved in child sexual abuse together and were protected from investigation by the establishment.[211] Mr McKelvie did not have any direct evidence but believed that there was enough circumstantial evidence to require an investigation.[212]

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[200] PMK000472_022
[201] PMK000472_002
[202] INQ004098
[203] INQ004098
[204] PMK000472_23
[205] PMK000233_001; Timothy Hulbert 25 March 2019 74/6-77/8
[206] IPC000859
[207] Christopher Mahaffey 5 March 2019 119/11-19
[208] IPC000859_002
[209] IPC000859_002, 008
[210] Christopher Mahaffey 5 March 2019 119/25-120/2
[211] IPC000859_005-008
[212] IPC000859_004; Christopher Mahaffey 5 March 2019 123/25-124/1-8

81.2. Despite being a convicted child sexual abuser, Mr Napier had obtained a teaching post abroad with the British Council through his relationship with Lord Henniker, who was Director General of the British Council.[213] While working abroad in Cairo, Napier also made use of or had been allowed to use the diplomatic bag to send or receive child pornography,[214] which had not been investigated.

81.3. An individual who later became an MP knew about Napier's abuse of children but was not interviewed.[215]

81.4. Mr McKelvie had raised these concerns with the detective superintendent who ran Operation Clarence, but was informed by him in 1993 that the investigation would not be taken any further due to decisions made "*from above*".[216]

82. Each of Mr McKelvie's areas of concern was investigated, but none could be supported. There was no information to corroborate Mr McKelvie's concern that Lord Henniker, Righton, Napier and Alston were abusing children together.[217] Charles Napier did work overseas with the British Council, but this was well after Lord Henniker had ceased to be its Director General.[218] No evidence was referred to in the Operation Redrail 2 report in relation to Mr McKelvie's concern that a person who later became an MP may have known about Napier's abuse of children. The report found that Napier did have use of the diplomatic bag and it was possible that he may have used it to send indecent images of children; there was no evidence either way. His authority to use the diplomatic bag was removed at the same time that he was suspended from his teaching role, when it became known that he was a risk.[219]

83. No evidence was found to suggest that Operation Clarence was closed prematurely.[220] The detective superintendent was interviewed by Operation Winter Key officers and denied that any outside influences had interfered with the investigation and that he had had the reported conversation with Mr McKelvie.[221] Individuals put forward by Mr McKelvie as supporting his concerns did not provide that support.[222] While Mr McKelvie believed that Operation Clarence was stopped in 1993, the evidence shows that it finished in 1998.[223] The IOPC, in its closing submissions,[224] identified Operation Clarence as an example of a police investigation that in reality had been successful although it was believed to have been closed inappropriately prematurely.

84. We received post-hearing submissions from Mr McKelvie, the Metropolitan Police and the IOPC, which clarified a number of points.

84.1. In response to Mr McKelvie's questions about the remit and extent of Operation Clarence, the Metropolitan Police explained that Operation Clarence was an intelligence-gathering exercise initially prompted by material found at Charles Napier's address. It began in 1988 and ran until 1998, and identified 17 suspects in all. Righton,

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[213] IPC000859_007
[214] IPC000859_007
[215] IPC000859_007
[216] IPC000859_003-004; 006
[217] IPC000859_024
[218] IPC000859_024
[219] IPC000859_024
[220] IPC000859_025
[221] IPC000859_011
[222] IPC000859_024
[223] IPC000859_024
[224] INQ004280_003

Alston and Napier fell within Operation Clarence. Righton was a person of interest from 1992 and did not feature after 1994. There were also many other persons of interest to Operation Clarence and its focus was not limited to Righton, Alston and Napier. Neither the Operation Redrail 2 report nor Mr Mahaffey implied otherwise.

84.2. The Metropolitan Police further explained that several police forces were briefed with intelligence from Operation Clarence. Relevant investigations were also carried out by other police forces, notably, West Mercia Police and Gloucestershire Constabulary, which included efforts to trace victims and witnesses. Useful documents were passed to Operation Clarence. The Metropolitan Police also clarified that there is no reliable evidence that an MP was at Napier's home when boys were present. In addition, there is no mention in the Operation Clarence file that a diplomatic bag was ever investigated by the Obscene Publications Squad. Two officers have denied it, despite a press article that suggested otherwise.

84.3. Mr McKelvie raised questions about the number and nature of the convictions arising from Operation Clarence; in particular, whether any were for physical child sexual abuse rather than possession of indecent images, and whether any were linked to the intelligence gathered from Peter Righton's home in 1992. The Metropolitan Police provided some further information on the number of arrests and convictions, but noted that there is no single database that collates the exact figures, and that further detailed research would be needed to answer this point. Although the Operation Redrail 2 report refers to 12 convictions and four cautions resulting from Operation Clarence,[225] the Metropolitan Police have since told us that there were 14 convictions and two cautions. It is unsatisfactory that neither the IOPC nor the Metropolitan Police could substantiate what offences those convictions were for or to which cases they related.

84.4. Both the IOPC and the Metropolitan Police have acknowledged Mr McKelvie's proactive role in assisting police investigations. Mr McKelvie may have lacked knowledge about the actions and investigations carried out by Operation Clarence because he was not told about them. This may also have been because of inconsistent press reporting. The Metropolitan Police Service, with the support of the IOPC, have undertaken to offer to meet Mr McKelvie in order to assess whether his concerns have been fully answered and whether any further action is required, including the reopening of Operation Redrail 2, the opening of a new investigation or whether all matters have been satisfactorily dealt with.

85. Mr McKelvie appears genuine in his concerns. However, he has not claimed to have hard evidence to support them. A police investigation was conducted over a period of 10 years which resulted in convictions. Righton, Napier and Alston were all at one time or another convicted of offences related to child sexual abuse. We have seen no evidence of Lord Henniker being involved in child sexual abuse activities and no evidence that other figures in the establishment were aware of the activities of Righton, Alston and Napier.

86. Mr McKelvie might have had more confidence in the police investigations in which he assisted had the Metropolitan Police kept him better informed about their progress.

[225] IPC000859_002

Part E

Political parties

Political parties

E.1: Introduction

1. The Inquiry examined the way in which political parties and their leadership, in particular, reacted to allegations of child sexual abuse made about persons within their own parties. The purpose was to determine whether there had been a tendency to protect the party or the political establishment more widely rather than take allegations of child sexual abuse seriously or pass them on to the police.

2. We considered three examples of how political parties dealt with, and reacted to, allegations about child sexual abuse. Two were from the 1970s and 1980s, and relate to the Liberal Party (later the Liberal Democrats) and the Conservative Party. The third example concerns the Green Party and was comparatively recent, having occurred in 2017–18. We deal with this third example in Part J (Safeguarding).

E.2: The Liberal Party and Sir Cyril Smith

3. Baroness Brinton, the President of the Liberal Democrats, provided the Inquiry with evidence about the structure and the organisation of the Liberal Party between the late 1960s and early 1990s.[226] We were interested in its process of candidate selection and how the Party dealt with allegations of child sexual abuse.

Selection as a Liberal Party candidate

4. Baroness Brinton told us that, from 1969 to 1988, the Liberal Party was "*extremely decentralised*".[227] Local Liberal associations did not have to be affiliated to the national party, so they could operate in isolation of it. She said that, in the 1970s, the selection of a candidate contesting an election would be entirely in the hands of the local association. The arrangements for a by-election were different in that, regardless of whether a candidate had been selected to fight the seat at the next general election, a by-election required a fresh selection process.[228]

5. Baroness Brinton said that a tripartite committee, whose role it was to decide whether to contest the by-election, would be attended by representatives of the local party association, the regional federation and the national head office, with each having one vote. The main difference for fighting a winnable by-election was that "*HQ staff would work with the Chief Whip to ensure a strong candidate was nominated*".[229] Baroness Brinton emphasised in her oral evidence that the decision to select candidates was, with the exception of by-elections, entirely in the hands of the local association.[230] She confirmed that this is still true today and that a by-election is very different, with high media coverage, local or national, and where

[226] LDP000018; LDP000019; Baroness Brinton 13 March 2019 5/10-6/6
[227] LDP000018_003; Baroness Brinton 13 March 2019 13/11-18
[228] LDP000018_005
[229] LDP000018_005
[230] Baroness Brinton 13 March 2019 13/19-14/3; 18/18-20/22

the level of campaigning, particularly if it is a hotly fought seat, is likely to require a lot more from a candidate. Baroness Brinton told us that, as a result, particularly in a winnable seat, "*HQ does have a hand*".[231]

6. While the Liberal Party may well have been decentralised during the period we are considering, the fact is that the national party played a role in the selection of candidates for a by-election. Indeed, Des Wilson, who gave evidence to us, and was President of the Liberal Party between 1986 and 1987, told us that he was invited to fight the Hove by-election in 1973 during a personal call from David Steel, who was then the Liberal Party chief whip and became Liberal Party leader in 1976. Des Wilson was not even a Liberal Party member at the time.[232] It demonstrates both the direct involvement of a senior figure in the national party in identifying a strong candidate to fight a by-election and the informality of the process. The selection process in Mr Wilson's case involved an interview with a selection committee and then tea with Lord Beaumont (then President of the Party), which took place halfway through the Hove by-election because an interview at national level had been forgotten.[233] Although he did not win the seat, Mr Wilson secured one of the largest swings in any by-election ever.[234]

7. Cyril Smith first came to prominence as a Rochdale local councillor, then Mayor and later as MP for Rochdale from 1972 until his retirement in 1992. He was knighted in 1988 and died in 2010.

8. It is likely that the selection of Cyril Smith as a candidate for the Rochdale by-election in 1972, which took place only a year before Mr Wilson's selection for Hove, was run along similar informal lines with the Westminster Liberal Party's direct involvement in, and endorsement of, his selection as a strong candidate for what was a winnable seat in Rochdale. While the Party might have thought there were advantages to an informal process, it risked adopting a candidate whose conduct and character were wholly suspect, as was the case with Smith.

9. Cyril Smith had been a Liberal Party member from 1945 to 1950 but then joined the Labour Party and was a Labour councillor from 1950 to 1967. Baroness Brinton said that the politics between the Liberal Party and the Labour Party at this time was "*very tribal … on both sides, and absolutely no love or caring to try to compromise at all … they hated each other*".[235]

10. In 1969, Cyril Smith was investigated by Lancashire Constabulary over allegations that he had sexually abused teenage boys at Cambridge House Hostel in Rochdale. When he was interviewed by the investigating police officers on 24 January 1970, Smith told them that he had to make a decision in three weeks' time whether he was going to fight the next parliamentary election as a Liberal candidate in Rochdale out of fairness to the Liberal Party and so he was asking for a quick decision on whether he would be charged.[236] On 19 March 1970, more than three weeks later, the Director of Public Prosecutions decided that Smith

[231] Baroness Brinton 13 March 2019 20/4-14
[232] Des Wilson 13 March 2019 66/2-18; Lord Steel 13 March 2019 114/16-18
[233] Des Wilson 13 March 2019 68/6-69/13
[234] Des Wilson 13 March 2019 67/18-25
[235] Baroness Brinton 13 March 2019 23/2-6
[236] CPS002703_006

would not be charged. (We commented on aspects of this decision in our Cambridge House, Knowl View and Rochdale investigation report.[237]) Smith was selected as the Prospective Parliamentary Candidate (PPC) for Rochdale in 1970.

11. Michael Steed, the Liberal Party President between 1978 and 1979, visited Rochdale in 1966 and familiarised himself with the politics of the region and "*the towering personality and media impact of Cyril Smith*".[238] Rochdale was regarded as a prime Liberal target. Mr Steed knew Garth Pratt (a university student friend of his) who had been selected as the PPC for Rochdale. Smith's selection had the effect of displacing Mr Pratt as PPC. Mr Steed said this was resented by many in the North-West who thought that a coup had been staged centrally and believed that Jeremy Thorpe, the Liberal Party leader at the time, had "*fixed it*".[239] However, Baroness Brinton did not think Jeremy Thorpe would have become involved in Smith's selection as PPC. Her view was that the local Party selected Smith over Mr Pratt simply because he was seen as "*a safer pair of hands*".[240]

The Liberal Party's awareness of the allegations against Sir Cyril Smith

12. There are two key questions for us to consider. First, whether the Liberal Party in Westminster was aware of the serious allegations made against Cyril Smith before his selection as PPC in 1970 and his later reselection as the Liberal candidate for the Rochdale by-election in 1972. Second, if the Liberal Party in Westminster was aware of it, what they did or ought to have done about it.

13. Michael Meadowcroft, who was Chair of the Liberal Party's Assembly between 1977 and 1981, recalled receiving an email from Garth Pratt's widow, Jill, following Channel 4's *Dispatches* programme 'The Paedophile MP: How Cyril Smith Got Away With It', which aired on 12 September 2013. In her email, Mrs Pratt told Mr Meadowcroft that Ted Wheeler, who at the time was the Liberal Party's chief agent, had visited Rochdale following Mr Pratt's deselection in 1970 in order to see whether Rochdale was winnable.[241] She said she had told Mr Wheeler about allegations regarding Smith's activities and had mentioned to him that there was a Baptist minister who had reported the allegations to Mr Pratt. Mr Wheeler visited the minister, who gave him the names of boys who alleged they had been abused by Smith. Mrs Pratt said:

> "*With hindsight, Ted must have been reporting to JJT* [Thorpe] *so 'senior Liberals' knew well before he* [Smith] *became candidate.*"[242]

Mr Meadowcroft passed the information on to Greater Manchester Police when they came to speak to him about Cyril Smith in 2015. Mr Pratt died in 2007 and Mrs Pratt in 2015.[243]

14. In his response to a request from the Inquiry under Rule 9 of the Inquiry Rules 2006,[244] Mr Meadowcroft asserted that he had no personal knowledge of the Lancashire Constabulary investigation into Cyril Smith or what the Liberal Party may have known about it. He said, as he had told Channel 4's *Dispatches* programme, that the Party in Westminster were unaware of complaints or allegations coming from sources in Rochdale. He had heard

[237] *Cambridge House, Knowl View and Rochdale investigation report*, pp21–25
[238] LDP000011_006
[239] LDP000011_006
[240] Baroness Brinton 13 March 2019 27/5-30/8
[241] INQ003803_001
[242] INQ003803_001
[243] INQ003803_002
[244] INQ003871_001-002

occasional comments that Smith liked boys but they were non-specific and he thought symptomatic of the unpleasant gossip that permeated Westminster, much of which never amounted to anything substantial, which had been the case in relation to Smith at the time.[245] He did not elaborate on when he had heard these comments.

15. Michael Steed did not recall anyone saying a word about Cyril Smith's personal sexual behaviour or his "*smacking of delinquent boys when any evidence at that time relevant to his unsuitability to be a Liberal PPC could so easily have helped save Garth Pratt's candidature*".[246]

16. Baroness Brinton told us that John Spiller, Cyril Smith's election agent for the 1972 by-election, was contacted early in the by-election campaign by the editor of the *Rochdale Alternative Paper* who made the allegations about Smith which emerged later. Mr Spiller considered that these were wild allegations of the sort not uncommon in by-elections in those days, especially when a candidate had defected from another party. Mr Spiller said he had told the editor that if he had evidence he should pass it to the police but heard no more and thought no more of it.[247]

17. Philip Goldenberg, a member of the Liberal Party National Executive Committee and Candidates Committee from 1975, recalled some allegations (but not what they were) coming into the public domain in the mid-1970s. Mr Goldenberg believed this was in 1976 when Cyril Smith was chief whip. The allegations had been published in the *Evening Standard* and Smith instructed solicitors to deal with the matter on his behalf.[248] In light of all the evidence seen by the Inquiry, it is highly probable that the allegations Mr Goldenberg heard related to Smith's sexual impropriety with children.

18. Des Wilson withdrew into other career activities from the mid-1970s to 1982 but resumed active involvement with the Liberal Party in 1982, later being elected its President. Mr Wilson had read the *Private Eye* article in 1979 about Cyril Smith but was not involved in the Party at the time.[249] He told us that he believed the stories.[250] Occasionally he would hear references to 'Spanker Smith' from Party members but could not recollect specific instances.[251]

19. Lord Steel told us that he had not been aware of anyone in the Liberal Party who knew of allegations of sexual assault of teenage boys by Cyril Smith in 1969–70 at the time Smith was selected as a PPC. He said he had not heard of any allegations of child sexual abuse being made against Smith and he was unaware of the Lancashire Constabulary investigation or that papers had gone to the Director of Public Prosecutions.[252]

20. Dominic Carman, son of the late George Carman QC, recounting his father's defence in the Thorpe trial in May–June 1979 and the *Rochdale Alternative Paper* and *Private Eye* articles in the same year containing allegations of child sexual abuse by Smith,[253] said that his father had known about Smith's alleged abuse of boys for years and that 1979 was not the first time he had become aware of the allegations.[254]

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[245] INQ003870_001-004; Rule 9 request from the Inquiry (INQ003871_001-002)
[246] LDP000011_006
[247] Baroness Brinton 13 March 2019 35/6-36/4
[248] Baroness Brinton 13 March 2019 37/8-23
[249] INQ000963_004
[250] Des Wilson 13 March 2019 90/15-93/13
[251] INQ003670_001-003; INQ003670_004
[252] INQ002748_001-003; Lord Steel 13 March 2019 115/18-116/13
[253] *Cambridge House, Knowl View and Rochdale investigation report*, pp25–28; INQ000963_004; INQ000963_005-007
[254] INQ004013_003

21. Sir David Trippier was the Conservative candidate for Rochdale in the 1972 by-election. He confirmed that it was widely known among all political parties competing in the by-election that there had been some allegations of a sexual nature involving Cyril Smith and boys.[255] He had understood that there had been a police investigation and they had decided to take no further action. In light of that, he said the subject was taboo and the view was taken that using it would incur legal action for slander and for that reason no one used it.

22. Baroness Brinton concluded that most of the people they had contacted had clear memories of issues involving Jeremy Thorpe taking up Liberal Party time in the 1970s but had no memory of any allegations about Cyril Smith prior to the *Private Eye* article in 1979.[256]

23. The idea that the Liberal Party in Westminster knew nothing about the allegations concerning Cyril Smith at or after the time he was selected as PPC for Rochdale is highly unlikely. If, as we accept, Mrs Pratt told Mr Wheeler about the allegations, it is highly improbable he would not have shared the information with other senior Liberal politicians in Westminster, including Jeremy Thorpe, just as Mrs Pratt surmised he had. Indeed, Mr Meadowcroft himself recalled hearing comments about Smith liking boys but dismissed it as Westminster gossip, although he was non-specific about when he heard them. Mr Goldenberg heard allegations in 1976 – when Smith was chief whip – which were serious enough for Smith to engage solicitors, yet Mr Goldenberg was unable to recall what the allegations were, and the late George Carman QC had been aware of the alleged abuse of boys by Smith before the Thorpe trial in 1979.

24. The evidence we have heard makes it clear that Cyril Smith's reselection for the Rochdale by-election was likely to have been directed centrally at Westminster. If, as is highly likely, the Liberal Party knew about the allegations, they did nothing about them.

25. Mr Wheeler is now deceased. Whatever he did with the information, it did not prevent Cyril Smith standing for the Liberals at the Rochdale by-election in 1972. This allowed a man accused of crimes of sexual abuse of vulnerable children to enter the Westminster Parliament, where he was to cement his power further and where he remained as an MP for two decades until 1992.

26. If there were such rumours about Cyril Smith, no political capital was made of them by his rivals. It is unclear whether the Labour Party knew of the rumours but took a deliberate decision not to deploy them during the campaign in the Rochdale by-election or did not know about them. We have seen an election leaflet for the 1970 general election which was all about Smith, rather than the Liberal Party, boasting of his working-class background and his good works for youth and poor children.[257] Yet the incumbent Labour Party in Rochdale, who were the main opposition party, made nothing of the allegations as part of their campaign to hold the seat. Baroness Brinton, who told us of the hatred between the two parties, could not explain why Labour made no use of it.[258]

[255] INQ004207
[256] Baroness Brinton 13 March 2019 39/22-40/22
[257] INQ003959_001-002
[258] Baroness Brinton 13 March 2019 33/21-34/17

27. In our Cambridge House, Knowl View and Rochdale investigation, we found there was no evidence of a pact between Labour and the Liberal Party at a local level in Rochdale.[259] We have heard nothing during the Westminster investigation to suggest there was any such pact at Westminster either.

The Liberal Party's response to the allegations about Sir Cyril Smith

The procedures

28. Michael Steed could not say what action would have been taken in response to an allegation of child sexual abuse on the part of a prominent member of the Liberal Party, and he doubted anyone else from the period could do so.[260] He also was unable to say how misconduct by members of the Liberal Party was dealt with in the 1970s.

29. Baroness Brinton told us that, since the merger of the Liberal Party and the Social Democratic Party (SDP) in 1988, there were more formal procedures and rules to deal with misconduct. Prior to 1992, there were no established procedures. Complaints would be handled by the local party association, which could take whatever action they felt appropriate. If key officers were involved, the state or regional party in the case of England would deal with it. Complaints "*very rarely got to HQ*". Baroness Brinton explained that, unlike now, at that time HQ would never have been aware of complaints or about the disciplinary process as it would have been handled at local level.[261]

30. She also told us that, as cases started to surface, the Liberal Party rethought its approach to safeguarding rather than simply saying 'you must go to the police'. In 2013 the Party created the post of pastoral care officer to provide support for complainants and for staff, and to act as a first point of contact for complainants. We were told the system was brought into being, in part, as a result of the Cyril Smith allegations which emerged in 2012 and, in part, due to a review by Helena Morrissey into the Party's disciplinary procedures regarding sexual harassment. Lord MacDonald, the former Director of Public Prosecutions, was also asked to review the Party's disciplinary processes in 2017.[262]

31. Baroness Brinton said that Lord MacDonald was a Liberal Party member and was not independent but held no office with the Party. However, the Party had not had their policies and procedures independently reviewed. She also confirmed that at no time was anyone commissioned to look at the handling of the Cyril Smith allegations.[263]

32. Des Wilson, who had been on the inside and the outside of the Liberal Party at different times between 1973 and 1992, was asked what ought to have been the Party's response to the allegations in *Private Eye*. He was in no doubt that Cyril Smith should have been called in by the leader and the Chief Whip and given a "*real going over*", and they should have set up an internal inquiry. His understanding had been that Smith had met David Steel, that Smith had said the police had taken no action and it was all in the past, and David Steel decided to leave it there. Mr Wilson said it was incredible that the Party did not look into it properly immediately.[264] Mr Wilson found extraordinary Michael Steed's response to the *Private Eye* article that the story was no more "*than the stories one heard in those days*". He did not agree

[259] *Cambridge House, Knowl View and Rochdale investigation report*, pp36–38
[260] LDP000011_005
[261] Baroness Brinton 13 March 2019 14/9-15/20
[262] Baroness Brinton 13 March 2019 55/23-60/15
[263] Baroness Brinton 13 March 2019 62/7-19
[264] Des Wilson 13 March 2019 93/11-94/25

with Mr Steed's view that the story was "*politically embarrassing (just like Cyril's known view on corporal punishment), but not as potentially embarrassing as what he might do when capital punishment came before the 1979 parliament*".[265]

33. In April 2014, the *Mail Online* asked Mr Wilson to review Simon Danczuk's book *Smile for the Camera*.[266] In asking whether there had been a deliberate, cynical cover-up by the leadership, Mr Wilson commented that he was "*a believer in the cock-up theory of politics rather than the conspiracy one*",[267] and he posed two questions:

> "*(1) Should Smith be confronted with the rumours? I doubt anyone had the appetite for that. Personally, it was a frightening prospect.*
>
> *(2) Should there be a formal inquiry? Coming so soon after the Jeremy Thorpe scandal, politically it was potentially catastrophic.*"[268]

Mr Wilson continued:

> "*I think they got the biggest spade they could find, dug the biggest hole in the sand they could manage, and buried their collective heads in it, hoping the rumours were unfounded or that it would all go away. In other words, it was cowardice rather than conspiracy.*"[269]

34. He expected there to have been a confrontation or a formal inquiry as there had been in the case of Jeremy Thorpe. But David Steel, the Party leader at the time, did not like confrontation; cowardice was, said Mr Wilson, an element of "*cock-up*".[270] He added:

> "*as Liberal leader,* [David Steel] *hated confrontation; that's why he didn't want to hear about the nocturnal behaviour of some of those round that table … And herein lies part of the answer to the question: 'Why was Smith not questioned about the rumours beginning to emerge from his political fortress of Rochdale, rumours that at the time were publicly referred to in Private Eye?' Apart from the fact no one would have had the courage to confront the Rochdale bully, a significant number of the wider parliamentary party had a guilty secret of one sort or another. They had no desire for questions to be raised about what MPs did in their ample spare time.*"[271]

By "*guilty secret*", he did not mean "*child abuse or activity of that sort*". It might, he said, be drinking too much. Mr Wilson was making the point that quite a few MPs engaged in extracurricular activity in their lives which they would not want exposed to public discussion.[272] He was also asked to explain what he meant when he wrote in the *Mail Online* review "*Smith was protected as much by the culture within the parliamentary party as Savile was by the culture within the BBC*".[273] He told us he was talking about a culture of self-interest, adding that, in David Steel's case, he had seen Cyril Smith but nothing had emerged from it, some other MPs had not even read the *Private Eye* article and no inquiry was set up.[274]

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[265] LDP000011_008; Des Wilson 13 March 2019 95/7-97/14
[266] INQ004084
[267] INQ004084_006
[268] INQ004084_006; Des Wilson 13 March 2019 101/8-102/7
[269] INQ004084_006
[270] Des Wilson 13 March 2019 102/14-107/1
[271] INQ004084_004; Des Wilson 13 March 2019 105/4-107/12
[272] Des Wilson 13 March 2019 106/8-107/12
[273] INQ004084_004
[274] Des Wilson 13 March 2019 108/8-109/5

35. Mr Wilson said that the allegations in *Private Eye* should have been addressed definitively at the time but no one felt the need to push it, either because they did not know about it, they had missed it completely or because they simply did not want to start stirring things up. It was, he said, amazing that the parliamentary Liberal Party failed to act but he could not explain why they failed to do so. There was a clear distinction to be made between criminal allegations and other activities such as drinking too much or extra-marital affairs. Mr Wilson would have expected criminal allegations of the kind made about Cyril Smith to have been treated "*with the utmost seriousness*".[275] Mr Wilson's description painted a picture of a chaotic and dysfunctional party at that time.

36. David Steel (Lord Steel of Aikwood as he is today) was Liberal Party leader between 1976 and 1988 and leader of the Liberal Democrats between March and July 1988, as well as chief whip between 1970 and 1975–76.[276]

37. In Lord Steel's witness statement to the Inquiry,[277] he said he had read the report published by *Private Eye* which contained allegations about Cyril Smith and he tackled him about it. Smith had said that the story was correct – that he had been investigated by the police at the time and that no further action had been taken. Lord Steel added that he had taken no further action because the report referred to events before Smith was even a member of the Liberal Party but it seemed to him that Smith had "*possibly exceeded his role as a local Labour Councillor in the place for which he had some responsibility*".[278] He said the matter had been fully investigated and there was nothing more for him to do.

38. In the course of Lord Steel's oral evidence to the Inquiry, parts of the *Private Eye* article were read to him. Those parts were allegations of the spanking of boys' bare bottoms and the fondling of a boy's testicles during a fake medical examination. Lord Steel was asked whether he accepted that the allegations were not limited to the spanking of bare bottoms but included allegations which were far more serious. Lord Steel's response was "*Well, I accepted the article as presumably correct, which is why I questioned Cyril Smith about it*".[279]

39. Lord Steel said he knew that the allegations were old and had arisen before Cyril Smith had become an MP and before he had even become a member of the Liberal Party, that he had gone on to become Mayor of Rochdale, received an MBE for services to local government, then joined the Liberal Party and had been elected as an MP with increasing majorities four times, adding:

> "*So I saw no reason, or no locus, to go back to something that had happened during his time as a councillor in Rochdale.*"[280]

It is therefore unclear why Lord Steel tackled Smith about the allegations, if he was not going to do anything about it. His answer was he was concerned, having read the *Private Eye* report, it seemed the natural thing to do and his concern was that the allegations might be true. He said he did not know at the time that the investigation had come to nothing, and he did not recall any mention of the Director of Public Prosecutions during the conversation. He raised it with Smith as he thought it "*only right*" he did so.[281]

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[275] Des Wilson 13 March 2019 111/8-113/3
[276] Lord Steel 13 March 2019 113/25-114/18
[277] INQ002748
[278] INQ002748_002
[279] Lord Steel 13 March 2019 118/9-120/2
[280] Lord Steel 13 March 2019 122/16-24
[281] Lord Steel 13 March 2019 123/1-24

40. He was asked what he had meant by saying in his witness statement that it had seemed to him that Cyril Smith had "*possibly exceeded his role as a local Labour Councillor in the place for which he had some responsibility*".[282] Lord Steel told us Smith had claimed to have some supervisory role in the hostel which entitled him to do these things but Lord Steel said he had disagreed. The impression Smith had given him was that his supervisory role had permitted him to perform medical inspections.[283]

41. Counsel to the Inquiry then asked Lord Steel whether he had come away from the meeting not knowing if Cyril Smith had in fact "*committed these offences*". Lord Steel's response was both forthright and immediate:

> "*Well, I assumed he had because he said the account was correct. Why would he have been investigated if he hadn't done something that was possibly wrong?*"[284]

In light of that answer, Lord Steel was asked whether, from what Smith had said to him, he had understood that Smith had actually committed the offences. Lord Steel provided an unequivocal answer: "*I assumed that*".[285] He was asked, therefore, whether that did not provide more reason for Lord Steel to hold some form of inquiry, to which he responded, "*No, because it was, as I say, before he was an MP, before he was even a member of my party. It had nothing to do with me.*"[286]

42. We disagree. It had everything to do with Lord Steel as leader of the Liberal Party for which Cyril Smith was Rochdale's MP in 1979. The mere fact that the offences were not recent and were committed before Smith became an MP or before he was a member of the Liberal Party was an irrelevance and did not begin to relieve Lord Steel of a responsibility as Party leader to inquire further. Indeed, as Des Wilson told us, there had been a formal inquiry into Jeremy Thorpe and there should have been one into Smith.[287] Lord Steel considered that the Thorpe scandal was current and Smith's was not, so a formal inquiry was justified in Jeremy Thorpe's case but not in Smith's.[288] That overlooked the fact that Lord Steel had assumed Smith had committed the offences. Because of that response, Lord Steel was asked how he could have any confidence that Smith was not continuing to sexually abuse children on his watch. Lord Steel's response to this was to say Smith was no longer involved with the children's home as it had closed down and he said he had no suspicion or reason to think he could have had access to children by other means.[289] However, as Lord Steel admitted, he had never heard of Knowl View School (a residential school for vulnerable boys in Rochdale, with which Smith had a longstanding connection; Smith was the subject of further allegations of serious sexual offences against boys resident there[290]).

43. Counsel suggested to Lord Steel that Cyril Smith could still have been offending against children. His response was:

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[282] INQ002748_002
[283] Lord Steel 13 March 2019 124/12-125/9
[284] Lord Steel 13 March 2019 126/23-127/2
[285] Lord Steel 13 March 2019 127/3-5
[286] Lord Steel 13 March 2019 127/6-10
[287] Des Wilson 13 March 2019 105/4-107/12
[288] Lord Steel 13 March 2019 127/11-16
[289] Lord Steel 13 March 2019 127/17-128/9
[290] *Cambridge House, Knowl View and Rochdale investigation report*, pp45–46

> "*I have to admit that never occurred to me and I'm not sure it would occur to me even today*".[291]

This answer demonstrated a failure to accept the seriousness of what he had been told by Smith. In his answer, there was no suggestion he would act any differently today or recognition that his inaction had been completely misguided. However, in recent correspondence with the Inquiry, it was said on behalf of Lord Steel that:

> "*With hindsight, and with the insight of observing abuse cases reported in recent years, Lord Steel accepts that he would have acted differently now, and is sorry that he did not do so then.*"

44. Lord Steel was referred next in his evidence to the first *Rochdale Alternative Paper* article published in May 1979, in which there appeared a quotation attributed to Lord Steel's press office of 22 April 1979 which reads "*It's not a very friendly gesture publishing that. All he seems to have done is spanked a few bare bottoms.*"[292] Lord Steel told us that he had no press officer so it may have been the Party press officer who said this but he did not know, and he said this statement had never been brought to his attention.[293] It is unclear if Lord Steel was personally responsible for the press statement quoted by the *Rochdale Alternative Paper* in May 1979 but what is clear is that someone within the Liberal Party was aware of these serious allegations in April 1979 during the run-up to the May elections. As Slater & Gordon for the complainant core participants argue in their written closing submissions, the content and the date of the press statement confirm institutional knowledge on the part of the Liberal Party at Westminster of the allegations against Cyril Smith before the *Rochdale Alternative Paper* article was published which is at odds with Lord Steel's claims that he only found out about the allegations for the first time when he read the *Private Eye* article.[294] In light of the fact the Liberal Party press office made this press statement before any allegations about Smith were published, we do not understand why they were not brought to the attention of the party leader. Lord Steel told us he was likely to have been campaigning in Scotland due to the May 1979 election and nowhere near party headquarters.[295] That would not have prevented him being told about the allegations.

45. These allegations emerged at the time Jeremy Thorpe was being tried in court for conspiracy to murder. Lord Steel told us that he saw no connection between the two things. He dismissed the idea that the Liberal Party's inaction regarding Cyril Smith was to avoid another scandal at the same time as that of Jeremy Thorpe.[296]

46. Lord Steel denied hiding his head in the sand rather than getting involved in a nasty confrontation. He told us that he tended his whole political life to be more in favour of seeking compromise rather than confrontation.[297]

47. The Liberal Party's inaction, in light of its understanding of the serious nature of the allegations being made about Cyril Smith as revealed by the statement made to the *Rochdale Alternative Paper* on 22 April 1979, and Lord Steel's personal inaction, given his understanding from Smith that the allegations were true, is inexplicable unless it was borne

[291] Lord Steel 13 March 2019 129/9-12
[292] INQ000963_004; INQ000963_005-007
[293] Lord Steel 13 March 2019 129/15-135/2
[294] INQ004281_004; Lord Steel 13 March 2019 115/18-22; 134/4-5
[295] Lord Steel 13 March 2019 131/15-23
[296] Lord Steel 13 March 2019 137/25-138/8
[297] Lord Steel 13 March 2019 141/12-143/16

of a fear of more scandal at a time when the Party could not afford it. We do not accept Lord Steel's reasons for doing nothing, ie that he had "*no locus*" as it was all in the past when Smith was not an MP or a Liberal Party member. It ignored the fact that Lord Steel was uniquely in possession of an account from Smith of having committed acts of abuse. It ignored also the obvious risk that Smith was potentially a continuing danger to children. For all Lord Steel knew, Smith was continuing to offend against children.

48. Lord Steel, as leader of the Liberal Party, and the Party at Westminster, had a responsibility to inquire into the allegations and the risk that Cyril Smith posed to children as a powerful Westminster MP.

49. Later, Lord Steel recommended Cyril Smith for a knighthood without confronting him to ask if he was still committing offences against boys. Lord Steel said he had no reason to.[298] We disagree. He had every reason to do so. He assumed from his conversation with him in 1979 that Smith had committed criminal offences involving child sexual abuse. The Political Honours Scrutiny Committee, which considered the 1970 police investigation and the various press articles, concluded it was open to the Prime Minister to recommend Smith for a knighthood. There was little further investigation into the allegations against him by the committee.[299] Had Lord Steel's assumption that Smith had committed the offences been communicated to the committee, they may well have come to a different view about whether the Prime Minister should recommend Smith for a knighthood. In Part I of this report (Honours System), we consider other aspects of the granting of Smith's knighthood.

50. Lord Steel should have provided leadership. Instead, he abdicated his responsibility. He looked at Cyril Smith not through the lens of child protection but through the lens of political expediency. As suggested in the written closing submissions on behalf of the complainant core participants, when attending the Inquiry, far from recognising the consequences of his inaction, Lord Steel was completely unrepentant.[300]

51. We agree with Des Wilson regarding Lord Steel and the Liberal Party:

> "*I think they got the biggest spade they could find, dug the biggest hole in the sand they could manage, and buried their collective heads in it, hoping the rumours were unfounded or that it would all go away. In other words, it was cowardice rather than conspiracy.*"[301]

52. On 14 March 2019, the day following Lord Steel's evidence, the Liberal Democrats issued a statement saying:

> "*Following the evidence concerning Cyril Smith given by Lord Steel to the Independent Inquiry into Child Sexual Abuse on 13th March 2019 the office bearers of the Scottish Liberal Democrats have met and agreed that an investigation is needed. The party membership of Lord Steel has been suspended pending the outcome of that investigation. That work will now commence. It is important that everyone in the party, and in wider society, understands the importance of vigilance and safeguarding to protect people from abuse, and that everyone has confidence in the seriousness with which we take it. We appreciate the difficult work that the Independent Inquiry into Child Sexual Abuse is doing on behalf of the victims and survivors of abuse, and the country as a whole.*"[302]

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[298] Lord Steel 13 March 2019 147/16-151/23
[299] *Cambridge House, Knowl View and Rochdale investigation report*, p141 para 12
[300] INQ004281_006
[301] INQ004084_006
[302] https://www.telegraph.co.uk/news/2019/03/14/lord-steel-suspended-following-admission-cyril-smith/

53. *The Guardian* newspaper reported that Lord Steel sought to defend his decision not to investigate Cyril Smith, complaining that the media had generated "*sensationalist headlines*". The newspaper quoted him as saying "*It is unfortunate that some sections of the media have chosen to extract certain passages of evidence and present them without the full context.*"[303]

54. On the evening of 14 March 2019, Lord Steel sent the Inquiry an email,[304] suggesting that he could be recalled to give evidence. He registered his surprise that he had not been sent the Inquiry's Cambridge House, Knowl View and Rochdale investigation report (which Inquiry staff had emailed him after his evidence on 13 March 2019), of which he said he had previously been unaware. In the email, Lord Steel also claimed to have had difficulty hearing questions and said he "*did not pick up Counsel's use of the word 'confess'*" in some of the questions. He said what Cyril Smith had admitted to him was that he had been investigated by the police and no action had been taken. It was wrong to say that Smith had "*confessed*" to the alleged abuse.

55. On 19 March 2019, the Solicitor to the Inquiry responded to Lord Steel's email, answering his points, and asked him to copy the letter to the Liberal Democrats "*in the event you seek to explain your evidence to the Inquiry during the course of its disciplinary investigation*".[305] The Inquiry did not hear from the Scottish Liberal Democrats. On 14 May 2019, Lord Steel's suspension was lifted. Scottish Liberal Democrat leader Willie Rennie MSP was reported as saying the executive had:

> "*determined, after careful consideration, that there are no grounds for action against David Steel. We take the issue of vigilance and safeguarding incredibly seriously, so it was important to investigate following the evidence that David Steel gave to the independent public inquiry. In part because of a hearing difficulty and a lack of precision in providing some answers it was necessary to seek further information from him for clarification. The clarifications that David Steel has provided to us state clearly that Cyril Smith did not confess to any criminality which is why he took no further action at the time.*"[306]

56. On 16 May 2019, Sir Vince Cable, then leader of the Westminster Liberal Democrats, denied that the inquiry into Lord Steel was a whitewash:

> "*He had made some comments at the child abuse inquiry that weren't clear, so there was a detailed inquiry by the Scottish party – as he's a member of the Scottish party – and there was nothing ultimately to answer.*"[307]

57. As is plain from Lord Steel's evidence to the Inquiry, it was Lord Steel who volunteered that he had "*assumed*" from what he was told – that is, he accepted as true – that Cyril Smith had committed the offences. The word "*confess*" (and derivations of it) was used several times in the course of questioning without demur from Lord Steel. The only time he raised an objection was to Counsel's use of the word "*guilty*" but that was only because no action was taken against Smith.[308]

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[303] https://www.theguardian.com/politics/2019/mar/14/david-steel-faces-suspension-from-lib-dems-over-cyril-smith-revelation
[304] INQ004549
[305] INQ004550
[306] https://www.scotsman.com/news/politics/lord-steel-suspension-lifted-after-probe-into-cyril-smith-comments-1-4926776
[307] https://www.scotsman.com/news/politics/vince-cable-defends-lib-dems-inquiry-into-lord-steel-1-4928674
[308] Lord Steel 13 March 2019 128/14-22

58. Lord Steel had every opportunity to correct or clarify his evidence to this Inquiry if it lacked clarity, or was misunderstood or misrepresented. He did not do so at that time. He also had every opportunity to say if he was struggling to hear or understand the questions. As the video recording[309] and the transcript of Lord Steel's evidence show, there was only a single occasion when Lord Steel said he could not hear a question but that question had nothing to do with Smith's account to him.[310] For the rest of his evidence, Lord Steel answered the questions immediately and without seeking or providing clarification.

59. In our view, on a fair and complete reading of the whole of his evidence to the Inquiry, it is clear that Lord Steel assumed from what Cyril Smith told him that he had committed the offences which *Private Eye* had reported, yet he did nothing about it.

60. Regarding Lord Steel's claim that he was unaware of the Cambridge House, Knowl View and Rochdale investigation report (published in April 2018[311]), the Inquiry held three weeks of hearings in October 2017 including allegations about Cyril Smith. This was highly publicised. In the course of his evidence, Lord Steel was asked about an interview he gave to BBC's *Newsnight* on 4 June 2018,[312] during which Lord Steel described the allegations against Smith as "*scurrilous hearsay*". He advised the interviewer that care should be taken, adding "*we are waiting for the final outcome of the Inquiry … we have to wait till the Inquiry has finished its work*", and that he did not think it right to say Smith was guilty just because of "*tittle-tattle*". Lord Steel told us that in using the terms "*scurrilous hearsay*" and "*tittle-tattle*" he did not have in mind the fact that "*Cyril Smith had confessed*" to him in 1979 but allegations featuring in the Danczuk book *Smile for the Camera*.[313]

61. In evidence, Lord Steel said he could not recall if he was aware of the Inquiry at the time of the *Newsnight* interview in June 2018.[314] In our view, he did know about this Inquiry and was well aware that part of it related to Cyril Smith and Rochdale. Lord Steel also told us that he had never read the Inquiry's Cambridge House, Knowl View and Rochdale investigation report.[315] The report details the compelling accounts of several complainants about the abuse they alleged they had suffered at the hands of Smith. Lord Steel says he remained ignorant of it when he came to give evidence to the Inquiry.

The decision of the Director of Public Prosecutions on the 1969–70 investigation

62. Our Cambridge House, Knowl View and Rochdale investigation dealt with the decision-making of the Director of Public Prosecutions on the 1969–70 police investigation. In the report following our investigation we commented on the cursory nature of the analysis and the speed with which the case was dispatched and Cyril Smith told of the outcome.[316]

63. Lord Jopling gave evidence to the Inquiry on 15 March 2019. He was an MP between 1964 and 1997. He was a junior whip in the Heath government in the early 1970s, he was chief whip between 1979 and 1983, and was thereafter Minister for Agriculture, Fisheries and Food. In 1997 he was made a life peer.[317]

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[309] https://www.iicsa.org.uk/video/iicsa-westminster-investigation-day-8-13032019-pm1
[310] Lord Steel 13 March 2019 157/23
[311] *Cambridge House, Knowl View and Rochdale investigation report*
[312] INQ004085
[313] Lord Steel 13 March 2019 151/24-154/7
[314] Lord Steel 13 March 2019 154/8-21
[315] Lord Steel 13 March 2019 154/22-156/4
[316] *Cambridge House, Knowl View and Rochdale investigation report*, p22 para 47
[317] Lord Jopling 15 March 2019 31/5-32/6

64. Lord Jopling provided the Inquiry with a second witness statement on 12 March 2019,[318] the day before Lord Steel gave evidence. In it, Lord Jopling recalled some 50 years previously a private conversation with John Cobb QC (later Sir John Cobb), who told him in an informal capacity that he had been asked by the police or the Director of Public Prosecutions "*to look at papers regarding child abuse allegations against Cyril Smith*". Lord Jopling said that John Cobb QC had told him that, after going through all the papers, he had advised the police or the Director of Public Prosecutions that he did not think there was evidence sufficiently strong to get a conviction.

65. Lord Jopling added that he heard a few years ago that Lord Steel was being criticised about a potential cover-up of evidence against Cyril Smith. He told Lord Steel informally about his conversation with John Cobb QC and believed that Lord Steel had subsequently referred publicly to the conversation without naming him. Lord Steel was asked if he had any recollection of the conversation with Lord Jopling. He said he did remember it but said he could not recall referring to the matter publicly.[319]

66. Lord Jopling was sure he had not confused the conversation with something else or another case.[320] We reported in the Cambridge House, Knowl View and Rochdale investigation that, on Friday 13 March 1970, the Lancashire Constabulary file (comprising over 80 pages of material) was sent to the Director of Public Prosecutions. It was received on Monday 16 March 1970, and the Director of Public Prosecutions provided his advice by letter dated Thursday 19 March 1970. This timeline allowed for a total of three working days for the papers to be read and advice produced.[321] There was no reference to any advice in writing or otherwise from counsel in any of the material we saw during that investigation. If the Director of Public Prosecutions had sought Leading Counsel's advice, we consider it highly unlikely that there should have been no reference to it in the decision letter the Director of Public Prosecutions sent to the police. Indeed, in the pre-digital age when everything was done on paper, there was a very short time for counsel to receive the papers, which were not insubstantial, and advise the Director of Public Prosecutions on them (whether in writing or verbally) in order for the Director of Public Prosecutions to revert to the police within three working days with a decision.

67. It has been suggested on behalf of the complainant core participants[322] that an opinion could not have been obtained from Leading Counsel in that very short window, so that the conversation Lord Jopling had with John Cobb QC cannot have been about the Lancashire investigation. They suggest this raises the concern that there may have been a separate police investigation on which the Director of Public Prosecutions sought counsel's opinion but it was not this one. This is nothing but a speculative possibility with no evidence to support it and we reject it. If the advice was sought not by the Director of Public Prosecutions but by the police then there would have been ample time for John Cobb QC to have considered the papers. However, this possibility raises a further issue. If Lancashire Constabulary sought the advice, why did they make no mention of it in the papers they submitted to the Director of Public Prosecutions? In the absence of any evidence to assist resolution of the issue, it would be wrong to speculate about it.

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[318] INQ004197
[319] Lord Steel 13 March 2019 160/15-163/6
[320] Lord Jopling 15 March 2019 75/3-78/1
[321] *Cambridge House, Knowl View and Rochdale investigation report*, p22 para 46
[322] INQ004281_012-013

68. Whether or not advice was sought by the police or the Director of Public Prosecutions from John Cobb QC, we saw no mention of any advice from counsel in all the material that was placed before us in the course of the Cambridge House, Knowl View and Rochdale investigation. Whether the Director of Public Prosecutions received any independent advice before making the decision we cannot determine now. Gregor McGill, Director of Legal Services at the Crown Prosecution Service, who gave evidence in the Cambridge House, Knowl View and Rochdale investigation about the decision of the Director of Public Prosecutions in the case of Cyril Smith, was asked about Lord Jopling's evidence. He was unable to say from what he had read whether counsel had been instructed by the police or the Director of Public Prosecutions. He said he had seen nothing to suggest counsel had been instructed.[323]

69. If the Director of Public Prosecutions did receive independent advice on the Lancashire case from Leading Counsel, then direct reference to that fact in the Director of Public Prosecutions' decision letter might have firmly established that his decision had not been the subject of improper influence. All we were able to say in the Cambridge House, Knowl View and Rochdale investigation report was that, on the material we had seen, it would be no more than speculation to say there had been improper influence by those interested in the matter.[324]

E.3: The Conservative Party and Sir Peter Morrison

70. Sir Peter Morrison was the Conservative MP for the City of Chester between 1974 and 1992.

71. Peter Morrison held several senior roles in government and in the Conservative Party. Between May 1979 and January 1982 he was Lord Commissioner of HM Treasury (a senior whip).[325] Between June 1983 and September 1985 he was Minister of State for Employment, and between September 1985 and September 1986 he was Minister of State for Trade and Industry. From September 1986 to June 1987 he was the Conservative Party Deputy Chairman. Norman Tebbit (now Lord Tebbit) was Conservative Party Chairman between September 1985 and June 1987, so their time in Central Office overlapped by about nine months. From June 1987 to July 1990 Peter Morrison was Minister of State for Energy and from July to November 1990 he was Parliamentary Private Secretary (PPS) to the Prime Minister, Margaret Thatcher. He was knighted in 1991 and stood down from Parliament before the 1992 general election. He died in 1995 aged 51.

72. In the course of the investigation, we examined some of the allegations made against Peter Morrison. We focussed in particular on how those allegations were responded to not only by the Conservative Party, both locally and nationally, but also by the wider political community and other institutions in Westminster. We heard from witnesses who were politically active in Chester during the period when Peter Morrison was the city's MP and those in Westminster who had dealings with him and his alleged conduct. The questions we have to consider are what people knew about those matters and what they did about them. Was there a cover-up and, if so, who was complicit in it?

[323] Gregor McGill 27 March 2019 182/24-185/10
[324] *Cambridge House, Knowl View and Rochdale investigation report*, p25 para 61
[325] Gyles Brandreth 12 March 2019 133/4-12

Chester

73. There had been rumours in Chester about Peter Morrison's sexuality for many years. According to Grahame Nicholls, who was a lifelong trade unionist and Labour Party member, in the 1970s and 1980s the rumours that Peter Morrison liked "*little boys*" had been "*rife*", and not only had he heard it but also "*the political elite of Chester*" knew the rumours. The political elite included the Conservatives.[326] By "*little boys*", Mr Nicholls was talking about 11 to 17-year-olds. Mr Nicholls continued "*Nobody did anything but everybody knew he had a way for young children*".[327] Mr Nicholls had also heard a particular rumour about an incident at Crewe railway station with a 15-year-old boy.[328]

74. Christine Russell was the Labour Party election agent for Chester between 1986 and 1992, later becoming PPC for Labour and then MP for Chester in 1997. Ms Russell, who met Peter Morrison three times in the 1980s, said she found him to be "*quite aloof and arrogant*".[329] She heard about an incident at Crewe railway station which, depending on who was telling the story, involved him being taken off a train for having molested a boy on the train or being arrested in the men's toilets at the station, having indulged in some sexual activity with young men.[330] A third allegation was of wild parties at his constituency home involving a select list of guests and young men.[331] Ms Russell confirmed that Chester had been "*awash with rumours about Peter Morrison's private life – his alcoholism and penchant for young men – from the early 1980s onwards*".[332] Ms Russell told us that the rumours were widespread not only within the political community but also throughout Chester. She said the allegations were being made by police officers and Conservative councillors. When she asked them what they were doing about the rumours, the response would be "*he's being protected*", which she thought meant they had tried to substantiate the rumours or had not bothered as it would be a pointless exercise.[333] She told us that Conservative councillors would say he was "*being protected from on high*", in other words by the upper echelons of the Conservative Party.[334]

75. Gyles Brandreth, who succeeded Morrison to become Conservative MP for Chester in 1992, recalled meeting Peter Morrison during his candidacy for the seat. He found him to be a heavy drinker and smoker, and he sensed that he was homosexual. Morrison told him that he had been a Minister of State, a Privy Councillor and PPS to Mrs Thatcher, that he could not see himself moving further and that it had been made clear to him he was not going to join the Cabinet. Peter Morrison told Mr Brandreth that it was therefore time to get out and make some money by going into business.[335] Other evidence, to which we will come, suggests this was nothing more than Peter Morrison window-dressing to conceal the true reason for his standing down. When he was out canvassing knocking on doors, Mr Brandreth was told in no uncertain terms that Peter Morrison was "*a monster who interfered with children*" but there was nothing to substantiate these "*slurs*", as he described them.[336]

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[326] Grahame Nicholls 11 March 2019 30/12-31/8; 56/16-21
[327] Grahame Nicholls 11 March 2019 31/6-18
[328] Grahame Nicholls 11 March 2019 31/19-21
[329] Christine Russell 11 March 2019 81/19-83/14
[330] Christine Russell 11 March 2019 85/5-86/1
[331] Christine Russell 11 March 2019 86/2-10
[332] LAB000037_003; Christine Russell 11 March 2019 87/6-13
[333] Christine Russell 11 March 2019 87/17-88/14
[334] Christine Russell 11 March 2019 88/15-24
[335] Gyles Brandreth 12 March 2019 109/12-23; 111/8-17
[336] Gyles Brandreth 12 March 2019 116/14-20; 119/7-18

76. Patricia Green's late husband, Ralph Green, was selected to stand for the Liberal Party in Chester in 1974. In a 2018 police interview, Mrs Green said she and her husband were aware that Peter Morrison was homosexual but were unconcerned about that. In the late 1980s, they became aware that Peter Morrison had been involved in an incident on a train involving a boy. The allegation was that he had sexually assaulted the boy. They understood that he had been removed from the train at Crewe railway station. She recalled Peter Morrison had been travelling back from Westminster. Mrs Green said she had no direct evidence and her knowledge was based on rumour, adding both Labour and the Liberal Party "*were talking about the information, which was so strongly believed that a by-election was going to be proposed*". She thought news of the Crewe incident "*was suppressed due to his privileged background*".[337] In her 2019 Inquiry witness statement,[338] Mrs Green added that rumours circulated about Peter Morrison's behaviour during his time as an MP, suggesting that he took an unhealthy interest in young people.

77. Frances Mowatt was the agent and secretary to the City of Chester Conservative Association in 1974. In 1988, she left the area to move to Essex after the 1987 election. She knew both Grahame Nicholls and Christine Russell. Mrs Mowatt told us that she heard no rumours about Peter Morrison's sexual life or private life the whole time she was in Chester. The words 'sexual life or private life' were used by Counsel to the Inquiry when asking Mrs Mowatt if she had heard rumours about those aspects of his life. The words are sufficiently broad to embrace child sexual abuse, homosexuality and drunkenness but Mrs Mowatt said she had heard no such rumours. She said she did not recognise Christine Russell's description of the rumours in Chester, and as far as she was concerned Ms Russell was mistaken.[339]

78. In the course of her evidence, Ms Russell told us about a meeting Mrs Mowatt initiated between Mrs Mowatt and the late David Robinson, the former Labour Party agent and PPC who became the Labour candidate in the 1987 election. She said that the meeting took place during an election period but she could not recall if it was the 1987 general election or the 1988 local elections. What she could remember was a call from Mrs Mowatt asking if David Robinson was there and it ended up with him meeting Mrs Mowatt in a mews running between Labour Party headquarters and the Conservative office. She recalled Mr Robinson returning and telling people in the office that Peter Morrison was not going to stand down but that Mrs Mowatt had told him that Morrison was "*not a well man and probably won't be standing in the next election*". Ms Russell understood the meeting to be connected with the allegations against Peter Morrison. Ms Russell thought Mrs Mowatt was trying "*to protect Morrison against coverup*", and was "*naively assuming that if she was reasonable and assured David that Peter Morrison would be standing down at the next election, then, … in return, we would desist from joining in the accusations*", although as she pointed out, Labour were not making them.[340]

79. A letter from Patrick Walker of the Security Service (MI5) to Sir Robert Armstrong, then Cabinet Secretary, dated 7 July 1987, shortly after the 1987 general election, confirmed the meeting. The letter related to the content of a security briefing Mr Walker had given Peter

[337] OHY005914
[338] INQ004031
[339] LAB000037_003; Christine Russell 11 March 2019 87/6-13; Frances Mowatt 11 March 2019 8/23-11/13
[340] Christine Russell 11 March 2019 88/25-91/17

Morrison on 2 July 1987. In the course of it, Peter Morrison mentioned to Mr Walker stories about his alleged homosexual behaviour which had surfaced in his Chester constituency during the general election. Mr Walker wrote:

> "*Unfortunately, his election agent, in a well-meaning but clumsy attempt to spare Morrison embarrassment, had spoken without Morrison's authority or knowledge to the Labour candidate. She chose to do so in a back street of all places. Morrison feared that if his agent's approach reached the wrong ears it could be misrepresented as an attempted cover-up.*"[341]

80. Ms Russell confirmed that Mrs Mowatt was Morrison's agent in 1987, that she (Ms Russell) was the Labour Party agent and David Robinson was the candidate. She said she had no doubt that the letter described the meeting.[342] In the meeting with Mr Walker of MI5, Peter Morrison had himself described a woman agent meeting the Labour candidate (who was David Robinson) in a Chester back street. In his letter to Sir Robert Armstrong, Mr Walker referred to an "*election agent*". Mrs Mowatt was not an election agent but was the agent and secretary to the City of Chester Conservative Association. The confusion between whether or not the person who spoke to David Robinson was an election agent rather than the agent to the Conservative Association is immaterial. There is no question Peter Morrison was reporting the same meeting to Mr Walker.

81. By contrast, Mrs Mowatt told us that she was "*utterly bewildered*" by Ms Russell's claim that she had requested a meeting with David Robinson, saying she was "*completely mistaken*". She was referred to Ms Russell's witness statement in which Ms Russell had recalled Mr Robinson telling her that Mrs Mowatt had told him:

> "*there would not be a by-election and that Peter Morrison would not be resigning 'although he was not a well man' … and that he would not be standing at the next election*".

Mrs Mowatt told us there was never any such suggestion.[343]

82. Mrs Mowatt was also asked about the letter from Mr Walker to Sir Robert Armstrong. She commented that only Peter Morrison knew why he made those remarks, adding that he could have been referring to any one of 19 subagents. Mrs Mowatt insisted it was not her, despite the reference to a woman agent.[344]

83. We have no doubt that the back street meeting described by Ms Russell and mentioned by Peter Morrison to Mr Walker took place. The evidence of Ms Russell and the content of the Walker letter in combination suggests that the woman agent being referred to was Mrs Mowatt rather than anyone else. In our view, Mrs Mowatt was less than frank with us by concealing what was an attempt by her to cover up for Peter Morrison in 1987. We do not accept Mrs Mowatt's evidence that she had not heard the rumours about Peter Morrison's sexual life or his private life. We agree with Mr Nicholls, who described Mrs Mowatt's claim not to know anything about them as "*absolutely incredible*".[345] Her attempt to cover up his alleged behaviour could be for no reason other than that she knew about it and was protecting him.

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[341] CAB000123
[342] Christine Russell 11 March 2019 93/1-94/6
[343] LAB000037; Frances Mowatt 11 March 2019 11/14-13/5
[344] Frances Mowatt 11 March 2019 16/1-19/6
[345] Grahame Nicholls 11 March 2019 33/3-5

84. In 2002, Edwina Currie Jones published her diaries for 1987 to 1992. In an entry for 24 July 1990, she wrote:

> "*One appointment in the recent reshuffle has attracted a lot of gossip and could be very dangerous: Peter Morrison has become the PM's PPS. Now he's what they call 'a noted pederast', with a liking for young boys; he admitted as much to Norman Tebbit when he became deputy chairman of the party, but added, 'However, I'm very discreet' – and he must be! She either knows and is taking a chance, or doesn't; either way it is a really dumb move. Teresa Gorman told me this evening (in a taxi coming back from a drinks party at the BBC) that she inherited Morrison's (woman) agent, who claimed to have been offered money to keep quiet about his activities. It scares me, as all the press know, and as we get closer to the election someone is going to make trouble, very close to her indeed.*"[346]

Mrs Currie Jones later explained in a police statement that she was using the term "*young boys*" to describe teenagers aged 16 and above.[347]

85. The matter appears only to have been considered serious, if at all, in political terms. In a witness statement Mrs Currie Jones made to the Inquiry in 2018,[348] she said that what had scared her was the fact that Peter Morrison had only recently been appointed to be Margaret Thatcher's PPS and, if the information was or might have been true, he was consorting with males below the age of consent which might cause reputational damage for the Prime Minister herself.

86. Mrs Currie Jones's Twitter account reveals that in February 2013 she responded to a Tweet asserting that Peter Morrison "*was protected by a culture of sniggering, of giggling and of nudgenudge, wink-wink*" by commenting "*Correct quote. And I deeply disapproved*".[349] She was asked to explain her response, but in a 2019 witness statement was only able to say that at this distance in time she could not explain it, far less provide information as to whether and how Peter Morrison was protected, adding that she would always disapprove of a culture that protected any wrongdoing.[350]

87. Mrs Mowatt was asked about the second part of the diary entry concerning her. She said that, despite this appearing to be a description of her, she was never Teresa Gorman's agent and what Mrs Gorman (who died in 2015) had said to Mrs Currie Jones about her being offered money and that she was her agent was "*a wicked lie*".[351] Mrs Mowatt told us following her move from Chester to Essex she became active in the Essex South West European Parliament constituency.[352] The constituency included Billericay, Mrs Gorman's Westminster constituency.

88. Grahame Nicholls told us that he had first heard the rumour about the Crewe railway station incident from Cynthia Body (since deceased), a reporter on the *Cheshire Observer*, and then again at a Labour Party meeting at Labour Party headquarters after the 1987 election but before the 1992 election; some time between 1988 and 1990 was his best estimate.[353] Mr Nicholls said that both Christine Russell and David Robinson were at the meeting,

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[346] INQ004107
[347] OHY006572_002
[348] INQ003867_001
[349] OHY006953_002-003
[350] INQ003995
[351] Frances Mowatt 11 March 2019 13/6-15/25
[352] Frances Mowatt 11 March 2019 7/9-8/10
[353] Grahame Nicholls 11 March 2019 35/4-37/2

at which Ms Russell said that an agreement had been reached with the Conservative Association that Peter Morrison would stand down and the police would not take the matter any further. He added that the local newspapers were aware of the arrangement. He was unsure if Ms Russell had been at the meeting with the Conservative Association at which the arrangement had been reached but he was sure it was she who had imparted the information at the Labour Party meeting. He said he was not making it up or imagining it.[354]

89. The agreement was Peter Morrison would not be standing in 1992 and, if that was so, Labour "*wouldn't break cover on this particular story*", by which he meant release the information about the Crewe incident to the local media who had decided not to publish. When asked if the local media had "*bought into some agreement of this nature*" he answered "*I presume, yes*". Mr Nicholls said he understood, from what Christine Russell had said at the meeting, that the police were also involved in the cover-up by taking no action. He could not answer why the Labour Party had covered up a story that would have given them considerable advantage at the next election.[355] He accepted that, if he had disagreed with it, he could have done something about it but had failed to. He told us he took the information and was just pleased that Peter Morrison was standing down. He accepted no thought was given to the 15-year-old boy who was the alleged victim of the abuse. He added it was "*a Chester cover-up … Nobody was going to break ranks*".[356]

90. The story did not emerge until 20 years later when Simon Hoggart wrote a piece in *The Guardian* newspaper published on 16 November 2012 based on information Mr Nicholls had given him, although Mr Nicholls had not intended the information to be published. In the article, Mr Hoggart reported the deal which was struck between Labour, the local Tories, the press and police that if Peter Morrison stood down the matter would go no further.[357]

91. Jane Lee (formerly Leach) was the secretary of the Gresford and Rossett branch of the Labour Party in 1989 and 1990. Gresford and Rossett are in the County of Wrexham, some seven miles from Chester. At the time, Ian Lucas was the chair of that branch of the Labour Party.[358]

92. Ms Lee recalled a get-together at a pub following a monthly branch meeting at which she spoke to a woman she named as 'Eileen Neidermeyer'. The meeting took place in 1989 or 1990. Eileen Neidermeyer was, she said, a Labour Party branch member. Ms Lee could not recall if her last name was in fact 'Neidermeyer', 'Neiderlov' or 'Neider' but it was Dutch. She recalled Ms Neidermeyer telling her that she should get tomorrow's newspaper because it was ready to publish the fact that Peter Morrison had been found in the toilets at Crewe railway station. The newspaper she was talking about was the *Wrexham Leader* where Eileen Neidermeyer worked as journalist. Ms Lee told us she felt guilty about her reaction at the time which was only to see the political gain from the story, as it meant Labour would win Chester. However, the story failed to appear and at the following branch meeting Ms Neidermeyer told her that the Chief Constable of Cheshire had received a phone call from the Prime Minister's office and he had been persuaded not to press charges but to caution Morrison instead. Ms Neidermeyer had told her that the story was pulled at the last minute because of the phone call.[359]

[354] Grahame Nicholls 11 March 2019 37/9-41/7
[355] Grahame Nicholls 11 March 2019 41/8-44/15
[356] Grahame Nicholls 11 March 2019 44/19-49/10
[357] INQ003856_002-003; Grahame Nicholls 11 March 2019 49/11-55/7
[358] Jane Lee 11 March 2019 57/23-58/15
[359] Jane Lee 11 March 2019 58/25-65/20

93. Ms Lee told us that she raised the issue with Mr Lucas, as she felt they needed to do something about it. According to her, Mr Lucas said he had rung someone in the Labour Party hierarchy, and he told her "*There is an unwritten rule: we don't tell on them and they don't tell on us*", and that he had been told "*For every one they've got, we've got one*", which she took to mean paedophiles, although the word was not used.[360] She said she did not think this was about outing homosexuals as opposed to paedophiles.[361]

94. Ms Lee said that she had done nothing with the information and had kept it quiet for years. She was "*disappointed*" with Mr Lucas's Inquiry statement in which he denied having discussed the matter with anyone in the Chester Labour Party or at national level. She understood the seriousness of what she was saying and that Mr Lucas was an MP.[362] She was asked if she thought that the deal struck between Labour and the local Tories she heard about in Mr Nicholls' evidence was the same deal she had heard about from Mr Lucas. Her answer was that she thought the implication was the same.[363] She told us that in 2014 she reported the matter to the police; she had been thinking about the matter for years and had been "*thinking of the children*". She said that she thought she had been a party to a conspiracy and a cover-up and that she had to hand herself in to the police.[364] She agreed that she had wrestled with her conscience and she told the Inquiry finally "*I just feel as if … we are all guilty, everyone who kept quiet. It's just terrible*".[365]

95. In light of Ms Lee's account, Ian Lucas provided the Inquiry with a second statement dated 25 March 2019.[366] In it, he challenged Ms Lee on some of the details of her account, and he robustly denied having any direct conversation solely with her concerning the allegations made by 'Eileen Nederlof' (which was the correct name for the *Wrexham Leader* journalist, according to Mr Lucas). He denied having any contact with anyone outside Wrexham, and he categorically denied having spoken the words attributed to him by Ms Lee. So far as he is concerned she had made a false allegation against him, he would never conceal or cover up such allegations and did not do so, not least because in the course of his parliamentary career he had raised matters linked to sexual abuse on a number of occasions.

96. Christine Russell was asked about the meeting at which Mr Nicholls said an agreement had been reached. She said there was no truth in it whatsoever. She said that the Mowatt/Robinson meeting was not kept secret, so people within the Labour Party knew about it and it was common knowledge that Peter Morrison was going to step down. She could not explain the common thread in the accounts given by Ms Lee and Mr Nicholls, prompted by the alleged Crewe railway station incident, and how or why they remembered something she could not but she was firm in her evidence that there was no agreement to cover the matter up, adding it would not have been in the electoral interests of the Labour Party to stop the rumours. She remembered telling activists they could campaign on Peter Morrison's right-wing views but not to gossip about the rumours. In her witness statement, she added recalling having to refute national press allegations of a deal and that such a move would not have been in Labour's best interests *"as the rumour-mill was doing an excellent job at eroding Conservative Party support in Chester*".[367] She agreed that none of the local newspapers

[360] Jane Lee 11 March 2019 65/21-69/4
[361] Jane Lee 11 March 2019 79/18-80/5
[362] INQ004087_002; Jane Lee 11 March 2019 69/5-70/7
[363] Jane Lee 11 March 2019 70/18-72/6
[364] Jane Lee 11 March 2019 72/7-73/11
[365] Jane Lee 11 March 2019 80/6-12
[366] LAB000070
[367] LAB000037_004

reported the Crewe railway station incident despite knowing about it. It was, she said, unsubstantiated gossip but she told us she had informed the regional office so they were aware of it.[368]

97. Ms Russell was shown Patricia Green's 2018 police interview,[369] in which she had said she and her husband had heard the rumours which both Labour and Liberal Party members were talking about, and they were so strong that it was believed a by-election was to be proposed. Ms Russell maintained her position that she had not attended any meeting of the type mentioned by Mr Nicholls and had there been any mention of a by-election she would have been present, which made her think no such meeting ever took place.[370] She told the hearing she had discussed the matter at length with Mrs Green "*when the Inquiry was first brought up*" and they did not disagree about what she had told us in her evidence or about what Mrs Green had said in her statement. She was then asked about Mrs Green's recent Inquiry statement of 31 January 2019,[371] in which Mrs Green stated that Ms Russell had told her she had been present at the discussion described by Mr Nicholls when it was agreed Peter Morrison would stand down and she would not pursue other matters concerning his previous conduct.[372] Ms Russell's response was to say that Mrs Green had got it wrong and that she probably had been speaking about the Mowatt/Robinson meeting. It was, however, pointed out to her that Mrs Green could not have been speaking about the Mowatt/Robinson meeting because there was no mention in her statement of Frances Mowatt or David Robinson, yet she did mention Grahame Nicholls. Ms Russell agreed these were two different incidents. So the question was why Mrs Green was mentioning a different incident to the one Ms Russell claimed to have been speaking to her about. Ms Russell's answer was to say Mrs Green was mistaken or had possibly misunderstood.[373]

98. Ms Russell suggested that there may have been individual conversations between members of different political parties but there were no formal discussions and no informal discussions leading to an arrangement could have occurred without her being aware of it. She was asked how the accounts of Mr Nicholls, Ms Lee and Mrs Green might be reconciled with hers. She suggested there had been some confusion between the earlier Mowatt/Robinson meeting and the time when Peter Morrison in fact stood down, saying that the rumours continued after his re-election in 1987 until the time he announced he was not seeking re-election.[374]

99. Gyles Brandreth told us that he had never heard about any deal between the parties, the press and the police as the reason underlying Peter Morrison's stepping down. He had met local journalists and the local political activists of all the parties and he was on good terms with senior local police officers but it had not come up, and it was not surprising that it had not come up, because Peter Morrison was associated with Margaret Thatcher, this was a new era, it was reasonable for him to move on, and it was a marginal seat which he might have lost.[375]

[368] Christine Russell 11 March 2019 95/7-99/11
[369] OHY005914
[370] Christine Russell 11 March 2019 99/12-103/11
[371] INQ004031
[372] INQ004031_002
[373] Christine Russell 11 March 2019 103/12-105/22
[374] Christine Russell 11 March 2019 105/23-107/14
[375] Gyles Brandreth 12 March 2019 114/10-116/9

100. British Transport Police made enquiries to discover what information it holds in relation to Peter Morrison. The information on their system was not inputted until 2012.[376] There is no contemporary record to confirm Peter Morrison was ever removed from a train or found in the public toilets at Crewe railway station, far less any record of an arrest or proof that he was cautioned.[377]

101. Ms Eleanor Grey QC, who represented the Labour Party, invited us to cast a very critical eye over Ms Lee's account of a deal, not least her own failure to explore the matter further. She emphasised that we have not called Mr Lucas to hear his side of the story. Ms Grey suggested that this would generally mean we are content with the contents of his statement and will accept them; she argued that to do otherwise would be wholly wrong, having not heard from Mr Lucas.[378] She submitted that neither Mr Nicholls nor Mrs Green could identify who agreed to the deal and that there was "*great vagueness about dates*".[379] She emphasised Ms Russell's denial of being party to any agreement or knowing the Labour Party had been so. She argued Mr Brandreth failed to support the suggestion of any agreement and overall there was the absence of Conservative Party, police or press witnesses to support it. Ms Grey pointed also to the inherent implausibility of the involvement of the Labour Party, the fact the rumours were not new in 1988–1990, and that being party to an agreement of the type described by Mr Nicholls made no sense from the Labour Party's perspective. There were, she submitted, good valid reasons why a political party would not seek to make capital out of such rumours. She concluded this topic by saying:

> "*the idea that unidentified members of the Labour Party would be party to an agreement with regards to Peter Morrison's political future is to be firmly rejected*".[380]

102. We are confronted by a fundamental conflict of evidence between the witnesses.

102.1. Some of the evidence, although not in identical terms, suggests there were discussions leading to an arrangement or agreement between the local parties, police and press to cover up Peter Morrison's alleged misconduct in consideration of him standing down at the next election. Other witnesses (both past and present MPs) who were said to be directly involved in the discussions or arrangements in the cover-up vehemently deny it.

102.2. We find credible Mr Nicholls' account that at a meeting attended by him Ms Russell spoke about an agreement to cover up the alleged Crewe railway station incident. She denies presence at such a meeting, far less involvement in any deal. We conclude Ms Russell was present at the meeting described by Mr Nicholls as supported by Mrs Green's recent account but she has sought to downplay her role. We cannot and do not conclude on the evidence that she was a direct party to the alleged agreement.

102.3. Ms Lee was genuine but we cannot determine whether the journalist she named as Eileen Neidermeyer had simply found an explanation why the story she had previously bragged about was not to be published or whether Ms Lee misinterpreted

[376] BTP000001; OHY007098
[377] OHY003183_001-002
[378] Eleanor Grey QC 29 March 2019 115/20-116/16
[379] Eleanor Grey QC 29 March 2019 116/25-117/1
[380] Eleanor Grey QC 29 March 2019 117/20-119/18

what she was told. There is no evidence in support of the account that the Chief Constable of Cheshire had received a call from the Prime Minister's office in about 1989–90 intervening in order to persuade him to drop charges and to caution instead. This contrasts with the period before 1987, to which we will come, when records do show that concerns about Peter Morrison were expressed to Mrs Thatcher. Moreover, there are no contemporary records to support the allegation that Peter Morrison was apprehended at Crewe railway station, far less arrested and cautioned.

102.4. We acknowledge Ms Lee's evidence that she took her concerns to Mr Lucas who told her he had spoken to the hierarchy and explained to her the "*unwritten rule*"[381] of not informing. Mr Lucas denies it. We did not hear from him at the hearing and, although we do not agree that that means we must accept what he says, we do agree it would not be fair to make any finding about the conflict between them and we do not do so.

Westminster

103. Baroness Eliza Manningham-Buller joined the Security Service (MI5) in 1974, rising to become Director General of the Service in 2002. At the time of the events we are concerned with, she was in the Secretariat "*with responsibility for the oversight of its foreign relationships with foreign services*". Towards the end of the 1980s she was promoted and put "*in charge of the work on Middle East terrorism*".[382]

104. She was friends with Peter Morrison through much of the 1980s. She described her friendship with him as "*quite good … not close*". She would see him socially and occasionally have dinner with him. They also had friends in common.[383] She was asked about the evidence of Susan Hogg, Peter Morrison's former diary secretary between 1983 and 1985 when he was the Minister of State for Employment,[384] who told us that at night when he phoned into the office from home she was aware of the presence of an 'Eliza' in the background. Mrs Hogg had also seen her when on one occasion she visited the department.[385]

105. Baroness Manningham-Buller denied being in Peter Morrison's house with the frequency Mrs Hogg's evidence implied. She said that impression fitted the concern she later developed that he had been suggesting to people that she was his girlfriend which was why towards the end of the 1980s she saw less of him. She speculated that the impression he was trying to give related to his sexuality.[386]

106. On 6 January 1986, Sir Antony Duff, then Director General of MI5, wrote to Sir Robert Armstrong, then Cabinet Secretary, recalling there had been unsubstantiated rumours circulating about Peter Morrison as early as 1983 that he had been apprehended by police for importuning. He informed Sir Robert that a member of his staff had passed on information they had been told by a friend a couple of months before that Peter Morrison had been caught soliciting in a public lavatory and had narrowly escaped being charged; also that a second friend had said that Lord Cranborne had been telling the story quite openly to people.[387] In his reply of 13 January 1986, Sir Robert recalled the 1983 information and

[381] Jane Lee 11 March 2019 68/2
[382] Baroness Manningham-Buller 12 March 2019 14/14-25
[383] Baroness Manningham-Buller 12 March 2019 15/3-13
[384] Susan Hogg 12 March 2019 1/16-2/25
[385] Susan Hogg 12 March 2019 6/20-10/9
[386] Baroness Manningham-Buller 12 March 2019 15/18-17/9
[387] CAB0000126

said he had ensured the Prime Minister had been made aware of the "*potential problem*".[388] From September 1985 to September 1986, Peter Morrison was Minister of State for Trade and Industry and therefore the information imparted by the member of staff arose during a period when Peter Morrison was in government.

107. Baroness Manningham-Buller was asked about those letters. She thought that she was the member of staff who had passed on the information, saying it had been her duty to do so.[389]

108. She was also asked to consider five other documents dated between 4 November 1986 and 17 December 1986, by which time Peter Morrison was Conservative Party Deputy Chairman. Baroness Manningham-Buller had not previously seen two of the documents.[390]

109. The first document in the series, dated 4 November 1986, is a letter from Sir Antony Duff to Sir Robert Armstrong.[391] It referred back to Sir Robert's 13 January letter, and informed him that the rumours persisted. Sir Antony wrote that a member of staff had heard from Donald Stewart, the Conservative agent for Westminster, that Peter Morrison had "*a penchant for small boys*", which Mr Stewart had heard from two sources. Sir Antony wrote that despite the fact Peter Morrison had only just taken up his position in Conservative Central Office there might be a real possibility that he would be a candidate for office in the future and the stories would need to be reconsidered "*in the security context*". He advised that the first step was to speak to Mr Stewart and that "*in the light of the Jeffrey Archer case, the risk of political embarrassment to the Government is rather greater that the security danger*". He thought that the chief whip might speak to him rather than MI5 in order that they should not get directly involved "*for the time being*". It is notable that no consideration was given to or mention made of the risks to children of alleged sexual abuse by Peter Morrison.

110. Baroness Manningham-Buller had clearly seen the letter because she had dated and initialled it, though she thought the date '3/11/86' she had written by her initials 'EMB' could not be right and should probably have been '4/11/86', the date of the letter.[392] She believed she had been shown the letter as she had been the source of the information in the January letter, even though it was Mr Stewart who had been the source of the information in this letter. She said that on this occasion she was not the member of staff to whom Mr Stewart had given the information.[393]

111. Counsel to the Inquiry asked her whether she could think of any reason why MI5 was going to stay in the background for the time being. She responded by saying this was the first time children were mentioned and the fact they were not given prominence in the letter "*is shocking*" but security and Peter Morrison's vulnerability to potential blackmail were the narrow focus at that stage. She added that even if the reference to children had been given greater prominence, the matter should have been passed to the police but it was not, albeit this had not been her decision. She agreed that because Peter Morrison was at this time Conservative Party Deputy Chairman, he was no longer in government and therefore did not represent the same security risk as a minister.[394]

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[388] CAB000099_001
[389] Baroness Manningham-Buller 12 March 2019 18/12-21/17
[390] Baroness Manningham-Buller 12 March 2019 28/18-29/3
[391] INQ004040
[392] Baroness Manningham-Buller 12 March 2019 29/4-32/16
[393] Baroness Manningham-Buller 12 March 2019 32/17-34/15
[394] Baroness Manningham-Buller 12 March 2019 34/19-36/4

112. Baroness Manningham-Buller had produced two memos, respectively dated 11 November 1986 and 13 November 1986, in which she was to impart further information to her superiors.[395] In the first of them, she provided information that a friend had told her the previous day that there had been a report in *The Star* of 3 November 1986 that a prominent Tory was under investigation by police "*because of his interest in small boys*" (although her handwritten annotation on the memo indicated that the press cutting did not in fact refer to "*small boys*"), and that as a result Peter Morrison was being hounded by the press, representatives of which had followed him from London to Islay (his country home). She added that Peter Morrison had vehemently denied to another friend of hers that there was any truth to the story. In the second memo, she reported seeing Morrison and his father the previous night when both separately told her that the press had been camping on his doorstep over the past two weeks and seeking comments.

113. Peter Morrison told her that he had first learned of the allegation five years before when Norman Tebbit had asked him about it. He said the Prime Minister was aware of it and was supporting him, and he hoped the press would publish so he could "*sue and nail the lies that were being spread about him*".[396]

114. A note on the memo of 13 November in the handwriting of the Director General's private secretary indicated that the Cabinet Office had been informed by phone, and that Sir Robert Armstrong had taken no action yet on the Director General's letter of 4 November 1986. Another handwritten note by Sir Antony Duff states "*Subject to agreement from F*" (Director F is the director in charge of countersubversion) he "*would write as in the attached*", which referred to the draft of a letter.[397]

115. Baroness Manningham-Buller told us these were the days before any safeguarding policy was introduced at MI5 and she and her sources (who she could no longer remember) were never questioned and the police were not involved.[398]

116. The two documents she had not seen before were a letter from Sir Antony Duff to Sir Robert Armstrong of 18 November 1986 and Sir Robert's letter in response of 17 December 1986. In his 18 November letter, Sir Antony summarised the information Baroness Manningham-Buller had provided in her second memo, concluding "*In the circumstances, there would seem to be little point in carrying this further*".[399] Sir Robert agreed with him in his response letter.[400]

117. Baroness Manningham-Buller agreed it was "*ironic*" that within the space of two weeks Sir Antony Duff had moved from a position of advising that the chief whip should speak to Donald Stewart regarding his information, with MI5 remaining in the background, to a position where because of her information in the second memo no action was to be taken at all.[401]

118. The decision to take no action was based on information which had originated from Peter Morrison himself: that the Prime Minister was aware of the matter and she was supporting him. There is evidence to support his assertion that this was indeed the Prime

[395] INQ004036; INQ004043
[396] INQ004043
[397] Baroness Manningham-Buller 12 March 2019 36/5-43/9
[398] Baroness Manningham-Buller 12 March 2019 43/10-45/1
[399] INQ004037
[400] INQ004037
[401] Baroness Manningham-Buller 12 March 2019 45/11-47/10

Minister's position. The statement and evidence before us of Lord Armstrong confirmed the Prime Minister had been aware of the continuing rumours since 1983 but considered there was nothing that could be done, although she had asked to be kept informed of developments.

119. As regards the 4 November 1986 Duff letter, Lord Armstrong said he had reported the development orally to the Prime Minister who was aware from other sources of the current rumours of "*Morrison's activities and propensities*",[402] but she did not think it necessary to ask the government chief whip to interview Mr Stewart.

120. Lord Armstrong said he "*presumed*" the Prime Minister had come to the view that it was unnecessary to interview Mr Stewart due to enquiries which had been made through Party channels, and he agreed with her view; Peter Morrison was Conservative Party Deputy Chairman and "*that was where the action should lie*", in other words with the Party. In that role, Peter Morrison was no longer a member of the government and so had no security-sensitive position. This is why, according to Lord Armstrong, Sir Antony Duff suggested the chief whip interview Mr Stewart: it was not MI5's role to become involved with political parties.[403]

121. Lord Armstrong accepted that rumours Peter Morrison had "*a penchant for small boys*" did change the complexion of the information the government had about him but said to us "*clearly, also, the Conservative Party had this information*" and so it was for them to report it to the police to investigate and it was not his position as Cabinet Secretary to advise the Prime Minister on the course that should be adopted, as he assumed she was getting that advice from the Party, anymore than it was his duty to advise her to pass on the information, given she was already aware of the rumours.[404] He added that Norman Tebbit, the then Chairman of the Conservative Party, was also aware of the matter and it was for the Prime Minister and him to consider any action that might be taken as regards the Deputy Chairman of the Party as there was clearly no security concern.[405]

122. Lord Armstrong was asked by Counsel about the fact that neither MI5, the Cabinet Office, the Prime Minister nor the Conservative Party had reported Peter Morrison to the police, and was asked to consider, whether in retrospect, that had been the correct decision. His response was:

> "*I thought that was correct at the time. I thought that the police had been aware … we knew from … what the Chief Whip had said in November 1983 that the police were aware of the affairs then and that they would presumably be following up that information if they needed to do so.*"[406]

123. This appears to be little more than buck-passing, with no one actually thinking about, or taking any responsibility for, the obvious issues of child protection and safety.

124. There is evidence of another source of information about Peter Morrison that reached the Prime Minister's ears. Barry Strevens, Mrs Thatcher's former personal protection officer and a Detective Inspector, recalls a visit Mrs Thatcher was making to Chester which he dates as being in 1985. This was around the time Peter Morrison was being considered for

[402] INQ004057_003
[403] INQ004057_001-003; Lord Armstrong 12 March 2019 57/8-67/11
[404] Lord Armstrong 12 March 2019 68/12-69/17
[405] Lord Armstrong 12 March 2019 74/2-9
[406] Lord Armstrong 12 March 2019 76/14-77/1

Deputy Chairman of the Conservative Party. Mr Strevens recalled mentioning to a police officer who was head of operations in a local police force about the fact that consideration was being given to Peter Morrison becoming Deputy Chairman of the Party. The officer told Mr Strevens that he thought he should know about the rumours circulating regarding Peter Morrison holding parties in his Chester home and the local press who were looking into rumours that a 15-year-old boy was frequenting the parties. Mr Strevens decided to tell Mrs Thatcher when they returned to Downing Street. He saw her in her flat at 10 Downing Street. Present was Archie Hamilton, who preceded Peter Morrison as her PPS. Mr Strevens told her what he had heard, for which she thanked him. According to Mr Strevens, Mr Hamilton took notes during the meeting. Mr Strevens heard no more about it but had expected the instigation of some form of investigation, by which he meant a conversation with Peter Morrison and Archie Hamilton and some action depending on the outcome. Despite his information, Peter Morrison did become Deputy Chairman of the Party. Much later, in the early 1990s, Peter Morrison revealed to Mr Strevens without any animosity that he knew about the conversation he had had with Mrs Thatcher.[407]

125. Lord Hamilton (as he is today) recalled the meeting, although his memory was that it took place in the Prime Minister's office in the House of Commons. He was a friend of Peter Morrison's. Lord Hamilton recalled Mr Strevens telling them about a party at Peter Morrison's Cheshire home that was exclusively male. He did not remember any reference to young men but does not deny Mr Strevens might have said this. The tenor of the conversation was, he recalled, that Peter Morrison was homosexual, to which the Prime Minister said something like "*well, that's that then*" and Mr Strevens left. He did not think he had taken notes but might have. Lord Hamilton added that Mrs Thatcher would have been aware of his friendship with Peter Morrison, and "*she herself had a long relationship with the family including Peter's father, who had also been a Member of Parliament*". He states that nothing Mr Strevens said led him to believe Peter Morrison "*was a paedophile or having sexual relations with underage males*". Lord Hamilton said he was surprised that she had appointed him as her PPS but only because he was unreliable due to his drinking.[408]

126. The conflict of evidence about what precisely was said to the Prime Minister is irreconcilable but this was a source of information about Peter Morrison which appears not to have been taken sufficiently seriously, far less enquired into. Had proper enquiries been made with Peter Morrison and the police, then they might have resolved whether he was engaging in homosexual acts which were not illegal or whether he was a danger to children.

127. MI5's inaction led the MI5 witness from whom we heard to describe it as:

> "*a matter of regret that no consideration was given at the time to the criminal aspects of the matter because if these rumours were in any way true then ideally they would have been passed to the police so the police could investigate them*".

It appeared from the corporate record that "*that consideration was never given … They took a narrow, security-related view … not a broader one*".[409] Today, under their safeguarding policy, MI5 would pass such information to the police.[410]

[407] OHY006477; INQ003986
[408] OHY006588; INQ003985
[409] MI5 Witness 11 March 2019 138/5-20; 154/19-156/7
[410] MI5 Witness 11 March 2019 186/3-7

128. Baroness Manningham-Buller was clear that, notwithstanding the lack of any MI5 safeguarding policy, the police should have been involved. We agree with her that her information, together with that of Donald Stewart had he been interviewed, might have been extremely pertinent to the police overview of the matter. However, none of the information was ever interrogated.[411]

129. Lord Armstrong said Peter Morrison had denied the truth of the allegations and had threatened to sue, and the Prime Minister would not have appointed him her PPS if she had doubts about him. He said he was unaware of any cover-up.[412]

130. Gyles Brandreth echoed those views in his evidence to the Inquiry. He did not think Peter Morrison would have been appointed as Deputy Chairman of the Conservative Party if anyone had thought there was anything in the stories. He told us that he had later discussed Peter Morrison with Baroness Thatcher who had known he was a heavy drinker and assumed him to be gay. It was, he said, inconceivable that if she had thought he was "*in any way a paedophile or an abuser of children*" she would have countenanced the possibility of him becoming her PPS or that he would have had her approval as an MP. Mr Brandreth agreed that a proper police investigation would have been preferable.[413]

131. Notwithstanding the persistence and gravity of the rumours, they were not properly investigated and Peter Morrison's career was unaffected. He remained Deputy Chairman of the Conservative Party until June 1987, when he became Minister of State for Energy. He became Margaret Thatcher's PPS in July 1990 and headed her ill-fated campaign in the Conservative leadership election later that year. He was knighted in 1991.

132. Lord Tebbit said in a statement he made in 2018 that it was possibly in 1986 that he was visited by a police officer from Cheshire Constabulary who told him "*Peter Morrison had an interest in young men and may have overstepped the mark*." He took that to be a reference to "*sexualised activity with young men of about sixth form age*", the age of consent for sexual activity between men then being 21. Lord Tebbit said also that the police officer did not provide any evidence of these allegations, nor did he say that Peter Morrison had been arrested. He said he spoke to Peter Morrison about what the police officer had said, telling him "*not to be a fool and to mind his behaviour, not only in that matter, but also his excessive drinking*" but Morrison "*denied that anything had happened and certainly did not indicate he had been arrested or anything like that*".[414] There is no evidence to assist the determination of whether the police visit to Lord Tebbit related to the alleged Crewe railway station incident or some other alleged misbehaviour in Cheshire.

133. During a television interview on *The Andrew Marr Show* aired on 6 July 2014, Lord Tebbit was asked about a piece Simon Danczuk had written in *The Mail on Sunday* that same day calling for a public inquiry into historic child sexual abuse in Westminster. Lord Tebbit said that the situation had to be understood against the "*atmosphere of the times*".

[411] Baroness Manningham-Buller 12 March 2019 49/4-18
[412] Lord Armstrong 12 March 2019 77/18-79/22
[413] Gyles Brandreth 12 March 2019 125/14-128/6; 130/5-132/15
[414] INQ001846_004

> "*at that time most people would have thought that the establishment – the system – was to be protected. And if a few things had gone wrong here and there, that it was more important to protect the system than to delve too far into them. That view, I think, was wrong then and it is spectacularly shown to have been wrong because the abuses have grown*".

He added "*there may well have been a big political cover-up*" related to child sexual abuse in the 1980s but that it was "*almost unconscious*" and "*the thing that people did at that time … you didn't talk about those sort of things*".[415]

134. According to Lord Armstrong, both Margaret Thatcher and Norman Tebbit had been aware of the rumours about Peter Morrison. Norman Tebbit had been the Chairman of the Party during the period Peter Morrison was Deputy Chairman. Their tenure in Central Office overlapped during a nine-month period from September 1986 to June 1987. This is the period in which Lord Tebbit recalled receiving a visit from Cheshire Constabulary about Peter Morrison's conduct. It is also the period in which MI5 and the Cabinet Office were informed about Peter Morrison's alleged conduct but did nothing about it.

135. In light of this and Lord Tebbit's comments on *The Andrew Marr Show*, it was suggested by Counsel to Lord Armstrong that if anyone knew of any cover-up, Norman Tebbit did. Lord Armstrong said he could not say whether Lord Tebbit did or did not know of any cover-up.[416] We cannot conclude on the evidence we have seen and heard that there was a deliberate rather than an "*almost unconscious*" cover-up in the language of Lord Tebbit but we do consider that Peter Morrison was protected as a member of the establishment.

136. In their supplementary report to the Home Office, published in July 2015,[417] Peter Wanless and Richard Whittam QC commented on a batch of documents that had come to light in the Cabinet Office, and which they had been shown after they had completed their initial report on behalf of the Home Office. They made the following comment about these additional documents which included the 4 November 1986 Duff letter:

> "*there were a number of references across the papers we saw that reinforced the observation we made in our Review … that issues of crimes against children, particularly the rights of the complainant, were given considerably less serious consideration than would be expected today. To give one striking example, in response to claims from two sources that a named Member of Parliament 'has a penchant for small boys', matters conclude with acceptance of his word that he does not and the observation that 'at the present stage … the risks of political embarrassment to the Government is rather greater than the security danger'. The risk to children is not considered at all.*"[418]

137. We agree. There is no evidence that any appropriate attention was paid to the information in the 4 November 1986 letter from two sources referring to Peter Morrison having "*a penchant for small boys*"[419] or the information in the 11 November 1986 memo alleging that he was under investigation by police "*because of his interest in small boys*".[420]

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[415] INQ004091
[416] Lord Armstrong 12 March 2019 83/12-84/15
[417] INQ003817_002
[418] INQ004040
[419] INQ004040
[420] INQ004036

138. The coincidence of identical information from different sources separated by one week should have rung alarm bells in government in Westminster. It did not do so. Instead, considerations of political embarrassment and the risk to security were paramount, while the activities of an alleged child sexual abuser who held senior positions in government and the Conservative Party were deliberately overlooked, as was the course of public justice.

Part F

Whips

Whips

F.1: Introduction

1. The function of the government whips is to ensure the government's business proceeds through the Houses of Parliament with the support of MPs, who are 'whipped' to vote in support of the government. The Private Secretary to the government chief whip manages the business of the House of Commons and seeks to get the government's business through the House. Opposition whips' offices operate in a similar manner with respect to their own MPs.[421]

2. This part of the investigation responded to concern generated by comments made by a former Conservative Party whip, Trevor (known as Tim) Fortescue, who was MP for Liverpool Garston from 1966 to 1974. In a BBC interview for the programme 'Westminster's Secret Service', aired in 1995, Mr Fortescue said this:

> *"anyone with any sense, who was in trouble, would come to the whips and tell them the truth, and say, 'Now, I'm in a jam, can you help?' It might be debt, it might be … a scandal involving small boys, or any kind of scandal in which a member seemed likely to be mixed up in. They'd come and ask if we could help, and if we could, we did. And we would do everything we can because we would store up brownie points … and if I mean, that sounds a pretty, pretty nasty reason, but it's one of the reasons because if we could get a chap out of trouble then, he will do as we ask forever more … "*[422]

This suggests not only that the whips were aware of scandal "*involving small boys*" but also that the whips would have helped the Member of Parliament concerned in order to "*store up brownie points*", to the whips' (and their respective political party's) advantage.

3. We have considered whether the conduct Tim Fortescue described actually took place, either at that time or since, and whether the whips were aware of allegations of child sexual abuse by MPs and peers and used them to their advantage. In addition, we have examined whether this was part of a 'cover-up' of child sexual abuse in the 1980s as considered possible by Lord Tebbit, in the television interview on *The Andrew Marr Show* on 6 July 2014,[423] almost 20 years after Mr Fortescue's comments.[424]

F.2: The whips' offices in Westminster

4. Although there are a variety of published and publicly accessible accounts of the workings of the whips' offices, an air of mystery continues to surround them. Gyles Brandreth, MP from 1992 to 1997 and a Conservative government whip from 1995 to 1997, told us that one of the reasons he published *Breaking the Code: Westminster Diaries* was that "*the idea of mystery and magic – the mystique of the Whips' Office, it encourages people to feel that there are*

[421] For further information about the whips' offices, see the House of Commons Library Standard Note *The Whip's Office*, House of Commons Library, 10 October 2008 (INQ001179_002).
[422] INQ004083
[423] INQ001846_002
[424] INQ004091

dark goings-on".[425] As the chief whip in his time had said to Mr Brandreth, "*our mystery is part of our potency*".[426] This was echoed by other witnesses from whom the Inquiry took evidence. For example, Kenneth Clarke MP told us that "*a lot of entertaining nonsense surrounds the work of a Whips' Office*"[427] and that "*the very word 'Whips' Office' conjures up sinister men twisting arms and so on, which is a slightly comic parody of a perfectly straightforward political activity*".[428]

5. Each whip is responsible for a group of MPs, commonly referred to as their "*flock*",[429] for whom they were responsible and whom they would get to know. Gyles Brandreth described the whips' offices as both managers of the business of Parliament and a kind of human resources arm of Parliament.[430] It is clear from the evidence received by the Inquiry that the whips were and remain the Parliamentary "*eyes and ears*" of their respective parties (and, if in power, of the government). Several witnesses used this phrase, which appeared to be generally accepted across the political spectrum. Lord Arbuthnot agreed that it was important to know individual MPs well and to be *"the eyes and ears*" of the parliamentary party[431] and said that "*a rounded view is very helpful and … you can be there, if they want you to be, to help*".[432] Some witnesses also described the whips as receiving rather than seeking out information. For example, Nick Brown MP said that:

> "*We don't run an Intelligence Service. The way you find out is that people come and tell you that they have a particular problem.*"[433]

Lord Arbuthnot agreed, and told us that the whips were not intrusive, acting as sponges for information.[434]

6. It is also clear that these "*eyes and ears*" received not only information about MPs' political views and ambitions but information about their personal lives as well, including what was described by witnesses as "*gossip*". "*Gossip*" or "*gossiping*" was referred to by Gyles Brandreth,[435] Kenneth Clarke MP[436] and Lord Jopling.[437] Lord Jopling said that it was essential to have some idea about the personal lives of MPs.[438] We were told that this included information about health, family, marital and financial problems.[439] Gyles Brandreth made clear that the information did not extend to circumstances of breaking the law.[440]

7. Kenneth Clarke MP and Lord Arbuthnot[441] told us that the whips tend to report whatever they heard, leaving it to others to determine if the information was significant. Mr Clarke said that whips would "*probably report a lot of rubbish half the time, but what you had to ask yourself is: could this be of some political significance in keeping the governing party's majority*

[425] Gyles Brandreth 12 March 2019 141/25-142/11
[426] INQ004169_017
[427] Kenneth Clarke 15 March 2019 11/2-24
[428] Kenneth Clarke 15 March 2019 19/5-20/1
[429] Gyles Brandreth 12 March 2019 134/12-135/4; Kenneth Clarke 15 March 2019 6/5-7; Nick Brown 15 March 2019 86/3-10; 87/14-19; Lord Arbuthnot 15 March 2019 110/19-111/7; 114/18-115/3; 125/18-24; 133/11-21
[430] Gyles Brandreth 12 March 2019 134/13-135/4
[431] Lord Arbuthnot 15 March 2019 111/8-12
[432] Lord Arbuthnot 15 March 2019 112/2-10
[433] Nick Brown 15 March 2019 87/23-88/11
[434] Lord Arbuthnot 15 March 2019 114/4-14
[435] Gyles Brandreth 12 March 2019 132/20-133/1, 137/11-20, 142/12-20, 143/15-22
[436] Kenneth Clarke 15 March 2019 5/1-6, 6/8-8/11
[437] Lord Jopling 15 March 2019 34/4-35/6
[438] Lord Jopling 15 March 2019 37/4-19
[439] Lord Beith INQ003885; Lord Wakeham INQ001704; Lord Young INQ003990
[440] Gyles Brandreth 12 March 2019 139/23-140/23
[441] Lord Arbuthnot 15 March 2019 121/17-23

on the road?"[442] As well as giving a rounded view of an MP,[443] we were told that personal information about MPs was politically relevant as it might impact on MPs' attendance and voting (or even, in the case of financial problems, as it might lead to bankruptcy or the possibility of a by-election).[444] MPs might also look to the whips' office for help if they were in difficulties.[445] But witnesses emphasised that the overall focus of the whips' office was "*political*", rather than personal. Kenneth Clarke MP stressed in his evidence to us that "*the point was the politics*".[446]

8. In his evidence to us, Lord Arbuthnot also said that confidentiality was "*the key strength of the Whips' Office*".[447] He said that MPs "*will also know that the Whips keep things confidential, and that they can trust the Whips' Office not to talk about the information that they know*".[448] This keeping of confidences contributes to the "*mystery*" surrounding the whips' offices (and to the "*code of silence*" to which Gyles Brandreth referred, and which he sought to break in publishing his diaries).[449]

9. Witnesses denied that information received by whips about MPs was used to pressure them to vote or in other ways, as suggested by Tim Fortescue in his BBC interview, saying that they did not recognise this as part of the culture or ethos of the whips' office in their time.[450] Lord Jopling was asked if MPs knowing that the whips had a store of information about them was a subtle way of managing a party.

> "*No. In my view, you made an enemy of an MP if you did that, and the one thing that is essential if you are trying to manage a political party is to maintain goodwill, particularly with your more difficult – your difficult members.*"[451]

This was echoed by other witnesses, including Lord Arbuthnot,[452] Lord Beith,[453] Lord Goodlad,[454] Lord Young[455] and Lord Wakeham.[456]

10. However, witnesses did acknowledge that the whips' offices had a degree of power or leverage given their role (now reduced) in suggesting candidates for appointment to select committees and other posts.[457] Lord Beith said it was quite common to hear whips of other parties talk of favours being called in and he was aware that patronage might be used as an element of persuasion.[458]

11. Based on the evidence before us, it would be speculation to conclude that personal information was used to pressure MPs. It may reasonably be assumed that all information about a parliamentarian – including personal or private information – might be used as an element of persuasion, for the same reasons that personal circumstances might be relevant

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[442] Kenneth Clarke 15 March 2019 9/5-8
[443] Lord Arbuthnot 15 March 2019 112/2-10
[444] Lord Jopling 15 March 2019 35/7-20
[445] Kenneth Clarke 15 March 2019 7/23-8/11
[446] Kenneth Clarke 15 March 2019 6/17-7/14, 10/1-4, 11/13-14, 29/22-30/20
[447] Lord Arbuthnot 15 March 2019 120/22-121/1
[448] Lord Arbuthnot 15 March 2019 120/14-20
[449] GBR000001
[450] Lord Jopling 15 March 2019 35/25-36/19; Lord Arbuthnot 15 March 2019 119/2-120/5; Lord Beith INQ003885; Lord Goodlad INQ003539; Lord Young INQ003990; Lord Wakeham INQ001704
[451] Lord Jopling 15 March 2019 36/15-19
[452] Lord Arbuthnot 15 March 2019 119/24-120/5
[453] Lord Beith INQ003885
[454] Lord Goodlad INQ003539
[455] Lord Young INQ003990
[456] Lord Wakeham INQ001704
[457] Lord Arbuthnot 15 March 2019 108/10-109/25
[458] Lord Beith INQ003885

politically. For example, a sex scandal could lead to resignation, triggering a by-election. However, the witnesses from whom we heard strongly rejected any improper pressure being applied and we heard no evidence that this was done in respect of allegations of child sexual abuse. Lord Arbuthnot said that, to the extent that there was a degree of deference towards the establishment, this did not extend to criminal behaviour of a serious nature.[459]

F.3: The keeping of notes and 'dirt books'

12. That personal information passed through the whips' offices is evident from the Conservative Party whips' notes which we received in evidence. The keeping of whips' notes or 'dirt books' by the whips is another part of the mystery surrounding the whips' offices. It is clear on the evidence before us that whips' notes were kept by the Conservative Party, often in carbon-copy books where the top page would be detached and read nightly by the chief whip. The notes or books could be consulted by other whips, but were regarded as the personal property of the chief whip,[460] as demonstrated by Lord Jopling still retaining notes from his time as chief whip from 1979 to 1983. Lord Jopling explained to us that "*they were my property. They were notes written by the Whips to me*".[461] It appears that in or around 1996 the Conservative Party's practice of retaining notes in carbon-copy form ceased,[462] although notes continued to be made. Lord Arbuthnot told us that during his time as Opposition chief whip from 1997 to 2001, notes were kept for two weeks only. We also heard evidence that the practice had ceased long before this in the Labour Party (in around 1964,[463] although Nick Brown MP felt he had to reiterate this on becoming chief whip in 1997[464]). Lord Beith provided a witness statement to the Inquiry in which he said that confidential information was not usually kept in written form in the Liberal Party whips' office and that no "*black book*" was kept during his time.[465]

13. Kenneth Clarke MP explained to us that, as a whip, in the "*dirt book*" or "*black book*" "*you reported things which you thought might have been of interest to the Chief Whip in particular and your colleagues*".[466] Lord Jopling said that he gave his whips "*a free rein to put in the book whatever they thought was relevant*".[467] We were told that the bulk of whips' notes concerned matters of Parliamentary business, legislation and policy.[468] Notes were sometimes shared with the Private Secretary to the government chief whip.[469]

14. We examined a number of whips' notes retained by Lord Jopling from the period 1979 to 1983, when he was government chief whip. These examples showed not only that the whips recorded information about MPs' personal lives, but also information about members of other political parties[470] and about candidates who were not yet MPs.[471] The notes also

[459] Lord Arbuthnot 15 March 2019 131/25-132/4
[460] Kenneth Clarke 15 March 2019 29/22-30/20; Lord Jopling 15 March 2019 40/16-21
[461] Lord Jopling 15 March 2019 40/16-21
[462] INQ004169_006
[463] Nick Brown 15 March 2019 91/18-92/4; LAB000035_005
[464] Nick Brown 15 March 2019 92/10-15
[465] Lord Beith INQ003885
[466] Kenneth Clarke 15 March 2019 10/17-11/24
[467] Lord Jopling 15 March 2019 59/13-60/5
[468] Lord Jopling 15 March 2019 41/8-17; Lord Arbuthnot 15 March 2019 122/9-14
[469] Sir Murdo Maclean 15 March 2019 148/23-149/7
[470] INQ002385
[471] INQ002378

mentioned scandals likely to break in the news[472] or in *Private Eye*.[473] In respect of one note about details of an affair involving a Scottish Conservative MP,[474] Lord Jopling explained:

> "*The purpose of this note was so that the Chief Whip was aware of situations, private situations, with regard to the members.*"[475]

15. Among others, we saw notes about the state of an MP's marriage,[476] a forthcoming *Private Eye* issue containing "*a little snippet in it, suggesting that there is a 'Sex Scandal in a Sauna Bath', which involves a Cabinet Minister*",[477] a Conservative MP being seen "*in the lower office with his secretary and two others. All rather pretty young men*"[478] and the Monday Club[479] (the Monday Club was a group of MPs on the right wing of the Conservative Party[480]).

16. The most significant example, for our purposes, was the following whip's note:

> "*March 23rd*
>
> *Telephone call from Michael Havers to tell Chief Whip that it would be likely to break within 48 hours that* [WM-F23] *present woman a Call Girl also a letter of homosexual nature in existence from* [WM-F23] *to a boy.*"[481]

17. Lord Jopling told us:

> "*I think that is the most serious note which I received from the Whips during my period as Chief Whip. I think I put in my original submission to the inquiry that it is the only event I can recall during my period which alleged there might be a case of child abuse.*"[482]

Lord Jopling was asked if he could remember now receiving the note. He told us:

> "*I remember at the time very much. And I can remember that there was – shock and horror went through the entire office at that time, having read that.*"[483]

Asked why there was shock and horror, he said "*Well, because we were into the business of paedophilia*".[484]

18. Lord Jopling said that at the time he spoke to Sir Michael Havers, the Attorney General, and that, given the Attorney General was aware, Lord Jopling understood that the matter was being properly handled by the investigating authorities.[485] This was the only occasion which Lord Jopling could remember when information came into the whips' office about sexual abuse or possible sexual abuse of children.[486]

19. This note demonstrates that if those in authority were aware of allegations of child sexual abuse, it is possible that this information would have found its way to the whips' offices and into the whips' notes, as it did on this occasion. We heard evidence that

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[472] For example INQ002386
[473] For example INQ002034
[474] INQ002376
[475] Lord Jopling 15 March 2019 59/24-60/5
[476] INQ002024
[477] INQ002033
[478] INQ002392
[479] INQ002027
[480] Lord Jopling 15 March 2019 53/17-21
[481] INQ002044
[482] Lord Jopling 15 March 2019 69/14-18
[483] Lord Jopling 15 March 2019 69/19-22
[484] Lord Jopling 15 March 2019 69/23-24
[485] Lord Jopling 15 March 2019 70/14-19
[486] Lord Jopling 15 March 2019 71/9-12

numerous whips' notes would have been produced on a daily basis, and that most whips' notes were about policy matters and legislation. Due to the passage of time and patchy retention of notes, few were available for examination by this Inquiry. In the circumstances, it is not possible for us to conclude one way or the other whether allegations of child sexual abuse or exploitation featured in other whips' notes. We can say that it was the clear evidence of Lord Jopling that this was the only instance of this nature during his period as chief whip, and that we did not receive evidence from other whips of other notes recording any such allegations.

F.4: Allegations of child sexual abuse

20. Witnesses denied hearing allegations of MPs committing child sexual abuse through the whips' offices and denied that there was any cover-up by the whips of criminal offences. There was no recognition of the approach described by Tim Fortescue or of the "*cover-up*" described by Lord Tebbit.

21. Kenneth Clarke MP said that during his time in the whips' office he "*can't remember any gossip or anything about, as it happens, small boys*".[487] Lord Jopling said that he had "*no recollection from the period of the Pym Whips' Office of any sort of scandal suggestion with regard to the abuse of children*" (Francis Pym MP was government chief whip from 1970 to 1973) or in his own.[488] He also had no knowledge of Lord Tebbit's suggestion of a big political cover-up.[489] We note in passing that both Kenneth Clarke MP and Lord Jopling served in the whips' office at the same time as Tim Fortescue, whose comments about whips helping MPs regarding "*a scandal involving small boys*" triggered much of the concern about the whips at Westminster. Gyles Brandreth never heard any allegations concerning child sexual abuse relating to any MP of any party serving in the 1992 to 1997 Parliament.[490] Lord Arbuthnot acknowledged that there may have been a degree of deference in the whips' office, but not to criminal behaviour of a serious nature,[491] and he could not remember any criminal allegations that were made when he was chief whip or junior whip.[492] Sir Murdo Maclean, Private Secretary to the government chief whip from 1978 to 2000, never heard of any suggestion or saw evidence of child sexual abuse by MPs[493] and did not recognise the description by Tim Fortescue.[494] In written witness statements, Lord Ryder,[495] Baroness Taylor,[496] Lord Wakeham,[497] Lord Beith,[498] Lord Foster,[499] Lord Young[500] and Lord Goodlad[501] similarly denied knowledge of allegations of child sexual abuse and denied recognition of what Tim Fortescue and Lord Tebbit had described.

[487] Kenneth Clarke 15 March 2019 14/24-15/5
[488] Lord Jopling 15 March 2019 73/6-14
[489] Lord Jopling 15 March 2019 81/4-7
[490] Gyles Brandreth 12 March 2019 138/11-20
[491] Lord Arbuthnot 15 March 2019 131/25-132/4
[492] Lord Arbuthnot 15 March 2019 131/1-4
[493] Sir Murdo Maclean 15 March 2019 146/8-147/7
[494] Sir Murdo Maclean 15 March 2019 151/21-24
[495] INQ001705
[496] INQ001189
[497] INQ001704
[498] INQ003885
[499] INQ003919
[500] INQ003990
[501] INQ003539

22. Based on the evidence we have seen, we cannot conclude that the whips and whips' offices concealed or suppressed allegations of child sexual abuse by persons of public prominence, or used it as a form of leverage. There were certain features of the whips' offices which may have assisted with an attempt to cover up such allegations, for example the collation of any and all possibly relevant information about parliamentarians, which was then shared within party bounds but otherwise kept confidential. Beyond that, we do not have evidence that allegations of child sexual abuse were either known about or concealed by the whips' offices.

23. The whips' offices remain a key part of the Westminster system and a repository of information about parliamentarians. As a result, people may report allegations of child sexual abuse and other criminal conduct to them, as they may do to other MPs. It is crucial that party whips understand the appropriate safeguarding and child protection procedures so that any information which comes to their attention in the future can be dealt with appropriately and not kept within party walls or used simply to 'head off' trouble.[502] We heard evidence from Nick Brown MP, chief whip of the Labour Party, about how he would approach allegations of child sexual abuse. We deal with this and the issue of safeguarding by political parties in Part J.

[502] Kenneth Clarke 15 March 2019 5/7-5/19

Part G

The Paedophile Information Exchange

The Paedophile Information Exchange

G.1: Introduction

1. For almost 10 years between 1974 and 1984, an organisation known as the Paedophile Information Exchange (PIE) operated across the UK. It openly campaigned for the lowering of the age of consent and made concerted efforts to normalise and justify sexual relationships between adults and children.

2. During the late 1970s, PIE was not simply tolerated as part of the authorities' proper commitment to freedom of speech and freedom of association but was accepted as a legitimate voice of an oppressed sexual minority by respected and well-established civil society organisations such as the National Council for Civil Liberties (NCCL, now known as Liberty) and the Albany Trust (a specialist counselling and psychotherapy charity). It achieved some traction and influence in civil libertarian and gay rights groups generally in that period.

3. Given the awareness now of the extent of child sexual abuse and the damage caused to victims and survivors, it is extraordinary that such an organisation could have attracted support for such a long period of time. In an effort to understand how this could have happened, the Inquiry obtained extensive evidence from the archives of the London School of Economics about the history and activities of PIE and the other civil society organisations it interacted with. We also received a lengthy witness statement and numerous documents from the NCCL and heard oral evidence from one of the current trustees of the Albany Trust.

4. Our investigation has also examined the allegation that PIE may have had sufficient backing within government that it actually received funding or other support from the Home Office, either directly or via the Albany Trust. We heard evidence from Timothy (Tim) Hulbert, the former Home Office Voluntary Services Unit (VSU) consultant who made this allegation, and examined the previous investigation into the matter carried out by Peter Wanless and Richard Whittam QC.

Chronology of main events during the existence of PIE

5. PIE was founded in September 1974 by Michael Hanson, a gay student living in Edinburgh, as part of the Scottish Minorities Group (which later became the Scottish Homosexual Rights Group). Its inaugural meeting was held in Edinburgh in March 1975. In July 1975, Keith Hose became its chair and the centre of activity moved to London.[503]

6. Mr Hose gave a speech at the annual conference of the Campaign for Homosexual Equality (CHE) in November 1975, calling for a more sympathetic approach to people with 'paedophilic tendencies', which garnered attention from several more well-established

[503] OHY006463_002

organisations.[504] Indeed, the Albany Trust had already made contact with PIE following an earlier speech given by Mr Hose at a conference on the mental health of sexual minorities hosted by Mind, the mental health charity, in September 1975.[505]

7. In around November 1975, PIE composed and submitted a paper to the Home Office Criminal Law Revision Committee, which proposed the abolition of the age of consent and the removal of sexual activity between adults and children from the criminal law.[506]

8. Tom O'Carroll became PIE's Secretary in early 1976.[507] In April 1976, PIE launched its first magazine, entitled *Understanding Paedophilia*. This was renamed *Magpie* in March 1977[508] and numerous editions were published between 1977 and 1983. *Magpie* was brazen in its promotion of sexual activity with children, with a wide variety of content including photographs or drawings of children in provocative poses, comment pieces, as well as 'travelogue' and academic-style articles.[509]

9. In September 1977, PIE held its first public meeting in London, and Mr O'Carroll (who was by then Chair) also attended the British Psychological Society's conference. This led to significant media attention for the first time.[510]

10. In May 1978, PIE published a booklet entitled *Paedophilia – Some Questions and Answers*,[511] and distributed copies to every MP and peer in Parliament as well as to the media and various prominent civil rights campaigners.[512] The initial work on this pamphlet was carried out in conjunction with the Albany Trust, as discussed below.

11. By July 1979, PIE's window of acceptance and influence began to draw to a close. Charges of conspiracy to corrupt public morals were brought against five serving or former members of the PIE executive committee (one of whom died before trial). The initial trial in January 1981 collapsed and a retrial took place in March 1981 against three of the defendants (one having been acquitted in the first trial).[513] At the retrial O'Carroll was convicted and sentenced to two years' imprisonment.[514]

12. PIE continued to exist in a diminished form for two or three years. It made some efforts to appear in public, such as taking part in the London Gay Pride march in 1983. However, in late 1983, there was a further prosecution of members of its new executive committee on charges of distributing 'child pornography' and incitement to commit unlawful sexual acts with children. In light of this PIE was shut down by its leadership in July 1984.[515]

PIE's attempts to lobby parliamentarians and government

13. At its height in around 1978, it seems that PIE had some 300 members in total.[516] The Inquiry has seen no evidence to suggest that PIE had any members who were MPs or peers, or who could be described more broadly as senior Westminster figures, with the exception

[504] OHY006463_002
[505] Jeremy Clarke 26 March 2019 16/15-17/8
[506] LSE000760; Jeremy Clarke 26 March 2019 66/10-67/5
[507] INQ003739_001
[508] OHY006463_002
[509] LSE001241; LSE000754; LSE001252; LSE001261
[510] OHY006463_002
[511] LSE000435
[512] OHY006463_002; Jeremy Clarke 26 March 2019 64/18-66/9
[513] OHY006463_003
[514] INQ003739_001
[515] LSE001442
[516] INQ003739_002

of Sir Peter Hayman. There were two members of the PIE executive committee – Charles Napier and Peter Righton[517] – who had significant establishment connections of a more general kind, such as holding prominent positions in schools and academia or (in Mr Righton's case) in public advisory roles, but we have seen no evidence of any other prominent persons.

14. Despite this, PIE made some concerted efforts to lobby government and politicians. In addition to the submission to the Criminal Law Revision Committee in 1975 and the distribution of *Paedophilia – Some Questions and Answers*, there appear to have been many other attempts to get favourable political, media and cultural attention for PIE's views.

15. The evidence we have seen suggests that PIE did not make much impact through these efforts, apart from briefly amongst certain civil libertarian organisations and some gay rights campaigners. For example, in the early 1980s, Edward Heath chaired the Youth Affairs Lobby,[518] a precursor to the Youth Parliament,[519] which members of PIE and supporters of PIE's ideas tried to lobby. Mr Heath's private secretary of the time, Peter Batey, recalled informing Mr Heath he had received a letter from PIE and him replying "*We don't want anything to do with them*" with a strength of reaction that was notable.[520]

16. We also obtained evidence showing that when he was Home Secretary, in November 1983, Leon Brittan held a meeting with Geoffrey Dickens MP to discuss banning PIE. Although it was decided not to do so, there is no hint of sympathy for PIE in any of the documents. On the contrary, the discussion is about the need to be seen to act following an attack on a boy in Brighton, but also about the legal difficulties in banning PIE and whether it was necessary given that by 1983 its influence had largely disappeared as a result of the criminal prosecutions.[521]

G.2: PIE's links with other organisations

The Albany Trust

17. The Albany Trust was set up in 1958 as the sister charity to the Homosexual Law Reform Society (HLRS). While the HLRS campaigned and lobbied to persuade the government to implement the recommendations of the Wolfenden Report and decriminalise same-sex sexual activity, the focus of the Albany Trust was to provide support for gay, lesbian and bisexual people (as well as other sexual minorities) who needed counselling or advice.[522] After homosexual acts between adults over 21 years of age were decriminalised in 1967, the Albany Trust worked to build a network of expertise within London and then the rest of the UK with two main aims. First, to tackle the stigma surrounding homosexuality and educate mainstream counselling and healthcare services about the needs of sexual minorities. Second, to provide specialist expertise, train counsellors and meet the counselling needs of individuals.[523]

[517] INQ003739_003
[518] https://bitsofbooksblog.wordpress.com/2019/02/03/1978-1983-architects-of-pie-infiltrate-islington-gay-youth-group-to-lobby-mps-directly-with-heath-mandelsons-help/
[519] http://www.ukyouthparliament.org.uk/about-us/history/
[520] INQ004216
[521] HOM000806; HOM000811
[522] Jeremy Clarke 26 March 2019 4/7-5/8; INQ003988_001
[523] Jeremy Clarke 26 March 2019 5/9-6/7

18. The Albany Trust still exists today. It does not engage in campaigning, but primarily provides counselling to those seeking help with relationships, sexuality or gender identity issues, with a continued focus on the LGBT community given its history.[524]

Meetings with PIE and joint production of a pamphlet

19. The first contact between the Albany Trust and PIE took place in around September 1975, when Antony Grey, then secretary of the Albany Trust and a key figure in the early years of its work and the gay rights movement more broadly, wrote to Mr Hose. The Albany Trust was already involved in providing counselling to people who experience sexual attraction towards children with the aim of reducing such feelings. Mr Grey had seen Mr Hose speak at the Mind conference on the needs of sexual minorities and suggested, having "*greatly admired*" Mr Hose's courage, that they organise a meeting to discuss what could be done to meet the needs of 'paedophiles'.[525]

20. A series of meetings did then take place between January and November 1976, convened by the Albany Trust and involving representatives from PIE, psychiatrists and other professionals known to the Albany Trust who had an interest in the subject of 'paedophilia'. These meetings led to two projects. The first was to explore setting up some kind of support group or counselling for people who experienced sexual attraction towards children. The second was to produce a pamphlet which would try to educate the public about paedophilia, dispel some myths about it, describe the social pressures and difficulties that paedophiles experienced, and improve the general public's attitude towards paedophiles.[526] Neither of the two projects was ever fully developed.[527]

21. The pamphlet project did progress quite far before it was stopped. Some of the language used in the minutes of the meetings was unattractive:

- "*The legal position relating to consent, while ostensibly protective, was felt to make potential victims not only of adult paedophiles, but also of nearly all children when they engaged in sexual experimentation and were found out in doing so … It needed to be emphasised that there were more positive ways of protecting children in their period of sexual development than through the criminal law.*"[528]
- The pamphlet "*should be framed so that the public could identify with it in terms of their own growth experience. Case histories of positive relations and also of those which had been destroyed by legal and social interference should be included*".[529]
- In a suggested list of topics to be covered: "*some interviews with older and younger partners in paedophile relationships, confusion of paedophilia with child molesting, primitive attitudes to sex offenders*".[530]

22. This language strongly suggests that at least some of the other participants in the meetings (not only the PIE representatives) had sympathy for the position that adults engaging in sexual activity with children could be valid or positive. One aim of the pamphlet was to excuse or justify such sexual activity. Jeremy Clarke, a current trustee from whom we

[524] INQ003988_007-008
[525] LSE000026; Jeremy Clarke 26 March 2019 16/18-17/20
[526] Jeremy Clarke 26 March 2019 17/21-21/15
[527] INQ003988_003
[528] LSE000038
[529] LSE000038
[530] LSE000040

heard evidence, tried diligently to explain or downplay this feature of the documents,[531] no doubt out of an understandable concern for the reputation of the Albany Trust. However, he had to admit that at times the aims of the pamphlet were "*something that starts to sound like propaganda for the campaign of the Paedophile Information Exchange*".[532] It is clear that the Albany Trust did a considerable amount of work with PIE on a pamphlet which would have gone some way towards promoting PIE's views about sex with children, and which if jointly published as initially discussed would have had a respectability and gravitas because of the Albany Trust's name being attached to it.

23. Mr Clarke thought that the pamphlet project was stopped because the PIE representatives were starting to make its contents sound like propaganda or advocacy for PIE's views, and the Albany Trust trustees were "*simply not willing to go along*" with that.[533] That may have been part of the reason, but the archive documents tell a more complicated story. It seems that the initial concern from the Albany Trust employees and volunteers who were involved in the meetings with PIE was that "*it was not felt that the document would advance the understanding and acceptance of paedophiles, and it might adversely affect the Albany Trust*".[534] It appears the primary objection was not that the views expressed by PIE and included in the draft pamphlet were likely to harm children or were morally wrong, rather that it would not further the acceptance of paedophiles and may harm the reputation of the Albany Trust.

24. When the Albany Trust trustees discussed the pamphlet project in November 1976 and January 1977,[535] its connection with PIE had been in the newspapers because Mary Whitehouse, the General Secretary of the National Viewers' and Listeners' Association, had made an allegation that PIE was receiving support via the Albany Trust. The trustees came to the view the project was simply too controversial, and so it was put on hold in November 1976 and then stopped completely at the start of the following year. By October and November 1977, the Albany Trust was concerned about being connected to PIE in any way and decided no longer to work with them, although "*help, advice and information*" would still be provided.[536] The VSU also expressed disquiet about the way the Albany Trust had been linked to PIE.[537]

Referral of inquiries to PIE

25. Despite the difficult experience with the pamphlet project, the Albany Trust continued to refer people to PIE. In February 1977, the Albany Trust's standard information sheet of suggested organisations to contact for help included details for PIE.[538] We saw from the archives further evidence of an individual being assisted in corresponding with PIE in late 1978 and early 1979 after he wrote to the Albany Trust from prison, having been convicted and sentenced to a term of imprisonment for sexually assaulting a 14-year-old boy.[539]

[531] Jeremy Clarke 26 March 2019 27/9-34/6
[532] Jeremy Clarke 26 March 2019 29/24-30/2
[533] Jeremy Clarke 26 March 2019 30/1-4, 33/18-22
[534] LSE002515
[535] LSE002515; HOM001420_008-010
[536] Jeremy Clarke 26 March 2019 34/11-38/14; INQ003988_002, 004-005
[537] HOM001420_011; Jeremy Clarke 26 March 2019 38/15-39/22
[538] LSE003101
[539] LSE000027; LSE000029

26. Finally, there is warm correspondence between Antony Grey and Tom O'Carroll dated 17 April 1978, which refers to support being given by Mr Grey to PIE at the NCCL annual general meeting and in relation to NUPE, a trade union.[540] Mr Grey had formally left the Albany Trust by that time due to concerns expressed by some about the project with PIE.[541] However, he was seen by others as having ongoing ties to the Albany Trust; for example he publicly defended it from criticism by Sir Bernard Braine in late 1977. It is of concern that such links were continuing in any way so long after the termination of the pamphlet project. This project should have alerted the Albany Trust, and Mr Grey, to how dangerous an organisation PIE really was.

Mary Whitehouse and questions about funding PIE

27. The Home Office VSU provided £10,000 of funding each year to the Albany Trust between 1974 and 1977, and then increased its grant to £15,000 between 1978 and 1979. The VSU was aware throughout this period that the Albany Trust's work included work with and about paedophiles; it is referred to openly in the Albany Trust's reports to the VSU at the time. This stream of funding constituted a significant proportion of its income at that time.[542]

28. As noted above, on 24 November 1976 Mary Whitehouse made a speech in which she alleged that:

> "*the support given by* [the Albany Trust] *to paedophile groups means that we are all subsidising and supporting, at least indirectly, a cause which seeks to normalise sexual attraction and activity between adult males and little girls*".[543]

29. This caused a media furore, and elicited a strong denial from Antony Grey that "*the Albany Trust does not give support (financial or otherwise) to paedophile groups*".[544] It is not clear whether this was an entirely accurate response, despite Mr Clarke's attempts to persuade us of its validity.[545] While it may have been correct that the Trust had never endorsed PIE's aims or publicly supported them, and it was certainly true that the Trust never made any direct financial contribution to PIE, it was misleading to deny there had been any form of support. The meetings to discuss both a counselling service and the pamphlet, and the work on the pamphlet itself, both constituted a type of support on any view.

30. The controversy reignited on 15 December 1977, when Sir Bernard Braine asked a Parliamentary question to the Home Office:

> "*Is the Minister aware that there is evidence … that both these trusts* [the Princedale Trust and the Albany Trust] *have given encouragement and publicity to the Paedophile Information Exchange, an organisation which exists as openly dedicated to the sexual corruption of children? Before paying any balance of grants, or before renewing any such grants, will the minister obtain assurances that public money is not being used to help a disgusting organisation which most people would regard as having criminal objectives?*"[546]

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[540] LSE001910
[541] Jeremy Clarke 26 March 2019 44/13-45/21
[542] Jeremy Clarke 26 March 2019 11/3-13/9; LSE003159_003; HOM001420_002; HOM001422
[543] LSE003058
[544] LSE002694
[545] Jeremy Clarke 26 March 2019 50/22-53/3
[546] HOM001468

31. A careful answer was given that did not quite answer the question asked, stating "*no public money is being used for any propaganda purposes on behalf of such an organisation*".[547] The Inquiry considers this was reflective of the reality that there were some fairly extensive links between the Trust and PIE which the Home Office was aware of, but not links actually furthering the objectives or aims of PIE.[548] Despite a further full explanation of the links in a letter from Antony Grey to Sir Bernard Braine, Clifford Hindley (the head of the VSU) contacted the chair of the Albany Trust at that time, Rodney Bennett-England, to ask further clarificatory questions.[549]

Effects on the Albany Trust of associating with PIE

32. There was an immediate impact on the Albany Trust as a result of all these events. Mr Clarke said he believed all the trustees of the Albany Trust resigned at the end of 1977 as a result of the PIE controversy and the resulting damage to the Trust's reputation. Antony Grey, the secretary, also resigned.[550]

33. There was also longer-lasting damage. Mr Clarke told us that he started volunteering with the Albany Trust in 1987, and so knew many of the individuals who were around at the time of the links with PIE.[551] When he first started volunteering he described how the PIE scandal still affected the organisation:

> "*I arrived as a volunteer with this kind of shadow, even ten years later, that was hanging over the counselling team. They were quite traumatised, I think, by the events of the late 1970s and felt very bruised, I think, by what had happened. So there wasn't much communication between the counselling team … and Antony Grey, who it was felt had sort of got the trust into all this trouble …* "[552]

34. Mr Clarke and his fellow trustee, Keith Mitchell, expressed their regret that the Albany Trust had not been more careful in how it responded to PIE, and acknowledged the involvement with PIE was a mistake.[553]

The National Council for Civil Liberties

35. PIE was an affiliate organisation to the National Council for Civil Liberties (NCCL, now known as Liberty) from the late 1970s until the early 1980s.[554] Patricia Hewitt held the most senior staff position in the NCCL, General Secretary, between 1974 and 1983. She has more recently held senior positions in the Labour Party. She has expressed regret for PIE's affiliation with the NCCL and has said she personally never supported PIE's aims or its members.[555] Leaders and office-bearers of the NCCL at the time must accept responsibility for PIE's affiliation with the NCCL. The fact that PIE was allowed to remain connected to the NCCL for several years had the effect of giving spurious legitimacy to an organisation that promoted sex with children.

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[547] HOM001468
[548] Jeremy Clarke 26 March 2019 53/20-55/16
[549] LSE003081; LSE001781; Jeremy Clarke 26 March 2019 55/19-61/3
[550] Jeremy Clarke 26 March 2019 41/1-10
[551] Jeremy Clarke 26 March 2019 2/13-15
[552] Jeremy Clarke 26 March 2019 8/1-9
[553] Jeremy Clarke 26 March 2019 71/12-74/7; INQ003988_006
[554] INQ003972_015-016
[555] https://www.bbc.co.uk/news/uk-politics-26376896

36. We received a comprehensive and candid witness statement from the Acting Director of Liberty, Ms Corey Stoughton, which set out carefully all of the available information from the Liberty archives about PIE. It appears that there was a substantive relationship between the NCCL and PIE. For instance, the NCCL advertised in PIE's publication *Understanding Paedophilia* in 1977 and in PIE's magazine *Magpie* in April 1979, and in 1979 PIE asked to advertise in the NCCL's magazine *Rights!*, although after some internal debate within the NCCL the advertisement was not placed.[556]

37. The main link between PIE and the NCCL seems to have been the Gay Rights Committee (GRC), which was operated by the NCCL from the mid-1970s until some time in the 1980s.[557] It was primarily made up of volunteers rather than NCCL staff, and had around 25 members, who did not necessarily have to be members of the NCCL and who could not speak for the NCCL without prior permission.[558]

37.1. Nettie Pollard was a key figure on the GRC and a member of NCCL staff. She was the NCCL's receptionist from at least 1977, and described herself in correspondence as Gay Rights Organiser.[559] Numerous documents from the time suggest that Ms Pollard was sympathetic to PIE's aims and objectives.[560]

37.2. Keith Hose, PIE's one-time Chair, was a member of the GRC. Significantly, Mr Hose successfully pushed for the NCCL evidence to the Home Office in 1976 to incorporate some of PIE's ideas.[561] In March 1976, the NCCL proposed a reduction of the age of consent to 14, and in some cases 10.

> "*NCCL proposes that the age of consent should be lowered to 14, with special provision for situations where the partners are close in age, or where consent of a child over ten can be proved.*"[562]

A version of this policy was then adopted as a recommendation by Home Office advisers in a later 1979 paper.

37.3. In May 1977 the NCCL held a conference on gay rights, which included presentations from PIE members such as Tom O'Carroll that were apparently "*well-received*".[563] O'Carroll was a member of the GRC for a period in 1977–1978 (at the same time, notably, as Antony Grey), and the GRC minutes from March to November 1978 show that support was expressed for O'Carroll when he lost his job as Open University press officer because of his association with PIE.[564]

It is fair to say that the relationship between the GRC and the NCCL's core executive and leadership was not particularly close and at times somewhat strained.[565] However, Ms Pollard in particular was a significant link between the NCCL and PIE for a number of years, and it is clear that key PIE members such as Hose and O'Carroll had an active presence on the GRC.

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[556] INQ003972_018; LBY000001_134-142
[557] INQ003972_007
[558] INQ003972_008; LBY000001_045
[559] INQ003972_009-010; LBY000001_091-093
[560] INQ003972_010-011; LBY000001_086-111
[561] LBY000001_040; INQ003739_008-009
[562] INQ003972_021-022; LBY000001_176-199
[563] INQ003972_012; LBY000001_093
[564] INQ003972_011-012; LBY000001_043, 112-118
[565] INQ003972_008

38. In 1981, when O'Carroll was convicted, the NCCL was asked to intervene in his favour. Ms Hewitt refused the request. Although the NCCL did generally oppose the law on conspiracy as it then stood, and in particular the offence of conspiracy to corrupt public morals, of which O'Carroll was convicted, there does not appear to have been an appetite to campaign on his particular case.[566]

39. Following the 1981 prosecution, the relationship between the NCCL and PIE appears to have become more tense, and by 1984 steps were underway to remove PIE's affiliation. PIE was disbanded before this happened.[567]

40. As with the Albany Trust, links with PIE have had a negative effect on the NCCL's reputation. In 2014, the then-director Shami Chakrabarti made a statement expressing "*disgust and horror*" that PIE had managed to infiltrate the NCCL so successfully. Liberty repeated this in its evidence to us, and also set out a clear explanation of how the institutional failures and blindspots which led to the relationship with PIE in the 1970s and 1980s could not and would not be repeated today.[568]

G.3: Allegation that the Home Office funded PIE

41. Tim Hulbert, a retired public servant and former consultant to the Home Office VSU who is a core participant in this investigation, alleges that PIE was funded by the Home Office. Mr Hulbert was a consultant at the VSU from 1977 until 1981, when he became the Deputy Director of Social Services for Hereford and Worcester County Council.[569]

42. The VSU was an inter-departmental unit attached to the Home Office which was responsible for coordinating government policy in relation to the voluntary sector, providing grants to organisations which fell between or crossed over the responsibilities of other departments, and contributing to the development of the relationship between statutory and voluntary organisations.[570] A consultant was equivalent to the civil service grade of 'principal'. Mr Hulbert explained that his duties included providing expert advice at all levels, both administratively and politically, to ministers, other advisers and the unit itself on matters that related to the voluntary sector and to local government.[571] Mr Hulbert assessed organisations that had made applications for grants and reviewed grants that had been made.[572] He told us that he had free rein to speak to numerous people across all the hierarchies of the Home Office.[573]

43. Key personnel in the VSU in the late 1970s to early 1980s included Dennis Peach (the deputy secretary or undersecretary), Geoffrey de Deney (the undersecretary), Clifford Hindley (now deceased, the head of the unit and Mr Hulbert's line manager)[574] and Alan Davies (later Reverend Davies, also deceased, a principal with responsibility for some grants).[575]

[566] INQ003972_013-014; LBY000001_119-121
[567] INQ003972_014, 020-021; LBY000001_168
[568] INQ003972_022-024
[569] Tim Hulbert 25 March 2019 54/25-55/3
[570] Tim Hulbert 25 March 2019 55/23-56/11
[571] Tim Hulbert 25 March 2019 59/6-24
[572] Tim Hulbert 25 March 2019 58/25-59/4
[573] Tim Hulbert 25 March 2019 60/8-12
[574] Tim Hulbert 25 March 2019 62/1-15
[575] Tim Hulbert 25 March 2019 63/19-20

44. Mr Hulbert recalls that he saw a spreadsheet listing grants for renewal, of the type that was circulated around the VSU on a quarterly basis,[576] which included an entry which stated 'WRVS (P.I.E.)'.[577] He has given various accounts of that allegation in 2013 and 2014, and to this Inquiry in 2016 and 2019.[578]

45. In his evidence, Mr Hulbert said that the entry was pointed out to him by Reverend Davies. Mr Hulbert thought that the amount of the grant renewal might have been about £30,000, but he could not be sure.[579] He recalled that when his statement was taken in 2013, the police asked how much the figure was, and he said that he thought it was a five-figure sum. The police asked whether it was "*about £30,000*". Mr Hulbert said that he thought at the time, and still thinks, that it "*may well have been*" that amount, "*because, if it was a repeat grant for three years over a three-year period, then most of the VSU grants were not below £10,000 a year*". He said that £30,000 was therefore "*not an unreasonable figure to estimate*".[580]

46. The letters 'WRVS' stood for Women's Royal Voluntary Service (now Royal Voluntary Service or RVS). The WRVS received three substantial grants-in-aid from the VSU, the sum of which in 1978/79 was £2,650,000.[581] Mr Hulbert told us he and Reverend Davies both knew a lot about the WRVS.[582] Reverend Davies was responsible for reviewing the WRVS grant application and preparing the draft submission for approval.[583] Mr Hulbert said that it was clear to him and to Reverend Davies that the letters 'P.I.E.' referred to the Paedophile Information Exchange.[584] Mr Hulbert said that this was because there was no other organisation which received grants and had the acronym PIE,[585] and both he and Reverend Davies knew about PIE from commentary in the press.[586] He said that both he and Reverend Davies were horrified upon seeing the reference to PIE,[587] and that both were puzzled by the juxtaposition of the WRVS and PIE, because they were very different organisations.[588]

47. It makes little sense for the letters 'WRVS (PIE)' to have been openly referred to on a spreadsheet which was circulated around the VSU if the channelling of money from the Home Office to PIE through the WRVS was being done covertly. If funding to PIE was being openly referred to, it also seems curious that there was any need to channel it through, or label it as pertaining to, an unrelated organisation. Mr Hulbert speculated that the reference to 'WRVS (PIE)' was included on the spreadsheet by mistake.[589]

48. We considered whether there could be another explanation for an entry on a grant renewal spreadsheet marked 'WRVS (P.I.E.)' or 'WRVS (PIE)'. We saw evidence that during the Second World War, the WRVS administered a national 'Pie Scheme' (a scheme for the manufacture and distribution of pies and snacks to agricultural workers in rural areas), which had a Pie Fund or Funds maintained after the Second World War. We saw at least one example from the 1940s–1950s of a WRVS Pie Fund that was administered by a Pie

[576] Tim Hulbert 25 March 2019 117/3-18
[577] Tim Hulbert 25 March 2019 87/21; 94/1
[578] OHY006536; INQ001267; INQ003974_001__004_005_006; INQ003974_007_008; INQ003974_012_013_014
[579] Tim Hulbert 25 March 2019 106/3-108/20
[580] Tim Hulbert 25 March 2019 107/6-19
[581] HOM001676_001
[582] Tim Hulbert 25 March 2019 95/2
[583] Tim Hulbert 25 March 2019 95/9-12
[584] Tim Hulbert 25 March 2019 103/23-104/15
[585] Tim Hulbert 25 March 2019 120/19-122/13
[586] Tim Hulbert 25 March 2019 121/1-122/7
[587] Tim Hulbert 25 March 2019 103/22-116/22
[588] Tim Hulbert 25 March 2019 102/5-18
[589] Tim Hulbert 25 March 2019 104/16-105/10

Committee, which managed investments and expenditure and had a constitution.[590] In his 2019 statement, Mr Hulbert said that he and Reverend Davies had joked about whether the WRVS was having a "*national bake-up*" because of the reference to PIE.[591] Mr Hulbert denied that this could have explained what he saw, both because RVS records suggest that the Pie Scheme had concluded by the early 1950s[592] and because he was not aware of the Pie Scheme when he saw the entry on the spreadsheet.[593] Whether Mr Hulbert was aware of the WRVS Pie Scheme is not relevant to the question of whether it could have provided an alternative explanation for the entry. However, there is insufficient evidence to conclude whether there was any alternative explanation for what Mr Hulbert saw, although we are not able to rule out the possibility that there may have been one. Also, we are not able to rule out that the word or acronym 'PIE' or 'P.I.E.' may have signified something other than the Paedophile Information Exchange.

49. Having seen the entry, Mr Hulbert says he told Reverend Davies that he would take the matter up with Mr Hindley.[594] Although Reverend Davies was responsible for reviewing the WRVS grant, Mr Hulbert recalls that Reverend Davies was content for him to take up the matter with Mr Hindley.[595] Mr Hulbert later went to Mr Hindley's office and asked him why the VSU was funding PIE. Mr Hulbert recalls that Mr Hindley stated that PIE was a bona fide campaigning organisation even if its objectives appeared objectionable; that it was funded at the request of either the Security Services or Special Branch, who found it useful to identify people with paedophile inclinations; and that it was a grant being extended for a further period and therefore did not require a consultant's input.[596] Mr Hulbert did not take the matter further.

50. Mr Hulbert says that some time later he was in the general office of the VSU when Brian Chaplin, another principal, was present. Also present was David Scagell, senior principal, and the registry clerk, Irene Cole.[597] Mr Hulbert asked to see the WRVS file, which Mr Chaplin had in his hand. Mr Scagell said he could not have it as it was nothing to do with a consultant. That was the only time Mr Hulbert was ever refused access to any file while he worked at the VSU.[598] Mr Hulbert also said that he saw a copy of *Magpie*, the PIE magazine, at the VSU after he saw the entry 'WRVS (PIE)' and that it may have been in Mr Hindley's office.[599]

51. There were some inconsistencies in the detail of Mr Hulbert's accounts. He gave much more detail in his later accounts than in his 2013 account to police. He gave different descriptions of what he saw. In 2013, he said "*at the tip of the spreadsheet near to a line referring to the WRVS was a column or line that had PIE on it*".[600] He believed this was some time in 1980. In 2014, he described "*a hazy recollection of seeing a spreadsheet listing grants for renewal which included PIE and which I think may have shown an entry as 'WRVS (PIE)'*".[601] He dated this "*around 1978*". In 2019, he provided a detailed description of a spreadsheet

[590] RVS000002_62; RVS000007_004-005
[591] INQ003974_005
[592] RVS000007_004
[593] Tim Hulbert 25 March 2019 103/1-14; 113/18-114/14
[594] Tim Hulbert 25 March 2019 126/23-127/1
[595] Tim Hulbert 25 March 2019 126/2-127/9
[596] Tim Hulbert 25 March 2019 170/13-171/9
[597] INQ003974_008
[598] Tim Hulbert 25 March 2019 173/18-174/16
[599] Tim Hulbert 25 March 2019 86/7-23
[600] OHY006536_003
[601] Tim Hulbert 25 March 2019 99/12-14

containing "*an entry which read 'WRVS (P.I.E.)' which was shown as a grant for renewal and the amount was at least a five figure sum*".[602] He estimated the date as being "*in the early summer of approximately 1979*".

52. In relation to Mr Hindley's response, in his 2013 statement Mr Hulbert said:

> "*Clifford responded by saying that it was nothing to do with me, and I was to have nothing to do with it. The impression Clifford gave was that the funding was in fact at the request of Security Services in order to give them some sort of access to PIE.*"[603]

In 2019, he described a three-part response, but by reference to Special Branch rather than to the Security Services:

> "*My recollection is that Clifford Hindley's response was, firstly, that PIE was a bona fide campaigning organisation even if its objectives appeared objectionable; secondly, that it was funded at the request of Special Branch who he said found it useful to identify people with paedophile inclinations; and thirdly, that it was a grant being extended for a further period and therefore did not require a consultant's input … I left the meeting with Clifford Hindley with a clear understanding that he wished me to 'back off'. I believe Clifford Hindley's reference to Special Branch interest was sufficient for me to accept this without further challenge.*"[604]

53. In oral evidence, Mr Hulbert strongly rejected any suggestion that these inconsistencies might undermine his core allegation. He explained this by saying that his 2013 police statement was not satisfactory, the police did not ask the "*right questions*", it was the first time he had given a police statement, he had read over it quickly, and he may not have realised the significance of signing that statement at the time.[605] On the question of the increasing level of detail in his accounts from 2013 to 2019, Mr Hulbert said that he has tried to avoid speculating, but that as he has examined this matter over time, there are things that he remembers now that he did not remember at the time.[606] He said that every time he has looked at the matter, his recollection has become clearer because his memory is stirred.[607] Mr Hulbert also said that because the allegations are now 40 years old, it is natural that there are some changes and discrepancies in his statements.[608]

54. Mr Hulbert made the allegation that PIE had been funded by the Home Office in a telephone call to the BBC in 1994 after he had watched the television documentary 'The Secret Life of a Paedophile'.[609] In 2013, a note of the call was discovered by Peter McKelvie, who put Mr Hulbert in touch with Tom Watson MP and the police.[610] The note reads:

> "*PIE was funded by Home Office, says Tim Hulbert, now Bed CC director – Clifford Hindley – head of Vol. Service Unit + Home Office, was involved*".[611]

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[602] INQ003974_005
[603] OHY006536_003
[604] INQ003974_006; INQ003974_007
[605] Tim Hulbert 25 March 2019 77/10-78/25
[606] Tim Hulbert 25 March 2019 96/15-97/9
[607] Tim Hulbert 25 March 2019 92/4-15
[608] Tim Hulbert 25 March 2019 96/15-97/9
[609] PMK000233_001; Tim Hulbert 25 March 2019 73/14-77/8
[610] Tim Hulbert 25 March 2019 74/6-77/8
[611] PMK000233_001; Tim Hulbert 25 March 2019 73/14-77/8

Mr Hulbert had worked with Mr McKelvie at Hereford and Worcester Social Services Department.[612]

55. We saw evidence that, in 1980, Mr Hulbert was asked by Clifford Hindley[613] to prepare a report putting forward grounds on which the VSU might consider a "*Review of WRVS*" in order to satisfy itself that the high level of the WRVS grant was justified, to address accountability expectations and to assist WRVS in its own assessment of its role in a developing voluntary sector.[614] While Mr Peach and other senior VSU staff were against the idea,[615] Clifford Hindley wrote a note to Mr Peach dated 15 January 1981 arguing in favour of a "*large-scale review*" because of the VSU's "*ignorance of how WRVS operates*". He continued:

> "*None of this makes a review imperative. Still less is there any suggestion of impropriety or wastefulness. There is however a great ignorance of how the money is spent.*"[616]

The proposed review did not appear to take place.

56. Mr Hulbert said that he was not surprised that Mr Hindley was agitating for a large-scale review of the WRVS account and grant level in 1980 and 1981.[617] Mr Hulbert said that the issue of PIE funding and the proposed WRVS review were separate,[618] that the three-year grant renewal he saw some time between 1978 and 1980 would have been "*almost extinct*" by the time of a review,[619] and that Mr Hindley would have been under "*extreme pressure from the Treasury to have some accountability*" given the size of the WRVS grant.[620] Alternatively, he contemplated that Mr Hindley's agitation in favour of a large-scale review could have been a double-bluff on Mr Hindley's part.[621]

57. The final written submissions made to the Inquiry on Mr Hulbert's behalf stated:

> "*It is crucial to the understanding of this evidence that this review was of the accounting practices of the WRVS and not the internal accounting with the Home Office VSU. This misunderstanding reveals the conflation of two separate issues: the accounts kept by the WRVS and the accounts of funding records kept by the Home Office/VSU. Mr Hulbert saw the reference to the funding of PIE on the internal records within the Home Office/VSU of accounting for various grants to various organisations. This would never have been a record available to the WRVS as it was an internal Home Office document.*"[622]

58. From the documents we have seen, it is not entirely clear that a "*Review of WRVS*" would refer only to records held and activities conducted by the WRVS externally to the VSU. The terms of the proposed review were not precisely defined; Mr Peach referred to "*some kind of review of WRVS activities and funding*".[623] It is not inconceivable that VSU records of the level of grants allocated to the WRVS may have been provided to a reviewer as part of such a review. This may have included a 'WRVS (PIE)' spreadsheet entry.

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[612] Tim Hulbert 25 March 2019 75/6-11
[613] Tim Hulbert 25 March 2019 151/22-24, 153/7-9
[614] HOM001673
[615] HOM001674
[616] HOM001677
[617] Tim Hulbert 25 March 2019 156/9-10
[618] Tim Hulbert 25 March 2019 156/9-10
[619] Tim Hulbert 25 March 2019 159/10-11
[620] Tim Hulbert 25 March 2019 159/13-15
[621] Tim Hulbert 25 March 2019 159/25-160/20
[622] INQ004279_19
[623] HOM001674

59. Mr Hulbert's explanations of Mr Hindley's position are necessarily hypothetical. However, Mr Hindley could easily have sided with his more senior colleagues had he wished to avoid independent scrutiny of WRVS funding, and especially any possible questions of "*impropriety*".[624] It would be illogical for a person who was attempting to cover up the funding of a controversial organisation by channelling funds through the account of another organisation to advocate for a large-scale review of the activities and funding of the cover organisation. The review was proposed little more than a year after the covert grant was said to have been renewed. By ceding control of the review question, first to Mr Hulbert in asking him to prepare the initial note, then to his superiors and then to an external reviewer, Mr Hindley would have risked exposing the arrangement and his role in it. The attitude conveyed in Mr Hindley's note of 15 January 1981 is not consistent with that of someone who wished to suppress such an arrangement. There is a mismatch between the language in the note and the language Mr Hulbert described from their conversation in Mr Hindley's office.

60. The Home Office commissioned an independent review into the claim that the VSU had provided funds to PIE in the 1970s.[625] The review concluded, on the balance of probabilities, that the funding of PIE by the Home Office did not take place.[626]

61. This independent review was itself reviewed by Peter Wanless and Richard Whittam QC.[627] Mr Wanless and Mr Whittam considered that the conclusion that the alleged funding of PIE did not take place "*is not a fully satisfactory answer to whether the Home Office ever directly or indirectly funded PIE*" and that they could not "*offer categorical assurance one way or the other*".[628] They concluded that it would be "*odd but not impossible*"[629] that Special Branch funded PIE via a Home Office budget to somehow keep track of its members and their activity:

> "*the official records offer no direct evidence to suggest it did, and no other civil servant we have had contact with has corroborated Mr Hulbert's memory, but the records are insufficiently complete to rule it out entirely*".[630]

62. The final submissions made to the Inquiry on Mr Hulbert's behalf by his Counsel, Sam Stein QC, revealed a subtle but significant change of position. In oral closing submissions, Mr Stein submitted "*you should find, and should report, that Mr Hulbert told the truth; and find that he did see evidence that the Home Office, or persons working within the Home Office, had provided, or had intended to provide, substantial funding to the Paedophile Information Exchange*"[631] (although he conceded that there was no corroboration or evidence of a "*money trail*"[632]). In written closing submissions, Mr Stein repeatedly asserted that the Home Office "*or persons working within the Home Office, did fund, or intended to fund the Paedophile*

[624] HOM001677
[625] INQ003804_003
[626] INQ003804_010
[627] INQ003815. Mr Wanless and Mr Whittam also looked at a second review, which considered what information the Home Office had received in relation to organised child abuse (HOM002414; INQ003810) but this is not relevant to our investigation.
[628] INQ003815_036
[629] INQ003815_037
[630] INQ003815_036
[631] Sam Stein QC 29 March 2019 74/18-23, 75/17-18
[632] Sam Stein QC 29 March 2019 75/17-21

Information Exchange".[633] This extends the allegation from the Home Office itself to include the alternative of "*persons working within the Home Office*" and from actual provision of funding to possibly only an intention to fund PIE.

63. Until this point, Mr Hulbert had alleged that PIE was funded by the Home Office, at the request of either the Security Services or Special Branch, not that it was merely intended to be funded by persons working within the Home Office. Mr Hulbert's allegation was that he saw a grant renewal spreadsheet entry indicating that the Home Office was funding PIE, and that Mr Hindley then confirmed, first, that the entry did refer to PIE and, second, that the VSU was funding PIE at the request of the Security Services or Special Branch. This is the allegation that was investigated by the Home Office, the findings of which were considered by the Wanless and Whittam review. While Mr Wanless and Mr Whittam did briefly consider whether "*money might have been passed through to PIE without Government sanction, but instead by an individual exceeding their authority knowing that there was no real audit*",[634] they expressly noted that this was not Mr Hulbert's allegation:

> "*The only material that directly supports the existence of such a payment currently comes from Mr Hulbert who recollects that may only have been done on behalf of those investigating PIE, not as a way of the HO, or someone within the HO exceeding their authority, providing financial assistance for PIE because either supported it*[s] *aims.*"[635]

64. Before this Inquiry, Mr Hulbert stated in oral evidence that he cannot prove that the funds did in fact go through the WRVS.[636] In his written closing submissions after the hearing, he stated that he is "*entirely unaware of whether the grant renewal was ever transferred to the Paedophile Information Exchange, or what Mr Hindley did subsequently*".[637] The change in emphasis matters because it is more serious to allege that the Home Office provided funding to PIE at the request of the Security Services or Special Branch than to suggest, as Mr Hulbert's counsel now has, that an individual employee of the Home Office planned to channel VSU funding to PIE but the plan was ultimately not carried out.

65. Reverend Davies died in 2018. He worked in the VSU from 1977 to 1979.[638] The Wanless and Whittam review did not contact him, apparently because they understood that Mr Hulbert had been in touch with him in 2014 and so he was considered to be a less satisfactory source of information than others.[639] Mr Hulbert had drawn Mr Wanless and Mr Whittam's attention to the potential importance of Reverend Davies' evidence as the person who he thought had first drawn his attention to the funding of PIE.[640] Mr Hulbert's suggestion was not followed up. We are not satisfied that sufficient steps have yet been taken by the Home Office to contact other relevant individuals, including Brian Chaplin. We were told that enquiries are still ongoing. It appears that they have been significantly delayed given no substantive steps appear to have been made to locate Brian Chaplin since May 2015.[641]

[633] INQ004279_1, 5, 25, 27
[634] INQ0003815_032
[635] INQ003815_033
[636] Tim Hulbert 25 March 2019 108/21-109/2
[637] INQ004279_20
[638] INQ000130
[639] HOM003218_008; Michael Box 25 March 2019 15/6-9, 26/3-20
[640] HOM001268_016
[641] Michael Box 25 March 2019 21/8-22/19

66. In February 2014, Reverend Davies told police that he could not recall any funding or any paperwork in relation to PIE funding while he worked at the VSU. He also could not recall ever showing Mr Hulbert a spreadsheet, ledger or any document about PIE funding or grants.[642] In 2017, Reverend Davies told the Inquiry that he had a vague recollection, possibly from early 1979, when the general conversation was about WRVS funding and someone used the expression 'PIE'. He could not be sure but thought it was Mr Hulbert. He did not recognise the expression 'PIE' and never gave it another thought because it was not something on his radar. He did not see any documents to the best of his recollection with 'PIE' marked on them. He had no thoughts about money being diverted. If he had, he would have raised it with Mr Hindley.[643]

67. Reverend Davies referred to an email exchange with Mr Hulbert on 30 June 2016 following a phone call with Mr Hulbert.[644] Mr Hulbert subsequently sent an email to Reverend Davies referring to his memory of seeing 'WRVS (P.I.E.)' and asking him to put in writing what he had said on the phone. In response, Reverend Davies stated that he did "*recall very clearly the questions raised on the WRVS renewal*" and assured Mr Hulbert that his memory was "*still very accurate*", but did not mention or confirm the allegation concerning PIE. Mr Hulbert submitted that he was "*unable to say why Mr Davies' evidence has been equivocal*", and "*because of his personal regard for Mr Davies*" Mr Hulbert was "*very reluctant to speculate as to the reasons for Mr Davies' apparent failure to more clearly corroborate*" his account.[645] Reverend Davies' evidence was inconclusive and inconsistent with the accounts Mr Hulbert has given. Reverend Davies did not, in his email, provide any clear confirmation of Mr Hulbert's allegation, but it also appears to be inconsistent with his 2014 and 2017 statements where he said that he could not recall any paperwork in relation to PIE funding and that he did not recognise the expression 'PIE' at the time.

68. Tom O'Carroll joined PIE in 1974 and eventually became its chair, before being convicted in 1981 of conspiracy to corrupt public morals and in 2006 of distributing indecent photographs of children. O'Carroll provided a written statement to the Inquiry, the relevant part of which was adduced in evidence.[646] O'Carroll said he found any suggestion that PIE received up to £70,000 in funding to be "*preposterous*". He said that PIE operated on very limited funds and relied largely on membership fees, and that he was not aware of any large donations to PIE of any sort, including personal donations.[647] He said that PIE's financial report for 1977/78 appears to make it clear that PIE did not receive large grants from any source and was running at a loss.[648] O'Carroll further stated:

> "*With a membership that never exceeded about 250 people at any one time, and members paying probably around £5 each, that would have given us an annual income of about £1250, plus the sales etc. The overall total would have been no more than £2000 or so, which would just about have funded the production, by the cheapest methods possible, of future publications. To appreciate that we were running on a shoestring, you only need to look at the production quality of the magazines etc. that we produced. You would not have mistaken Magpie for Vogue.*"[649]

[642] MPS000161_001-002
[643] INQ000130
[644] INQ000132
[645] INQ004279_16
[646] INQ003739
[647] INQ003739_005, 008
[648] INQ003739_008
[649] INQ003739_012-013

However, he said that PIE was associated with organisations that did receive public funds and in that sense may have benefited from that funding.[650]

69. Tom O'Carroll is an unashamed advocate and apologist for paedophilia, as well as having convictions for corruption of public morals and distributing indecent photographs of children. Despite this, on this issue, his account is in keeping with other evidence tending to suggest that PIE was not supported financially in the way and to the extent suggested by Mr Hulbert.

70. O'Carroll's account on this issue is supported by contemporaneous documents. PIE's magazine *Magpie* dated October–December 1979 (a few months after Mr Hulbert alleges he saw the spreadsheet entry, according to his 2019 statement) contains a section entitled 'Blood, Sweat and Tears Department: The Continuing Crisis' which states, insofar as relevant:

> "*Many thanks to those who have sent in money and offers of help in the present crisis … PIE's general financial state is now looking grim, thanks to the soaring cost of producing Magpie … in the meantime funds are desperately needed … the EC recently decided … (i) to bring out this issue of Magpie in unchanged format – later issues, unless money is forthcoming, will have to be much less lavishly produced, (ii) to forego an a.g.m. this year.*"[651]

These remarks do not suggest an organisation which had received a grant (or multiple grants, as the grant was said to be a renewal) of £30,000 in government funding, or was due to receive the renewal of such a grant.

71. The Inquiry's legal team conducted searches at MI5 for documents that might indicate that PIE was funded by the Home Office. An internal MI5 note dated 1983 positively suggested to the contrary:

> *"A Treasurer's Report which was compiled in October 1982 showed that there was £460.48½ in the P.I.E.'s account. Recently, P.I.E.'s finances are thought to be in a parlous state. There is no evidence of any other source of funds except from the membership."*[652]

72. Searches were also conducted of Metropolitan Police Special Branch (MPSB) records, and the records of Special Branch offices throughout the country. None of these searches has revealed any documents which suggest that PIE may have been funded by the VSU. However, there was a Special Branch file opened on PIE in July 1978 that was destroyed in 1999 in accordance with standard destruction criteria.[653] The Commander of the Counterterrorism Command confirmed by letter to the Wanless and Whittam Review in 2014 that a search of records produced no information that suggests that the MPSB had any role in investigating PIE, or that the MPSB would have wanted or encouraged any financial support from the Home Office in order to continue any MPSB investigations into PIE.[654]

73. Accounts for the relevant period are not available from the WRVS.[655] The Inquiry has seen a Home Office document dated 11 October 1978 which includes amounts for three VSU grants-in-aid to the WRVS for each of the seven financial years from 1971/72 to 1977/78, and estimates of overall amounts to be granted to the WRVS in the years 1978/79

[650] INQ003739_006
[651] LSE001258_002
[652] INQ004034_003
[653] MPS003549_002
[654] HOM003183
[655] RVS000012_003-004

and 1979/80.[656] It was argued for Mr Hulbert in opening that records for both the Home Office and WRVS are missing "*for, and only for, the very three years in which Mr Hulbert says that a grant was made from the Home Office VSU to PIE via WRVS*".[657] It is not correct that both sets of records are missing "*only for*" those years; records for the WRVS, at least, are not available for any year until 1991/92.[658] Grants made to the WRVS were approved by ministers and put before Parliament by way of a global sum that was not broken down.[659] There is nothing suspicious in the fact that the WRVS did not keep accounts from that time. We have received evidence that the Home Office had no specific document retention and disposal policies prior to 1982.[660] It would have been preferable if the Home Office had kept records of grants made.

74. Counsel on Mr Hulbert's behalf insisted that there could be no doubt that his evidence was factually correct. He submitted that nothing explains Mr Hulbert's evidence "*other than the fact that it is true*",[661] and that Mr Hulbert's account of his meeting with Mr Hindley confirmed "*in a manner incapable of any misinterpretation*"[662] that the grant renewal was intended for PIE:

> "*There clearly could not have been a mistake on the part of Mr Hulbert …* ".[663]
>
> "*There is no room for mistake, for confusion or for any misunderstanding of Mr Hulbert's evidence regarding this crucial meeting* [with Mr Hindley]. *The funding was for the Paedophile Information Exchange*".[664]

There is a possibility of misinterpretation, given the lesser degree of certainty in Mr Hulbert's original 2013 account which referred to an "*impression*"[665] as to Mr Hindley's response and not the detailed three points that Mr Hulbert later recalled. Moreover, even if taken at its height, this does not mean that the Home Office did in fact fund PIE, only that Mr Hulbert took from what Mr Hindley said that the Home Office did fund PIE. Mr Hulbert appears to accept that there may be an explanation for what he heard and saw that is consistent with the Home Office not providing funds to PIE, or that his account does not inevitably mean that funds were provided to PIE.

75. Mr Hulbert's counsel submitted that he "*has previously been found, by two separate Home Office Reviews, to have been a credible and a truthful witness in relation to his account*".[666] That is not right; his account was found credible by one review, that of the first independent reviewer.[667] However, that review also concluded that on the balance of probabilities the alleged funding of PIE by the VSU did not take place.[668] The Wanless and Whittam review did not specifically find Mr Hulbert to be credible, but appeared to accept that he was honest.

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[656] HOM001676_005
[657] Sam Stein QC 4 March 2019 130/3-5
[658] RVS000012_003-004
[659] Tim Hulbert 25 March 2019 65/3-70/3
[660] HOM003222_004
[661] INQ004279_2
[662] INQ004279_9
[663] INQ004279_9
[664] INQ004279_14
[665] OHY006536_003
[666] INQ004279_3
[667] INQ003804_010
[668] INQ003804_010

76. On the basis of this finding of credibility by the Home Office-commissioned review, it was suggested that "*the Inquiry will have to approach, treat and find that Mr Hulbert's testimony is very likely to be true*",[669] "*that the core elements of Mr Hulbert's evidence are true and that the events he described occurred*"[670] and that "*the Inquiry must find that Mr Hulbert's account is true*".[671] This does not follow. First, this Inquiry is independent of what has gone before and is not bound by what any previous review has found in the past, not least because we have heard Mr Hulbert's evidence on oath which the first independent reviewer and Mr Wanless and Mr Whittam did not. Second, there may be some distance between an account given honestly and it being wholly factually accurate. A witness may give an honest and intelligent account of their own experience, and genuinely believe that what they are saying is true, but also be susceptible to the fallibility of memory, the memory playing tricks,[672] mistake, misinterpretation, misrepresentation on the part of another, or an incomplete understanding of what they heard or saw.

77. Mr Hulbert gave his account honestly, and candidly conceded its limitations. At least some of the inconsistencies among his accounts can be explained by the passage of several decades since the time of the events in question. However, we were not convinced by Mr Hulbert's assertion that his memory has improved over time. It is clear that, following a conversation with Mr Hindley, Mr Hulbert left Mr Hindley's office under the impression that the Home Office had provided (and was continuing to provide) funding to PIE at the request of the Security Services or Special Branch. We do not consider that Mr Hulbert has done other than his honest best to assist the Inquiry, but it does not follow that PIE was in fact funded in the way he has alleged (as Mr Hulbert himself accepts).[673] In all the evidence we have seen and heard, there is no independent support for Mr Hulbert's allegation that PIE was funded in this way, and there is some evidence which undermines it.

78. We were referred by Mr Hulbert's counsel to a number of academic articles authored by Clifford Hindley during the 1990s and published in journals such as *The Musical Quarterly* and *The Classical Quarterly*, focussing for example on the works of Benjamin Britten. In his oral closing submissions on behalf of Mr Hulbert, Mr Stein submitted that these writings demonstrate that Mr Hindley was, as he put it, "*sympathetic to pederasty*".[674] We do not consider that these writings assist us. They do not go to the issue of whether the Home Office provided funding to PIE; in particular, they do not lend support to the assertion that it did.

79. There is no available evidence to suggest that PIE as an organisation actually received a grant or grants of Home Office funding. This should go some way towards assuaging the central public concern that taxpayers' money was used to fund PIE. We have not heard or seen any evidence apart from Mr Hulbert's account that the Home Office provided funding to PIE. The available contemporaneous documents and witness evidence suggest that the alleged funding was not provided.

[669] INQ004279_3
[670] INQ004279_5
[671] INQ004279_26
[672] INQ000132_001; Tim Hulbert 25 March 2019 144/6-145/1
[673] INQ004279_20
[674] Sam Stein QC 29 March 2019 72/23-73/18

Part H

Prosecutorial decisions

Prosecutorial decisions

H.1: Introduction

1. We have examined the cases of Victor Montagu and Sir Peter Hayman, both prominent men linked with Westminster. Montagu was accused of committing serious offences of child sexual abuse, while Hayman was a member of the Paedophile Information Exchange (PIE) and frequently exchanged obscene material in the post with others. We consider the decisions made by the Director of Public Prosecutions or his office in both instances and compare the position today.

H.2: Victor Montagu

2. Alexander Victor Edward Paulet Montagu (known as Victor) was born in 1906, and was Viscount Hinchingbrooke from 1916 until 1962. He was the Conservative MP for South Dorset between 1941 and 1962. In 1962, when his father died, he succeeded as 10th Earl of Sandwich. Having renounced his titles under the Peerage Act 1963, he was then known as Victor Montagu and stood as a Conservative Party candidate in Accrington in the 1964 general election. He died in 1995.

Robert Montagu

3. Robert Montagu is the youngest (born in 1949) of seven children of Victor Montagu and Rosemary Peto. His parents separated when he was five and divorced in 1958. After college he became an importer of goods and then a business consultant. He retrained as a family therapist, working for NHS child and adolescent mental health services and then went into private practice in Dorset. In 2005, he founded the Dorset Child and Family Counselling Trust which went on to become the Family Counselling Trust, operating across Dorset and Somerset, Wiltshire and Hampshire.[675]

4. In 1955, Victor Montagu bought Mapperton House in West Dorset where Robert Montagu would stay every year during summer, Easter and Christmas vacations until he was between 16 and 18.[676] While other siblings and house staff were in the house, Robert would visit his father before breakfast every day. He was the only child to do so. Robert remembered this practice starting when he was about six and a half and it continued until he was aged around 11. He told us that he used to go into his father's bedroom for the 7:30am morning news and then a story. After 15 or 20 minutes, his father would sexually abuse him by removing Robert's pyjamas or asking him to do so, and he would then fondle him all over his body, and kiss, stroke as well as suck his penis, sometimes for some duration. These acts continued until Robert was about nine and a half. He recalled at this point in time the sexual activity escalating with his father positioning him on his front, placing a handkerchief over his bottom and rubbing his penis between the cheeks of his bottom, sometimes with and sometimes without ejaculation. These were invariably daily occurrences at the same time each day. There were acts Robert refused, such as touching and kissing him.

[675] INQ003588_001; Robert Montagu 27 March 2019 18/24-20/16
[676] Robert Montagu 27 March 2019 1/11-3/9

5. He also recalled one full act of anal penetration when he was around 11 years old in his father's London house just before a skiing holiday. On that occasion, Victor Montagu ran the bath, he then asked Robert to strip and they wrestled for a short time. He then asked Robert to position himself on the side of the bed with his top half leaning over the bed, when he put his penis inside him and masturbated until he ejaculated. The day continued as if nothing had happened.[677] This act of anal rape was the only instance he could recall, although he said there might have been others he had overlooked.[678]

6. Robert believed that presents his father gave him were larger than those given to his siblings. This only increased his self-criticism because they made him believe that he was serving as a prostitute for mercenary reasons. There were no threats not to tell and no encouragement to treat the acts as their secret. He did feel however that his special position with his father was envied by his siblings who teased him about it.[679]

7. He told us how it felt as a child to be the victim of his father's sexual abuse. Despite the absence of any compliance on his side, he was filled with shame and self-disgust. He thought of suicide and he might have carried it out but for what he took to be an instance of divine intervention in church when he heard a booming voice saying "*This is my beloved son in whom I am well pleased*".[680]

8. The abuse came to an end when Robert was around 11 years old. Two of his sisters discovered he was sharing a bath with his father and later quizzed him about it, and then shared it with their mother. As a result, he was "*interviewed*" by his mother and the family doctor when he was in London before returning to school. He told them "*very painfully*" everything and in graphic terms. On his return to school, he waited "*for the police to arrive and an investigation to begin, and nothing happened*". After a period of separation, he was returned to his father's care "*as if nothing had happened*" and his father sought "*to continue the relationship*".[681]

9. Robert Montagu made clear that no adult within the family sought to intervene or defend him. His deliberate use of the word 'interview' to describe the meeting with his mother and the family doctor was insightful. He says his mother was disgusted by the news. He imagined that she had discussions with his doctor, their lawyer and friends, and decided it was "*more important to keep this horrible news from examination by the police partly in order to protect me, in a sense, thinking that was the best thing to do*".[682]

10. As he rightly points out, had there been an investigation his father would have been stopped and there would have been no further victims.[683] He told us that at the age of around 12 he discovered other boys – a newspaper boy or an estate worker's son, for example – had attended his father's bedroom just as he had, which came as a shock to him. Later, he became more aware of it when his own school friends and neighbours' friends were approached. His own research indicated there had been at least 10 victims, probably nearer 20.[684]

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[677] Robert Montagu 27 March 2019 3/20-6/1
[678] Robert Montagu 27 March 2019 6/2-23
[679] Robert Montagu 27 March 2019 8/3-9/12
[680] Robert Montagu 27 March 2019 9/13-10/25
[681] Robert Montagu 27 March 2019 11/15-13/9
[682] Robert Montagu 27 March 2019 14/2-12
[683] Robert Montagu 27 March 2019 13/10-14/12
[684] Robert Montagu 27 March 2019 16/12-17/16

11. Although his mother's and doctor's inaction might in part have been to protect Robert from police intrusion, it was shortsighted and neglectful, because it ignored the suffering he had endured. It also risked further abuse. Yet despite the abuse he complained of, Robert Montagu has demonstrated courage and determination to escape his past, even though it is plainly never far from his mind.

12. In 2014, after his parents' deaths, Robert Montagu published *A Humour of Love* about his experiences, in order "*to establish not only my voice but the multifold of voices*" by interviewing in his imagination his father to understand his motivations, as well as his mother, the family doctor and their lawyer.[685] He was asked, from his standpoint as a victim of child sexual abuse and from his own professional experience, what steps he considered might reduce the risk of child sexual abuse allegations not being taken seriously, not just by public authorities but also by the family or powerful people being treated with undue deference when such allegations are made. He strongly advocated that mandatory reporting should be made law in schools and within the domestic setting (subject to extenuating circumstances) and he invited us to make a recommendation for mandatory reporting.[686] In September 2018 and in April 2019, the Inquiry held a seminar which examined existing obligations to report child sexual abuse and the arguments for and against mandatory reporting.[687] Mandatory reporting will be considered further in the Inquiry's final report.

The 1972 police report

13. On 24 November 1972, Detective Chief Inspector (DCI) Newman of Dorset & Bournemouth Constabulary submitted a report of 17 November 1972 to the Director of Public Prosecutions concerning two suggested offences of indecent assault committed by Victor Montagu against a 10-year-old boy between 31 December 1970 and 11 November 1972.[688] As the dates make clear, the boy in question (ciphered as WM-A108) was not Robert Montagu.

14. WM-A108 lived on the Mapperton Estate and had known Victor Montagu since he was a little boy. One weekend during 1971, Victor Montagu had asked the boy to go with him to his bedroom. There, Montagu removed his own trousers and lay on the bed. He took down WM-A108's trousers to his knees, leaving the boy's underpants on and then asked if he would like a little fight. The boy did not want one. Montagu changed trousers, the boy pulled his trousers up and they left the bedroom.

15. On another occasion about a month later, Victor Montagu and the boy went for a walk during which he suggested that he and the boy have a fight. Montagu removed his clothing so he was naked to the waist and the boy took off his jumper but kept his shirt on. They rolled around, ending up with Montagu on top of WM-A108. Montagu kissed the boy on the lips and tickled him, touching the insides of his legs and his "*private parts*" over his clothing, as well as tickling his back.[689]

16. During similar activity two weeks later in Montagu's bedroom, Montagu kissed WM-A108's private parts twice. A similar incident occurred some two months later. The boy described another incident when Montagu kissed him on the lips. In summer

[685] Robert Montagu 27 March 2019 15/5-16/11
[686] Robert Montagu 27 March 2019 20/17-22/4
[687] https://www.iicsa.org.uk/research-seminars/mandatory-reporting-child-sexual-abuse
[688] CPS003345_005; CPS004383_001
[689] CPS003345_007

1972 in a swimming pool, Montagu and the boy swam together in the nude, after which Montagu dried him with a towel including his private parts although he did not touch him with his hand.

17. On a final occasion, Montagu wrestled with WM-A108 in an attic bedroom, when he kissed the boy's private parts and rubbed his penis along the boy's legs. On this occasion, he held the boy's hand against his (Montagu's) own private parts. There was also an incident in Montagu's London house when he kissed WM-A108 on the lips.

18. During the investigation, WM-A108 told the police about the many gifts Montagu had given him and about a forthcoming trip to Switzerland.[690] In the 'Observations' section of the report, DCI Newman described the boy as "*a simple lad, perhaps to be pitied*". He was sure WM-A108 had not taken advantage of the situation to "*furnish his nest*" by demanding gifts from Montagu. DCI Newman then focussed attention on the mother's reaction to Montagu's gifts to WM-A108 and his disclosures to her about what had happened, concluding that the mother had "*an animal-like approach to life*" and "*failed to attach much importance to the boy's possible exposure to moral danger*". The father had eventually understood that "*the association had now become dangerous in the interests of the boy's future*".[691]

19. As for Victor Montagu, DCI Newman noted that all persons on the estate at Mapperton thought very highly of him as an employer and friend. It was also rumoured that his second marriage (in 1962 which ended in 1965) had not been consummated, since which time "*he appears to have lived a lonely life and it was thought that his interest in* [WM-A108] *was no more than fatherly*". DCI Newman continued:

> "*From his replies, I am certain that he does not realise the seriousness of what has occurred but when one considers that he has grandchildren of a similar age, and incidentally these grandchildren, together with* [WM-A108] *and other adults were going to form a 'skiing party' to Switzerland later this year, then perhaps some sympathy may be afforded him.*"

DCI Newman closed his report by saying that Montagu had said WM-A108's family's position on the estate was not in jeopardy, adding:

> "*He also accepted my advice that the association with* [WM-A108] *should end immediately. I warned him that if it continued, my Superiors would have to consider that the boy be brought before a Juvenile Committee for consideration of putting him into safe custody as being exposed to moral danger.*"[692]

20. In interview, Montagu described the activity as "*romping*" and said that there had been no sex at all as he was 66 and past sex. He said of the several allegations made that "*The whole thing is almost entirely true*".[693]

The decision of the Director of Public Prosecutions' office

21. A decision note from the Director of Public Prosecutions' office records that Victor Montagu had "*admitted outwardly all that the boy says but says there was no sex in it – at 66 he is past sex*", and that the assaults consisted in the main of "*romping and wrestling in the nude*

[690] CPS003345_006-009
[691] CPS003345_011-012
[692] CPS003345_013-014
[693] CPS003345_033-036

but there were occasions when Montagu kissed the boy's penis". The note describes the case as "*bedevilled by the relationship in a rural community of employer and employee*". The decision was recorded as "*Borderline – but with a man of previous good character, and no fear of repetition with this boy, I think we could caution.*" The decision was made by Assistant Director South on 28 November 1972 and endorsed by Assistant Director Smith with the words "*I agree*" on 29 November 1972.[694]

22. A letter dated that same day, 29 November 1972, from the Director of Public Prosecutions' office addressed to the Chief Constable of Dorset & Bournemouth Constabulary advised that the case could properly be dealt with by way of a caution:

> "*The assaults, which are admitted, are not of themselves very serious and if Mr Montagu is prepared to take the excellent advice given to him by Det Chief Inspector Newman and avoid any contact with the boy in the future I do not think that proceedings are called for.*"[695]

There is no indication whose letter it is, other than a reference at the top beginning 'AJS'.

23. Gregor McGill, Director of Legal Services at the Crown Prosecution Service, who gave evidence to our Cambridge House, Knowl View and Rochdale investigation about the Director of Public Prosecutions' decision in the case of Cyril Smith, was asked about the documentation in the Montagu case and the decision-making. He thought 'South' might be the Assistant Director's name or the geographical area covered by him.[696] He was unable to shed any light on the decision-making in the case and did not have the benefit of understanding what, if any, policies may have applied to offences of indecent assault or what guidance there may have been on the giving of a caution. He agreed that the decision was turned round far more quickly than would be the case today.[697]

24. Mr McGill said he could only judge the case by how it would have been approached today. He said today the decision would be to prosecute. There was sufficient evidence for a realistic prospect of conviction in the Code for Crown Prosecutors and there was a clear public interest to prosecute; he pointed to the several aggravating features such as the age and vulnerability of the complainant, the marked disparity in age, the position of authority and trust held by Montagu, the grooming nature of the interaction with the boy and the fact the contact had occurred when they were naked and involved touching of, as well as kissing, the boy's genitals.[698] Mr McGill said that matters such as Victor Montagu's failure to consummate his second marriage, his apparent fatherly interest in the boy and his alleged failure to realise the gravity of what had occurred would not be given any credence today by a prosecutor. Ms Zoe Johnson QC, who represented the Crown Prosecution Service in this investigation, noted that the same factors which tipped the balance away from prosecuting in 1972 would tip the balance in favour of a prosecution today.[699]

25. We agree with Mr McGill that the Detective Chief Inspector's advice to Montagu to avoid contact with the boy, which if it continued put the boy at risk of being taken into safe custody, made "*uncomfortable reading*".[700] The effect of any resumption of offending

[694] CPS003345_003
[695] CPS004383_002
[696] Gregor McGill 27 March 2019 162/21-163/9
[697] Gregor McGill 27 March 2019 166/7-22
[698] Gregor McGill 27 March 2019 168/22-170/7; CPS004659_004
[699] Zoe Johnson QC 29 March 2019 96/1-22
[700] Gregor McGill 27 March 2019 170/8-172/17

by Victor Montagu was that the boy would be the one to be removed from his family and community rather than the offender, which highlights the relatively less important position occupied by a child victim as against that of an adult offender at the time.

26. Mr McGill agreed that if Victor Montagu had been charged and convicted of offences against his own son between 1955 and 1961, then he could not have been advanced as a person of good character in 1972, which was an aspect of the decision not to prosecute. He accepted that the facts in Robert Montagu's case might arguably have amounted to similar fact evidence as to satisfy the requirement for corroboration when considering a prosecution in WM-A108's case.[701]

27. Robert Montagu told us it had been a shock to discover there had been a police investigation in 1972. His reaction to reading the material revealing that his father's good character had been regarded as justifying not proceeding and that a caution would suffice was to say that it was "*entirely wrong, and very indicative of the attitude of the time towards people in public positions*". He said times had changed but from his experience, at that time, these were treated as private matters which should not come to public notice or be brought to court.[702] As noted on behalf of the Crown Prosecution Service:

> "*In a society riddled with class distinction and behaviour which was assessed on grounds of morality rather than criminality, the real offending was lost*".[703]

The real offending was lost, but it was an assessment of morality and the class distinction between him and the boy he sexually abused that swung the decision in Victor Montagu's favour, as is evident from the tenor of the police report. This must have influenced the Director of Public Prosecutions' decision to caution Victor Montagu rather than to prosecute him.

H.3: Sir Peter Hayman

28. Peter Hayman was born in 1914. He married in 1942 and had two children. He held a number of important roles in the Diplomatic Service. Between 1964 and 1966 he was with the British Military Government in Berlin, between 1966 and 1969 he was Assistant Under Secretary at the Foreign & Commonwealth Office, between 1969 and 1970 he was Deputy Under Secretary of State at the Foreign & Commonwealth Office, and between 1970 and 1974 he was the British High Commissioner in Canada. He was knighted in 1971.[704] He retired in 1974 and died in 1992.

29. There were allegations Hayman had been a member of PIE using an assumed name and that he had been sending and receiving through the post obscene material, for which he was not prosecuted. There has been long-standing public concern whether the decision not to prosecute Hayman either for his involvement with PIE or for sending obscene material through the post might have been politically motivated. Those concerns were first expressed in the House of Commons by Geoffrey Dickens MP in 1981 but they have continued to be aired ever since.

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[701] Gregor McGill 27 March 2019 173/22-174/22
[702] Robert Montagu 27 March 2019 18/2-23
[703] Zoe Johnson QC 29 March 2019 94/24-95/3
[704] CPS004445_018; CAB000043_036. In Part I of this report (Honours System), we deal with the approach taken to Peter Hayman's knighthood in light of his membership of PIE and the 1984 conviction for gross indecency.

30. One of the investigating police officers in the Hayman and PIE cases, Bryan Collins (now retired), made a series of allegations to the Independent Office for Police Conduct (IOPC) to the effect that the prosecution of Hayman was dropped inappropriately, that Hayman's name was intentionally kept out of the trial of other PIE members which did go ahead, and that Hayman unsuccessfully attempted to bribe Bryan Collins and his fellow police officer. These allegations formed the basis of IOPC investigations.

The police investigation

31. In about 1974, Bryan Collins joined the Obscene Publications Squad at Scotland Yard as a police sergeant (PS). His role was to investigate the production and sale of pornography.

32. As a result of a *News of the World* article, an investigation was commenced into PIE which focussed on Tom O'Carroll, one of the group's organisers. PS Collins and his partner, Police Constable (PC) Dave Atkins, were in possession of a list of members of PIE, from which they selected for interview a dozen or so of "*probably the worst*" individuals, based on their correspondence with PIE through *Magpie* (PIE's publication) indicating their "*desire in connection with sexual activity with children*". It was by those means PS Collins and PC Atkins put together a case against O'Carroll for conspiracy to corrupt public morals.[705] One individual selected for interview on the list was a member of PIE called 'Peter Henderson'.

33. In a police report titled 'Hayman & Others', date-stamped as received by the Director of Public Prosecutions' office on 7 December 1978, PS Collins set out the facts.[706]

34. A quantity of obscene photographs and correspondence, sent through the post to an individual named Peter Henderson at 95 Linden Gardens, London, W2, was found on a bus on 21 March 1978 by a member of the public and handed in to the police. The officers discovered Henderson was a member of PIE "*which consists of people who advocate sexual acts between adult and child*".[707] They went to the address on 2 October 1978 where they were let in by the managing agents and a locked wardrobe was forced open. In it, on shelves, were 45 volumes of photographs and writings, each of about 200 pages, which contained a record of sexual activities over the previous six years. The report states:

> "*These records contain nothing but obscenities on every conceivable sexual act, deviation and perversion … are a complete, specific record of Henderson's sexual acts with other men and women, both pictorially and of written matter.*"[708]

Trophy items were pressed between the leaves of the volumes and other items were found fixed to the wardrobe.

35. When Henderson arrived at the flat that day, the officers spoke to him. He accepted all the items were his and that he had been engaged for many years in exchanging obscenities through the post with others. He made a short statement under caution. It was obvious to the officers that he was not who he claimed to be but at no time did he reveal his true identity.[709]

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[705] Bryan Collins 27 March 2019 43/7-45/14
[706] CPS004445_001
[707] CPS004445_002
[708] CPS004445_003
[709] CPS004445_002-004

36. A few weeks later, a briefcase containing various obscene writings and photographs was found and handed in to police. The IOPC Operation Hesper closing report refers to this. It was found in St James's Park by an officer of the Royal Parks Police with Metropolitan Police dog handlers. Documents inside the briefcase named Peter Hayman. Also found were envelopes containing black and white photographs of boys aged between eight and 11 dressed only in their underpants.[710] Mr Collins said he did not recall this.[711]

37. Henderson was seen again by police on 24 October 1978, when he identified himself as Peter Hayman. He identified the briefcase and its contents as his, saying it had been stolen from his car some weeks earlier.[712] In the police report, PS Collins wrote:

> "*Many of the obscenities written in Hayman's books referred to children and although it was reasonable to assume that much of it was fantasy, further enquiries were made in this direction.*"[713]

38. Other parts of the police report mention children. Some of the images circulated among Peter Hayman's correspondents were "*normal snaps*" of children but pages from Hayman's records for 1975 included a photograph of an 11-year-old girl with obscene comments written about her.[714] 'The Circle' was Hayman's description of those with whom he corresponded.[715] In relation to a family Hayman had become involved with, the report states:

> "*Although the sex volumes contain references to the … children there is no evidence to suggest they have been involved in any way in this matter apart from being fantasised about by Hayman and other members of 'The Circle' …* "[716]

The report states Hayman had made contact and corresponded with a man (ciphered as WM-F24) through PIE. WM-F24 was in possession of a quantity of obscene material relating to young children. He also had two photographs of naked young girls which Hayman had sent to him.[717]

39. Robert Wardell was a bus inspector and a PIE member. He and Hayman had established contact, and exchanged obscene letters through the post. In the report, PS Collins wrote that Wardell had sexual fantasies which were:

> "*the most horrific and sickening accounts of sexual desires that one could possibly imagine. He has a consuming passion for the activities supposedly carried out by the German SS towards Jewish children. These incredibly sadistic accounts of atrocities directed towards children he has sent to Hayman who, just as incredibly, enjoyed them.*"

Wardell also sent Hayman photographs of children fully clothed.[718]

40. A retired headmaster, John Sewell, was a member of Hayman's 'Circle'. He had convictions for indecent assault of young boys. He was spoken to by police in relation to the PIE enquiry, when he denied association with an advert in the PIE contact sheet advertising

[710] IPC000510_002-003, 006
[711] Bryan Collins 27 March 2019 52/22-53/3
[712] CPS004445_005
[713] CPS004445_005
[714] CPS004445_006-007
[715] CPS004445_003
[716] CPS004445_011
[717] CPS004445_012
[718] CPS004445_013

an interest in "*little girls in white pants and little boys without them*". Sewell had sent Hayman two photographs of young girls showing their underwear with obscene comments on them. Sewell had further similar material in his possession.[719]

41. Another correspondent (ciphered as WM-F25) sent letters to Hayman through the post which related to sexual activity with young boys. The report states "*although they will be claimed to be fantasy,* [WM-F25] *admitted when seen originally that he had indecently assaulted a young boy some five years ago*".[720]

42. In light of this, Mr Collins was asked in the course of his evidence why he had felt that Hayman's writings in relation to children were fantasy. He said it was because they were so extreme. In some instances, he said, Hayman was referring to well-known people as well as friends of his family. He added:

> "*It was obvious that some of the stuff, or most of the stuff … no, not most; some of it was fantasy*".[721]

He said there was no evidence to charge Hayman with any offence of child sexual abuse. He was asked what "*further enquiries*" had been made in relation to Hayman's writings about children.[722] He recalled visiting some addresses where there were families with children.[723]

43. In a subsequent and very lengthy police report which focussed on the activities of PIE, PS Collins noted that Hayman, using the assumed name Henderson, had corresponded with PIE "*in the person of David Grove*"[724] seeking advice about progressing a sexual relationship with a little girl. In light of this material, and Hayman's association with PIE, Mr Collins was asked whether, at the time, the police could have had confidence that Hayman was not in fact a paedophile. His response was:

> "*I can't see how anyone would say that. I think he would have grasped at any opportunity to take advantage of man, woman or child sexually.*"[725]

44. PS Collins concluded his first report by remarking that Hayman had a great deal to lose by reason of his position in society but:

> "*the sheer filth spread far and wide by him, particularly its content with regard to the sexual and physical abuse of children, must place him in the category of being one of the worst offenders in relation to sending obscene material through the post*".[726]

[719] CPS004445_014-015
[720] CPS004445_015-016
[721] Bryan Collins 27 March 2019 63/8-64/8
[722] CPS004445_005
[723] Bryan Collins 27 March 2019 64/25-65/16
[724] OHY007089_003-004
[725] Bryan Collins 27 March 2019 91/14-96/1
[726] CPS004445_017

The Director of Public Prosecutions' decision not to prosecute Sir Peter Hayman

45. PS Collins expressed the view in his report that offences had been committed under section 11(1)(b) of the Post Office Act 1953,[727] which provided:

> *"A person shall not send or attempt to send or procure to be sent a postal packet which – (b) encloses any indecent or obscene print, painting, photograph, lithograph, engraving, cinematograph film, book, card or written communication, or any indecent or obscene article whether similar to the above or not."*

The sentence for conviction on indictment was imprisonment for not more than 12 months.

46. He told us in evidence that he recalled receiving a phone call from Sir David Napley, who was Peter Hayman's solicitor. He asked him if he was dealing with the Hayman case and then asked him who was dealing with it at the Director of Public Prosecutions' office. Mr Collins knew it was Jeremy Naunton, as he had been talking to him about the dates of charges. He did not wish to land Mr Naunton with a call from Sir David Napley and so he told Sir David he would find out and get back to him, to which Sir David replied "*Don't bother. I'll talk to Hetherington*".[728] Sir Thomas Hetherington was the Director of Public Prosecutions at the time.

47. It was, said Mr Collins, the next day that he and his partner were called into Chief Inspector Shepherd's office to be told that Hayman was not to be prosecuted but cautioned instead. Mr Collins said he was never told why. (It was not until he read material in advance of giving his evidence to the Inquiry that he learned that Hayman had been claiming to be suicidal. Mr Collins remarked that being suicidal had not prevented Hayman from appearing on *Mastermind* or subsequently importuning a lorry driver in a public toilet.[729]) Hayman subsequently accepted the caution, so he admitted the offending.[730]

48. Jeremy Naunton was a solicitor who began working in the Director of Public Prosecutions' office in around 1971. Following the submission by PS Collins of his police report on the investigation into Hayman and its receipt by the Director of Public Prosecutions' office on 7 December 1978, an interim advice note was written within the office.[731] Mr Naunton told us he thought the advice note was "*probably my note*"; he recognised the handwriting at the end of the note as his. The note was addressed "*A/D Met*" which was an abbreviated reference to the Assistant Director of the Met Division, who was Mr Naunton's line manager.[732] The note stated that, like most of Scotland Yard's investigations under section 11 of the Post Office Act 1953, this case left "*a lot to be desired and it is difficult to make a decision without seeing the original photos or the latest letters*".[733] Mr Naunton said he had not seen any of the original exhibits and therefore no decision could be made until they were available, though the idea had been to progress the case towards a prosecution.[734]

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[727] CPS004445_017
[728] Bryan Collins 27 March 2019 62/1-63/7; 70/6-71/9
[729] Bryan Collins 27 March 2019 71/10-73/6. This incident led to Hayman being convicted and fined for gross indecency in 1984.
[730] Bryan Collins 27 March 2019 76/23-77/8; Jeremy Naunton 27 March 2019 149/17-22
[731] CPS004445_022-025
[732] Jeremy Naunton 27 March 2019 109/15-111/11
[733] CPS004445_022
[734] Jeremy Naunton 27 March 2019 116/6-19

49. He wrote that despite the theme of PIE running through the papers, there was "*no evidence to suggest that any of them have committed offences with children*". He added:

> "*Whilst we are shortly to receive a full report on the activities of PIE I am told by the police that this is an independent offshoot that can be dealt with separately. I hope that any decision we make here will not be a rod for our own backs when the PIE case arrives.*"[735]

50. This cautionary note was rather prescient in light of PS Collins' later report on PIE which noted Hayman's correspondence with a 'David Grove' about his sexual desires involving a little girl.[736] Mr McGill remarked this was:

> "*a salutary reminder to all prosecutors that, before making a decision, you need to have all the facts at your disposal … Because if you do it too quickly, there could be material that may materially affect the decision you've made.*"[737]

51. In his advice note, Mr Naunton recorded that:

- The police were anxious that proceedings were taken against those named and possibly for conspiracy to contravene section 11 of the Post Office Act 1953.
- The articles found in Hayman's flat were obscene and indecent and must have been sent through the post.
- There was no organised general postal distribution of obscene articles.
- While Hayman's articles were obscene, they did not appear to fall within the usual categories under the Obscene Publications Act, because although money did pass there was no real arrangement for a financial gain to be made.

He added the activities described were for the personal and private sexual benefit of the individuals, some of whom had been known to each other for years, and not for indiscriminate circulation. Thus, he noted, the case fell into a lower category than others they saw and could possibly be dealt with by individual substantive charges under section 11 of the Post Office Act 1953.[738]

52. Mr Naunton told us there had been no policy in the Director of Public Prosecutions' office when considering Post Office Act offences or Obscene Publications Act offences. Obscene Publications Act offences required the person to publish or have an obscene article for publication for gain, whereas the Post Office Act was, he said, aimed at the protection of Post Office employees and was "*slightly obsolete*".[739]

53. In the view of Mr McGill, the decision not to prosecute Hayman under the Post Office Act 1953 was reasonable given the offence was considered to be outdated. It was aimed at protecting Post Office employees and so the circulation of the material had not harmed those it was designed to protect; the material was circulated among like-minded adults and there was no intention to make any financial gain from it.[740]

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[735] CPS004445_022
[736] OHY007089_003-004
[737] Gregor McGill 27 March 2019 180/18-181/21
[738] CPS004445_022
[739] Jeremy Naunton 27 March 2019 118/23-119/15
[740] Gregor McGill 27 March 2019 177/3-21; CPS004666_004

54. Mr Naunton's advice note went on to consider each of the suspects, beginning with Hayman. Mr Naunton noted that Hayman had admitted being a member of PIE "*for a while about a year ago*" and in his statement under caution he had said he "*disagreed totally with PIE's views*". When later questioned about his relationship with PIE, Hayman had said:

> "*I wish you to believe that I have never interfered with children, all I have written about is pure fantasy, I suppose I know I should never have sent those things through the post but I never really thought about it*".[741]

The advice note concludes with Mr Naunton observing:

> "*No one can really support what the 'defendants' have been doing but I consider that the police are making a storm in a tea cup – as far as I can see (subject to* [WM-F25] *…) no child has been affected by their group activities and no one has been offended by seeing any obscene writing through the post.*"[742]

55. As for the suggestion that Hayman's writings about children were pure fantasy, Mr McGill told the Inquiry that, today, in such circumstances, he would expect prosecutors to consider the offence under section 1 of the Obscene Publications Act 1959 of publishing obscene material. In particular, where there did not appear to be any evidence of contact abuse offences against children, fantasy discussion of abusing children can fall within the definition of obscenity and can also be captured by the offence.[743]

56. Mr Naunton denied knowledge of PS Collins' later report on PIE, and said the decision to caution had not been his but, had it been, he said he would have taken into account the information in the PIE report in deciding on charge.[744] He added even though Hayman had been cautioned, there was no reason why he should not have been prosecuted for any other offences disclosed in the later report.[745] Mr McGill agreed.[746]

57. Mr Naunton had questioned in the advice note whether there was any useful purpose in prosecuting any of the possible defendants, as no harm had been done to anyone, but if proceedings were to be instituted he advised substantive charges under section 11 of the Post Office Act 1953. He made clear that his opinion was based on the papers and what he had been told by the police.[747]

58. In evidence he said that he had not been considering the public interest but the evidential test only, ie whether there was a reasonable prospect of conviction (which was the test before the Code for Crown Prosecutors). He said that consideration of public interest factors would probably have "*gone up higher*" because of Hayman's background.[748]

59. Mr Collins gave evidence that, before the decision was made to caution him, Hayman had turned up at Scotland Yard to speak to him and PC Atkins, and had tried bribing them with £25,000 each. Mr Collins recalled telling him not to be so stupid as he was in enough trouble already. However, neither officer reported the bribe because, said Mr Collins in

[741] CPS004445_022-023
[742] CPS004445_025
[743] Gregor McGill 27 March 2019 177/22-178/7; CPS004666_004
[744] Jeremy Naunton 27 March 2019 126/24-129/7
[745] Jeremy Naunton 27 March 2019 129/20-130/13
[746] Gregor McGill 27 March 2019 179/10-180/17
[747] CPS004445_025
[748] Jeremy Naunton 27 March 2019 136/8-25

evidence, Hayman did not actually try giving them any money. Mr Collins recalled but rejected the criticism in the Operation Magnolia report that they did not follow Metropolitan Police policy.

60. Mr Collins told us that he had not considered that Hayman's approach had amounted to perverting the course of justice, which might have strengthened the case against Hayman on the other offences.[749] Mr Collins said Hayman was in a terrible state, by which he said he meant "*his whole family, his future … it was diabolical for the man and his family that it should come to light*". He said he was sympathetic towards him in that sense.[750]

61. In Mr Naunton's view, if the bribe had been a genuine offer it ought to have been reported. He agreed it would have been taken seriously but said he had no idea if it would have led to a further investigation or charge. He was not prepared to be drawn on whether a substantial sentence of imprisonment would have followed a conviction for perverting the course of justice in such circumstances.[751]

62. Mr Naunton told us he had later become aware that a meeting had in fact taken place between Sir David Napley and the Director of Public Prosecutions, but had known nothing about it at the time and was not invited to attend. Mr Naunton would not say whether a meeting between a suspect's solicitor and the Director of Public Prosecutions was normal but asserted that the Director of Public Prosecutions had control over his office and could decide whether to meet Sir David Napley. Mr Naunton said he had no idea if anyone else had been in attendance or if minutes of the meeting had been taken. He did however accept that, in all his time as a solicitor in the Director of Public Prosecutions' office and then the Crown Prosecution Service, he had no experience of the Director of Public Prosecutions entertaining a suspect's solicitor and coming to a resolution of a case.[752] The impression we are left with is this was an exceptional if not unique occurrence.

63. Mr Naunton said he had never discovered the reason why Hayman was cautioned. He was asked why at the end of his advice note he had written "*I am told by Sir David Napley that Hayman has suicidal tendencies because of the case*".[753] He claimed Sir David Napley might have rung him and it was merely his "*assumption*" that his suicidal tendencies was the point that was raised with the Director of Public Prosecutions. He thought he annotated the advice note before Sir David Napley had seen the Director of Public Prosecutions. He could not recall PS Collins ever tipping him off that Sir David Napley might call. He accepted the possibility that Sir David Napley had discovered his name and had spoken to him about Hayman. He did not accept participating in the decision to caution. He said he might not have taken an enormous amount of notice of what he had been told about Hayman's suicidal tendencies, unless he had received some psychiatric evidence because, as he put it, those who claim to be suicidal tend not to act on it.[754] He did not know if the Director of Public Prosecutions had been provided with any psychiatric evidence to support the claim that Hayman was suicidal. He was not prepared to agree that the decision that was taken was highly charitable.[755]

[749] Bryan Collins 27 March 2019 82/4-86/8
[750] Bryan Collins 27 March 2019 86/9-87/6
[751] Jeremy Naunton 27 March 2019 140/9-142/2
[752] Jeremy Naunton 27 March 2019 137/7-139/24
[753] CPS004445_025
[754] Jeremy Naunton 27 March 2019 142/3-147/23
[755] Jeremy Naunton 27 March 2019 148/4-25

64. For his part, Mr McGill thought that any suggestion that a person arrested for crime is suicidal had to be treated with some scepticism. Faced with such a claim today, the Crown Prosecution Service would expect to see some medical evidence in support and, for a serious offence, would ask that the suspect be examined independently by a psychiatrist instructed for the prosecution. It would not be accepted at face value.[756]

Wardell and Norris

65. On 2 October 1980, Robert Wardell and a co-accused John Norris pleaded guilty at St Albans Crown Court to an offence of conspiracy to infringe the provisions of section 11(1)(b) of the Post Office Act 1953. The particulars of the offence in the indictment were that, between 1 January 1975 and 18 April 1979:

> "*they conspired together unlawfully to send packets to each other containing obscene written communications namely sadistic accounts of the sexual torture and killing of children*".

They were conditionally discharged for three years and ordered to pay costs.[757]

66. John Sewell was not charged with Wardell and Norris but he became a witness in Tom O'Carroll's trial.[758] Following a retrial at the Central Criminal Court (Old Bailey), on 13 March 1981, O'Carroll was convicted of conspiracy to corrupt public morals in the PIE case and was sentenced to two years' imprisonment.[759]

67. Mr Collins distinguished the way Peter Hayman and Robert Wardell were treated. Hayman, he said, had the services of Sir David Napley and was not prosecuted, yet Robert Wardell, a bus inspector, was prosecuted on exactly the same material. The IOPC Operation Magnolia report noted that Wardell had been charged due to the serious and extreme nature of the content.[760] Mr Collins said he thought there was "*one law for Wardell and another for Hayman*".[761] It was obvious that Mr Collins remained greatly affected by the decision in the Hayman case.

68. Mr Naunton did not know whether Hayman and Wardell had received differential treatment or whether the outcome in Hayman's case could be explained by him being shown undue deference. He said "*I wasn't responsible, as far as I know, for the prosecutions of those two people*". Mr Naunton then remarked:

> "*The taller they are, the harder they fall, and Hayman was fairly tall in respect of the diplomatic side of it. Therefore … he had a lot to lose. I'm not saying the others didn't but he had a lot to lose if he was prosecuted.*"[762]

Mr Naunton told us he did not think that the decision in Hayman's case had anything to do with showing him undue deference; he thought that the decision was made due to the serious risk that Hayman might commit suicide "*because of his position in society*".[763]

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[756] Gregor McGill 27 March 2019 181/25-182/18
[757] MPS003580
[758] MPS003581
[759] INQ003739_001; Bryan Collins 27 March 2019 56/15-57/21
[760] IPC000514_004
[761] Bryan Collins 27 March 2019 87/7-89/8
[762] Jeremy Naunton 27 March 2019 149/1-16
[763] Jeremy Naunton 27 March 2019 151/23-153/2

The political fallout

69. On 24 October 1980, *Private Eye* exposed the Hayman case in an article entitled 'The Beast of Berlin'. It reported that his role had emerged:

> "*after two men were conditionally discharged for three years after pleading guilty to sending obscene material through the post. The decision not to prosecute Hayman, who was certainly as guilty as these two unfortunates, came from high up, much to the disgust of DPP Tony Hetherington's aides and also the policemen involved in the case*".[764]

The "*two unfortunates*" were Wardell and Norris.

70. Lord Armstong told us that neither the Foreign & Commonwealth Office, the Cabinet Office nor the Security Service knew anything about the matters in the article until it was published.[765] In a minute of 27 October 1980 from Lord Armstrong (then Cabinet Secretary, Sir Robert Armstrong) to the Prime Minister, he drew attention to the *Private Eye* article and made reference to the Collins 1978 police report, including the fact Hayman was a member of PIE. He observed that the only sexual activity that could be shown to have occurred was with consenting adults and there was "*no evidence for actual activities with children*".[766]

71. *Private Eye* published a second article on 7 January 1981 claiming there had been a "*flaming row*" between the Director of Public Prosecutions and the Attorney General.[767] On the same day, the Director of Public Prosecutions produced a memo saying that he was not aware of any disagreement between the Attorney General and himself.[768] Lord Armstrong told us that assertion related to the Hayman case.[769] He said that he had been wrong to say in his witness statement that the Director of Public Prosecutions had been minded to authorise a prosecution but had been overruled by a higher authority and that the Attorney General had in fact accepted the Director of Public Prosecutions' advice not to prosecute.[770]

72. In another memo to the Prime Minister, dated 9 January 1981, Lord Armstrong discussed Security Service enquiries thus far and the need once they were over for the Security Service to speak to Hayman himself. Those enquiries involving colleagues had revealed two instances of concern when Hayman had been in Baghdad and Ottawa but "*Hayman gave his colleagues no cause to suspect that he might be engaged in irregular sexual activities*".[771] Lord Armstrong said he could not recall if, by the use of that term, Hayman's colleagues were aware he was engaged in "*irregular sexual activities*". Lord Armstrong said he thought he had been referring to Hayman's general activities as described in his diaries and the term did not mean sexual activity with children but "*irregular sexual activities*" outside marriage.[772]

[764] HOM002200_001
[765] Lord Armstrong 12 March 2019 88/3-9
[766] HOM002203_002-005
[767] INQ004035_001
[768] CAB000071_024
[769] Lord Armstrong 12 March 2019 94/17-95/21
[770] Lord Armstrong 12 March 2019 94/2-14
[771] CAB000071_022
[772] Lord Armstrong 12 March 2019 98/24-101/23

73. The Security Service (MI5) had indeed been involved in making enquiries. They had first become involved within days as a result of the first *Private Eye* article.[773] The MI5 witness told us about MI5's interviews with Hayman, in which he denied reports that local boys had visited his house in Baghdad, saying "*I am not interested in boys*". Hayman said he had been given "*immunity from prosecution*" by the Director of Public Prosecutions on the ground that his offence did not warrant such punishment, adding "*I have been punished by the press*." The MI5 witness was unable to interpret Hayman's use of the word "*immunity*" other than to say that it normally meant an assurance not to prosecute a person if they do something.[774] (Mr McGill agreed, saying that there was nothing in the material he had seen to suggest Hayman was given any immunity and that the word is sometimes used by suspects to mean that because a decision has been taken that they will not be prosecuted on particular facts, that is usually an end to that matter and they are unlikely to be prosecuted on the same facts in the future.[775]) The MI5 witness told us that the outcome of the investigation was, while Hayman had rendered himself vulnerable to pressure by a foreign intelligence service, there had been no actual prejudice to security.[776]

74. Peter Hayman's name had been inadvertently mentioned during the O'Carroll retrial. The Director of Public Prosecutions' memo of 7 January 1981 noted that the first O'Carroll trial was to commence on 14 January 1981, adding that:

> "*Hayman was never considered to be an organiser, and is not involved in the prosecution, although the possibility that his name will be mentioned cannot be excluded.*"[777]

75. A background note of 17 March 1981 from the Law Officers' Department (now the Attorney General's Office) stated there had been no policy that Hayman's name should not be mentioned in the PIE case, or, if mentioned, only under his assumed pseudonym. The note added that Hayman's name had cropped up at the committal proceedings and he was then referred to by the name under which the witness being examined knew him, which was "*normal practice*"; Hayman was not called as a witness and it was understood that he was not referred to by the prosecution at the Crown Court; and the defence had only made reference to a "*senior civil servant*".[778]

76. Mr McGill understood from the material he had read that during the O'Carroll trial Hayman had been referred to as Peter Henderson. He had seen nothing to suggest there had been any positive decision not to name Hayman. The parties only knew Hayman by his alias and it was likely they referred to him that way for the sake of consistency.[779]

77. Newspaper articles in *The Guardian* and *The Times* on 7 April 1981 show that Sir Michael Havers, the Attorney General, denied Hayman had received special treatment and explained that Hayman's name had not been mentioned in the O'Carroll trial because witnesses only knew him as Henderson, and because he was not directly involved in the case.[780]

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[773] MI5 Witness 11 March 2019 158/21-161/10; INQ004042_001; INQ004035
[774] MI5 Witness 11 March 2019 163/14-169/9
[775] CPS004666_005-006
[776] MI5 Witness 11 March 2019 171/25-172/6
[777] CAB000071_024
[778] CAB000043_018-020
[779] CPS004666_006
[780] https://spotlightonabuse.files.wordpress.com/2014/03/g070481.jpg; https://spotlightonabuse.files.wordpress.com/2014/03/times070481.jpg

78. There is no evidence of the existence of any arrangement not to name Hayman during the O'Carroll trial, and it is implicit from the sentence quoted from the Director of Public Prosecutions' memo of 7 January 1981 that there was none.

79. Fearing an establishment cover-up and using parliamentary privilege, on 18 March 1981, Geoffrey Dickens MP publicly named Sir Peter Hayman in written Commons questions as being the diplomat referred to in O'Carroll's Old Bailey trial. He asked about the security implications Hayman's activities might have posed, and if the Attorney General would prosecute Hayman for sending and receiving pornographic material through the Royal Mail.[781]

80. The Attorney General's written answer provided on 19 March 1981 was that the Director of Public Prosecutions had advised against prosecuting any of the persons under the Post Office Act 1953 or for any other offence and that among the considerations he took into account were the factors that the correspondence had been in sealed envelopes passing between adults in a non-commercial context and that none of it was unsolicited. A further report had shown that two others had shared an obsession about the systemic killing and torture of young people and children, and the Director of Public Prosecutions had decided to prosecute them for conspiracy to contravene section 11 of the Post Office Act 1953 (a clear reference to Wardell and Norris). The Attorney General added Hayman had never sent or received that kind of material through the post (yet PS Collins' police report said Hayman had in fact received "*sadistic accounts of atrocities directed towards children*" and that he "*enjoyed them*"[782]). Insofar as PIE was concerned, the Attorney General said Hayman had never been involved in PIE's management. The Attorney General said he was in agreement with the Director of Public Prosecutions not to prosecute Hayman and the other persons with whom he had carried on an obscene correspondence.[783]

Undue deference

81. In his oral closing submissions on behalf of the complainant core participants, Mr Richard Scorer submitted that the Director of Public Prosecutions had "*dismissive attitudes towards child sex offending*" as illustrated by the Montagu and the Hayman cases.[784] It was, Ms Johnson QC argued, an age of deference and an age when victims were not placed at the forefront of the criminal justice system. She suggests we cannot safely conclude that the decisions were taken because the accused were members of the establishment rather than because as defendants their interests were placed above those of their victims.[785] Indeed, at the end of his evidence, the Chair asked Mr Collins if there was a general sense at the time that possessing indecent images was a victimless crime. Mr Collins said there were different attitudes then and children did not take precedence.[786]

82. A newspaper article written by Ronald Butt appeared in *The Times* of 26 March 1981 in which Sir David Napley was quoted as justifying the decision in Hayman's case not to prosecute:

[781] CAB000043_010-011
[782] CPS004445_013
[783] CAB000043_005-007
[784] Richard Scorer 29 March 2019 28/6-28
[785] Zoe Johnson QC 29 March 2019 101/16-102/7
[786] Bryan Collins 27 March 2019 101/8-13

> "*on the quite different grounds that a customary factor taken into account when deciding whether to prosecute was 'whether the indirect punishment and hardship which a defendant may suffer is likely to be so disproportionate to the severity of the alleged offence and to any penalty imposed by a court that it would be unjust to prosecute. This', Sir David asserted, 'was overwhelmingly the situation in Sir Peter's case and manifestly justifies the director's decision'. On the contrary, far from justifying the DPP's decision, the excuse condemns it. If a man is to be excused the due process of law, other things being equal, because he is well known, then we are indeed in a two nations society.*"[787]

83. The 17 March 1981 background note from the Law Officers' Department, which was written in anticipation of Mr Dickens publicly naming Hayman, also states:

> "*The first decision not to prosecute Sir Peter Hayman was based on policy and his eight potential co-accused were also not prosecuted under the same policy. He was never seriously under consideration as a potential defendant in the second case. His former position was not a factor taken into consideration in reaching these decisions and no attempt was made to cover up the facts to save either him or the Government embarrassment.*"[788]

84. There is no mention in the background note of Hayman's claimed suicidal tendencies or that "*the first decision*" resulted in a caution. This is a surprising omission if Hayman's suicidal tendencies played a part in the Director of Public Prosecutions' decision not to prosecute but only to caution him. If the risk of suicide played no part in the decision, the question arises why Hayman was not prosecuted and only cautioned following a private meeting between Hayman's solicitor and the Director of Public Prosecutions. Was the disposal in his case due to some prosecution policy as suggested in the Law Officers' note? Mr Naunton told us there was no prosecutorial policy under the Post Office Act 1953.[789] It suggests that no faith can be had in the accuracy of the Law Officers' note of 17 March 1981 when it claimed that Hayman's former position was not a factor taken into consideration and that no attempt was made to cover up the facts to save him or the government embarrassment.

85. Moreover, the quotation in *The Times* from Sir David Napley did not seek to justify the decision in Hayman's case as based on the risk of suicide. In fact, Sir David was not quoted as making any mention of Hayman's alleged mental state at all. The implication of his justification of the Director of Public Prosecutions' decision is that Hayman was a special case because he had suffered a very public fall from grace.

86. The evidence leads to the firm impression that Hayman was indeed the beneficiary of preferential, differential and unduly deferential treatment as a person of public prominence. We sympathise with Mr Collins' view that Wardell, who was a bus inspector, was prosecuted for sending the most seriously obscene material to Hayman, while Hayman, who was the recipient of it from Wardell, was only cautioned. If PS Collins' 1978 report about Hayman having received that material from Wardell is accurate (and there is no reason to think otherwise) then the Attorney General's answer to Mr Dickens on 19 March 1981 that Hayman had never received that kind of material through the post was incorrect and misleading.

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[787] https://www.iicsa.org.uk/key-documents/10439/view/times26381a.pdf
[788] CAB000043_018-020
[789] Jeremy Naunton 27 March 2019 118/23-119/15

87. Ms Johnson was right to decry the access Sir David Napley had to the Director of Public Prosecutions. It is difficult to imagine less-well-known solicitors for less-well-known clients being given the same level of access. She argued that it did not mean there had been a cover-up but that it was more indicative of the "*old boys' network*".[790] It is now clear that Wardell was prosecuted for sending through the post the very kind of seriously obscene material Hayman had received from him.

88. Based on all the evidence it is clear that, because of his prominent position, Hayman was able to engage in special pleading for which he received special treatment, to which he referred in his later interview with MI5 as "*immunity from prosecution*".[791]

[790] Zoe Johnson QC 29 March 2019 99/3-100/6
[791] MI5 Witness 11 March 2019 163/14-169/9

Part I

Honours system

Honours system

I.1: Introduction

1. One area of public concern addressed in the Westminster investigation is how the honours system responds to allegations of child sexual abuse against those being considered for an honour and those who have already been granted an honour.

2. Honours are distinct from appointments.[792] This investigation is largely concerned with the New Year's and Queen's Birthday Honours Lists. Those lists in fact comprise three sections, of which we are concerned with the Prime Minister's List, from which the vast majority of honours emanate. Other lists are smaller and administered separately.[793] All honours are awarded by the Queen on the advice of the Prime Minister.[794] There is also a separate list of honours awarded by the Queen to members of her household.[795]

I.2: Operation of the honours system

Overview

3. The modern honours system stems from 1917, with the creation of the Order of the British Empire (OBE).[796] It was reformed in 1993 by the then Prime Minister John Major, with the aim of making the honours system more open,[797] and in 2005 following reports by the Public Administration Select Committee of the House of Commons and Sir Hayden Phillips, which led to the establishment of the independent honours committees.[798] Most honours today are awarded for voluntary service.[799]

4. There are 10 independent honours committees which are arranged by subject area. Honours committees have a majority of independent members who are knowledgeable about the relevant subject areas. They are recruited through an open competition and appointed for a renewable three-year term.[800] Each committee will consider nominations within their subject areas from members of the public and government departments. Final decisions are made by the Main Committee.[801]

5. We heard corporate evidence from Ms Helen MacNamara, the Director General of Propriety and Ethics in the Private Offices Group within the Cabinet Office. Ms MacNamara's role includes oversight of the administration of the Honours and Appointments Secretariat.[802] As is customary, the head of the Civil Service has delegated

[792] Appointments are appointments to the House of Lords and are managed by the House of Lords Appointments Commission. Honours are awards such as CBE, OBE and MBE, which are published in the Queen's Birthday and New Year's honours lists. Appointments to the House of Lords and forfeiture of peerages are not part of the honours process.
[793] Helen MacNamara 14 March 2019 54/22-55/22
[794] Helen MacNamara 14 March 2019 56/2-9
[795] Helen MacNamara 14 March 2019 56/13-22
[796] Helen MacNamara 14 March 2019 57/1-13
[797] Helen MacNamara 14 March 2019 57/18-58/4
[798] Helen MacNamara 14 March 2019 58/8-13
[799] Helen MacNamara 14 March 2019 57/1-13
[800] CAB000040_002
[801] Helen MacNamara 14 March 2019 61/3-63/15
[802] Helen MacNamara 14 March 2019 47/21-48/13; CAB000040_001

responsibility for the honours system to a permanent secretary. This is currently Sir Jonathan Stephens, the Permanent Secretary of the Northern Ireland Office. The Honours and Appointments Secretariat supports Sir Jonathan Stephens in his role, runs the honours committees and the process of receiving nominations, and supports decision-making.

Probity checks

6. Probity issues are considered both by the independent committees and by the Main Committee. The overarching principle is that even if a person merits an award, where they are of bad character or will bring the honours system into disrepute they will not be granted an award.[803]

7. In the past, the Political Honours Scrutiny Committee (PHSC) performed the role of undertaking probity checks. For the more senior-level honours, there would have then been checks from the police and HM Revenue & Customs (HMRC).[804] Criminal record checks were previously not carried out for OBEs.[805]

8. The current system of checking is more robust. Probity checks vary from nominee to nominee depending on the type of service given, the degree of information provided about the candidate, relevant published information and the level of award proposed. Checks are carried out with government departments including HMRC and relevant professional bodies, as well as using open source information.[806]

9. Criminal record checks are now carried out on all nominees.[807] A criminal conviction will not always disbar a nominee and each case is considered with reference to spent convictions under the Rehabilitation of Offenders Act 1974.[808]

10. Checks on the merit of what has been claimed in the nomination are carried out alongside probity checks to ensure that the special and meaningful nature of the honour is preserved.[809] Presentational issues, such as the timing of a particular honour, are also considered.[810] Committees will err on the side of caution and tend not to recommend a candidate if there is any possible issue.[811]

11. Ms MacNamara's evidence on the operation of the honours system was clear and cogent. Decisions on honours appear to be carefully considered and based on filtering and checking mechanisms that have been functioning for some time.

Forfeiture

12. It is more serious to take an honour away from someone than not to bestow it in the first place; therefore, the tests that apply for forfeiture are slightly different.[812] An issue of probity that might not be serious enough to justify forfeiting an honour might be serious enough to prevent a person receiving an honour in the first place.

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[803] Helen MacNamara 14 March 2019 65/18-66/5
[804] Helen MacNamara 14 March 2019 67/3-8
[805] Helen MacNamara 14 March 2019 70/19-71/9
[806] Helen MacNamara 14 March 2019 71/14-72/23
[807] Helen MacNamara 14 March 2019 70/12-71/9
[808] Helen MacNamara 14 March 2019 73/14-74/18
[809] Helen MacNamara 14 March 2019 68/21-69/15
[810] Helen MacNamara 14 March 2019 69/16-70/5
[811] Helen MacNamara 14 March 2019 70/5-7
[812] Helen MacNamara 14 March 2019 74/21-76/8

13. Forfeiture has also changed. There has been a Forfeiture Committee for at least 50 years. It is composed of the most senior civil servant with responsibility for honours, a rotation of at least three of the independent committee chairs, the Permanent Secretary and the Treasury Solicitor.[813] Recently, all those for whom an honour is proposed are made aware, at the time they are asked if they want the honour, that forfeiture is a possibility, that forfeitures are published in the *London Gazette*[814] and that written representations will be allowed in all cases where forfeiture is proposed that do not involve a 'hard trigger' (discussed below).[815] The Forfeiture Committee will also now meet more regularly than it has in the past as more cases are being referred to it. Ms MacNamara emphasised that it is important for forfeiture to be considered quickly.[816]

14. Consideration of forfeiture may be prompted by a letter from a member of the public or government department, among other ways.[817]

15. There are two 'hard triggers' for forfeiture: a criminal conviction resulting in a sentence of at least three months, or disbarment or censure by a professional body or regulator.[818] The Forfeiture Committee will then make a decision but would almost invariably decide that the honour should be forfeited in those circumstances.[819] A recommendation is then made to the Queen.[820] The Forfeiture Committee is not an investigatory body and will not second-guess the outcome of a legal process or act when the legal process is still ongoing, including appeal processes, but will inform itself of the circumstances.[821]

16. In cases of child sexual abuse, Ms MacNamara told us, the sentence is irrelevant. Even if a person received a caution, their honour would be forfeited.[822] This is because of the significance of offences of this nature. It was not clear what is meant by 'child sexual abuse' in this context; for example, whether it includes convictions concerning indecent images of children.

17. There was evidence of approximately 30 cases where honours have been forfeited following criminal convictions for offences of child sexual abuse.[823] Many of these involved individuals working with the community and in education. The Inquiry also considered a number of case examples concerning prominent individuals.

I.3: Particular cases

Sir Jimmy Savile

18. Jimmy Savile was awarded the OBE in 1971 and was made a Knight Bachelor in 1990. He died in 2011. After his death, significant numbers of allegations of child sexual abuse came to light (although some had been made during his lifetime) which led to an extensive criminal investigation by the Metropolitan Police. As a result, there has been public pressure for his knighthood to be forfeited.

[813] Helen MacNamara 14 March 2019 76/20-77/4; CAB000040_003
[814] CAB000146_004
[815] Helen MacNamara 14 March 2019 78/17-79/20
[816] Helen MacNamara 14 March 2019 80/1-15
[817] Helen MacNamara 14 March 2019 80/18-81/7
[818] CAB000040_003-4
[819] Helen MacNamara 14 March 2019 82/11-16
[820] Helen MacNamara 14 March 2019 91/5-10
[821] Helen MacNamara 14 March 2019 83/1-84/8
[822] Helen MacNamara 14 March 2019 84/10-16
[823] CAB000159

19. The Savile case raises the question of posthumous forfeiture of honours. The position is, and has historically been, that an honour cannot be forfeited after the death of the recipient. This is because an honour is considered a living award for the duration of the recipient's life; after their death the recipient is no longer a member of the particular Order and the award dies with them.[824]

20. The Cabinet Office, prompted by the Savile case, considered in a 2012 paper whether to change the current policy to permit posthumous forfeiture.[825] The reasons for maintaining the current policy are said to be based on "*convention and long-standing precedent*".[826] The paper presents a 'floodgates' argument against changing the policy:

> "*The main practical argument for maintaining the current position is around where we would draw the line if the Forfeiture Committee agreed to consider the cases of deceased individuals – would the flood gates be opened and how far back in time would the Committee be expected to go when considering cases? We cannot find any precedents for forfeiting honours from deceased individuals.*"

The paper goes on to say that the Palace has been consulted informally and they consider that the current policy should be maintained. The paper continues:

> "*There is also the question of what advantage there would be in the Forfeiture Committee considering cases concerning deceased individuals. It may satisfy immediate media hunger for action to be taken, but it can be argued that forfeiting an honour after death would have a greater impact on the individual's family and friends – they would be the ones to suffer rather than the individual.*"[827]

21. Ms MacNamara told us that she was "*not particularly comfortable with some of the arguments*" advanced in this paper.[828] She accepted that the paper focussed on the interests of the recipient's family and friends, while making no reference whatsoever about the impact on victims of a perpetrator retaining an honour. Ms MacNamara conceded that the Cabinet Office would consider the matter again if the Inquiry made a recommendation to this effect. She stressed that posthumous forfeiture would be complicated to implement in practice for various reasons, including because the recipient could not make representations.[829]

22. However, the convention which militates against changing the policy is out of step with modern usage. Recipients of knighthoods and damehoods are invariably referred to as 'Sir' or 'Dame' after their death. There is no sense as a matter of practice that the award has died with the recipient.

23. It appears from the documents that then Prime Minister Margaret Thatcher pressed for a knighthood for Savile for a number of years but it was not considered appropriate to award it because of revelations in the press about Savile's private life.[830] In a letter dated 7 July 1998 an anonymous member of the public told the Cabinet Office that:

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[824] Helen MacNamara 14 March 2019 96/17; 96/24-97/1
[825] CAB000143
[826] CAB000143_002
[827] CAB000143_002
[828] Helen MacNamara 14 March 2019 100/22-24
[829] Helen MacNamara 14 March 2019 96/14-101/20
[830] CAB000153; Helen MacNamara 14 March 2019 105/1-109/11

> *"investigative reporters have uncovered unspeakable facts concerning the personality Jimmy Savile. They have been aware for some time of his homosexual rendezvous with rent boys. Indeed, some years ago, he had considerable trouble, which I may add he hid very well, with certain of these rent boys. I am sure you are aware of an unfortunate timing that could occur if such was implemented and certain reports of a paedophiliac nature was to become public knowledge."*[831]

24. Ms MacNamara stated that if such a letter were sent today it would raise an alarm, that action would be taken and that it would be passed to the police.[832] There does not seem to be a specific written policy to this effect in the forfeiture action procedures document.[833]

Sir Peter Hayman

25. Peter Hayman was alleged to have been a member of the Paedophile Information Exchange and to have sent and received obscene material through the post. He was given a knighthood in 1971. While he was not prosecuted for child sexual abuse offences, in 1984 he was convicted and fined for gross indecency when he was caught with a man in a public lavatory.

26. A letter from the Permanent Secretary at the Foreign Office, Sir Antony Acland, to the Foreign Secretary, Geoffrey Howe, dated June 1984 referred to allegations that Hayman was "*involved in an organisation called the Paedophile Information Exchange, a homosexual organisation putting those inclined in touch with young boys*". It also noted that he "*was not charged with any offence, but there seemed to be a good deal of circumstantial evidence of his involvement to some extent and he certainly did not bring any libel action, nor were there categorical denials*".[834]

27. The letter also stated that Hayman had been convicted of gross indecency that year, and recorded a gathering of senior officers of the Order of St Michael and St George to decide on what should be done in relation to Hayman's knighthood. There was a difference of opinion between officers of the Order.

> *"Lord Saint Brides thought that the officers of the Order should recommend that he be stripped, since to do nothing might offend members of the Order, and possibly members of the general public, and appear ineffective. The Dean of St Paul's also took this view, largely because of his anxiety to protect young children, although Sir Peter Hayman was not specifically convicted of any charge in this respect. All those present said that their feelings were a mixture of repugnance and compassion and Sir Charles Johnson and I, taking into account the publicity and the sadness caused to Sir Peter's family, felt that compassion should be uppermost. The prelate, Bishop Woods, suggested that Sir Peter Hayman should be given a formal warning by him to the effect that if there was any recurrence of these activities or if they came to the notice of the Officers of the Order with or without publicity, there would be no alternative but to recommend the stripping of his knighthood."*[835]

[831] CAB000152
[832] Helen MacNamara 14 March 2019 111/17-114/7
[833] CAB000148
[834] CAB000077_017
[835] CAB000077_017; Helen MacNamara 14 March 2019 116/13-117/7

Sir Antony considered that a formal warning "*would enable Officers of the Order to say to those who feel outraged that the matter has not been ignored*". A warning was given.[836]

28. Ms MacNamara did not know of another time when a warning had been given in this way and noted that there was also no mention of the Forfeiture Committee, which was "*really unusual*".[837] It is worth saying that the Forfeiture Committee operated slightly differently at that time, as Sir Robert Armstrong stated:

> "*Even in cases where a custodial sentence has been given, we could well recommend against forfeiture where the offence seems likely to be an isolated incident and does not call into question the reliability of the person concerned.*"[838]

29. Nevertheless, it seems clear that Hayman was given preferential or exceptional treatment because of his status and contacts. The letter referred to measures taken to ensure that Hayman's activities did not come "*to the notice of the Officers of the Order with or without publicity*".[839] This suggests that members of the Order were more concerned about covering up the bad behaviour of other members and preventing the Order's reputation being tarnished than they were about fair and open process or protecting victims. The Dean of St Paul's appears to have been the only member who was concerned about the protection of children.

Sir Cyril Smith

30. Cyril Smith received a knighthood in 1988. He was nominated by Lord Steel.[840] A nomination was usual for an MP of long-standing service.[841] Prior to that time, according to Lord Steel's own account, Smith had confirmed to Lord Steel that he had been investigated by the police for spanking boys' bottoms and holding boys' testicles.[842] Lord Steel had assumed that Smith had committed these offences.[843] Given what Lord Steel knew, it was inappropriate that he saw fit to nominate Smith for a knighthood. It was wrong that he was uninterested and did not think it relevant that Smith had abused children.

31. The Inquiry has previously investigated the circumstances of the granting of Smith's knighthood as part of the Rochdale investigation.[844] In addition to the details set out in the Inquiry's Cambridge House, Knowl View and Rochdale investigation report, we note that the Security Service provided input on whether Smith should be granted a knighthood. Sir Patrick Walker, the Director General of MI5 at the time, wrote to Cabinet Secretary Lord Butler drawing his attention to the news article in which the police investigation was reported.[845] This is how the PHSC came to consider it some weeks later.

32. The Cabinet Office accepted the Inquiry's criticisms about the process adopted in Smith's case, particularly that Smith was wrongly given the benefit of the doubt and that victims were not considered.[846] Ms MacNamara said that if a similar situation arose today in

[836] Helen MacNamara 14 March 2019 117/25
[837] Helen MacNamara 14 March 2019 118/7
[838] CAB000077_019
[839] CAB000077_017
[840] Lord Steel 13 March 2019 147/21-24
[841] Lord Steel 13 March 2019 148/14-18
[842] Lord Steel 13 March 2019 121/3-8
[843] Lord Steel 13 March 2019 126/23-127/5
[844] INQ004181_044; *Cambridge House, Knowl View and Rochdale investigation report*
[845] CAB000124
[846] Helen MacNamara 14 March 2019 125/8-18

the considerations of the honours committees, the benefit of the doubt would now go the other way, and that far more weight would be given to an issue of integrity relating to child sexual abuse even if not yet evidenced.[847]

David Chesshyre

33. The case of David Hubert Boothby Chesshyre was referred to in evidence as an example of a case where a flexible approach was taken to forfeiture.[848] In 2004, Chesshyre had been awarded a CVO (Commander of the Royal Victorian Order (RVO), an honour within the personal gift of the sovereign). In October 2015, he was charged and tried at Snaresbrook Crown Court on charges of sexual offences against a child[849] committed between 1995 and 1998. He was found unfit to plead, but at a trial of the facts was found by the jury to have committed the acts underlying two specimen counts of indecent assault against a child; a third charge was ordered to lie on file. Because Chesshyre had been found to be unfit to plead, no conviction ensued and he was granted an absolute discharge by the court.

34. Following the oral hearing in this investigation, WM-A120, who was the victim of indecent assaults committed by Chesshyre, provided a detailed witness statement to the Inquiry.[850] WM-A120 told us about the ways in which Chesshyre persistently groomed and abused him when he was a child aged between 12 and 16 years. He also raised a number of concerns in relation to the forfeiture process, which we examine below. We subsequently received further clarificatory evidence from Sir Jonathan Stephens[851] who, as explained above, is responsible for the honours system.[852]

35. In October 2015, following the trial of the facts, WM-A120 contacted the Honours and Appointments Secretariat at the Cabinet Office to enquire about the process for forfeiture. He was told to contact Sir Alan Reid, Keeper of the Privy Purse, because the CVO is within the personal gift of the sovereign. He sent a letter to Sir Alan Reid setting out his concerns and requesting a recommendation to the Queen that Chesshyre's CVO and other awards be annulled.[853] On 10 November 2015, Sir Alan Reid sent a short response, the substance of which stated:

> "*Mr Chesshyre was given an absolute discharge and no conviction is registered. In these circumstances it would be wrong to submit a recommendation to The Queen.*"[854]

36. Sir Jonathan Stephens provided documents to the Inquiry[855] showing that prior to sending that response, Sir Alan Reid had been in correspondence with Thomas Woodcock CVO, Garter Principal King of Arms. The Garter Principal King of Arms is the senior officer of the College of Arms, of which Chesshyre was a member for 40 years and registrar from 1992 to 2000. Sir Alan Reid had asked Mr Woodcock for some suitable wording to incorporate into his response to WM-A120. On 4 November 2015, Mr Woodcock wrote to Sir Alan

[847] Helen MacNamara 14 March 2019 125/19-126/22
[848] Helen MacNamara 14 March 2019 93/2-94/15
[849] The Forfeiture Committee document CAB000155_007 refers to "*sexual offences against children*". This is not correct as the charges related to one child, WM-A120.
[850] INQ004519; INQ004458
[851] CAB000185
[852] CAB000185_001
[853] INQ004519_012
[854] INQ004462
[855] CAB000187

Reid enclosing a copy of a letter from Chesshyre's solicitors containing their advice on the outcome of the trial of the facts. Mr Woodcock also provided a form of words which was almost identical to the substance of Sir Alan Reid's response to WM-A120.

37. Sir Alan Reid responded expressing his gratitude to Mr Woodcock "*for providing the precise wording which I can use to answer* [WM-A120's] *letter, and I have written to him today to this effect*".[856] Sir Alan did not seek representations directly from Chesshyre's representatives or consider them in a balanced way against the concerns raised by WM-A120. Neither did he explain his reasoning to WM-A120, including the application of any guidelines on forfeiture. Instead, Sir Alan Reid wrote to Mr Woodcock, who was closely associated with Chesshyre in his honorary role, and asked him to provide wording for a response to WM-A120. He then adopted that precise wording in the response, and gave no other explanation. This was a complex and unprecedented case upon which different decision-makers might come to different conclusions depending on the degree of discretion allowed. However, the process adopted by Sir Alan in responding to WM-A120's concerns was flawed and not impartial.

38. Following receipt of Sir Alan Reid's letter, WM-A120 raised the matter with his MP, Jim Dowd, who wrote to the Prime Minister.[857] Sir Jonathan Stephens explained that as a result, the Honours and Appointments Secretariat and the Royal Household agreed that the Forfeiture Committee should consider the matter notwithstanding that it related to the forfeiture of a CVO, an honour within the personal gift of the sovereign.[858] The agreement means that any future complaint against an RVO recipient would fall to the Forfeiture Committee to act as the independent assessor of whether it was a forfeiture matter.[859]

39. The Forfeiture Committee considered the Chesshyre case and came to the following conclusion:

> "*The secretariat takes the view that the outcome of the trial holds equivalent weight to a full criminal investigation. There is no precedent of which the secretariat is aware for recommending forfeiture following a trial of the facts. However, there is a precedent for forfeiture where the sentence fell short of the 'three months' imprisonment' hard trigger, in a previous case involving child abuse.*"[860]

Forfeiture was recommended. Taking a flexible approach in a novel situation appears to have been appropriate, notwithstanding the technical lack of a conviction. Sir Jonathan Stephens indicated that he regards this approach as setting a precedent for any future cases concerning a trial of the facts.[861] On 15 May 2018, the Queen approved the recommendation and the CVO was forfeited on that date.[862]

40. However, WM-A120 was not told of the forfeiture for five months after the decision, and he continued to follow it up in the meantime.[863] We were told by Sir Jonathan Stephens that this was because the Forfeiture Committee was considering representations and new information provided to it by Chesshyre's brother on his behalf.[864] It was considered

[856] CAB000187
[857] INQ004519_012-013
[858] CAB000185_005-006
[859] CAB000185_006
[860] CAB000155_007
[861] CAB000185_005
[862] CAB000159_001; CAB000185_011
[863] INQ004519_013
[864] CAB000185_011

inappropriate to inform WM-A120 of an outcome which may change, as honours can be reinstated. However, it is regrettable that the Cabinet Office did not write to WM-A120 during this period, at least to inform him that the process remained ongoing.

41. In Chesshyre's case, the Forfeiture Committee decided exceptionally that the forfeiture would not be published in the *London Gazette*. Sir Jonathan Stephens stated that this was "*a reflection of the circumstances of how the case had been handled and, to a lesser degree, in light of Mr Chesshyre's ill-health*".[865] In our view, neither of these reasons provides a satisfactory explanation as to why an exception was made to the usual rule that forfeitures are published.

42. Further, as acknowledged by Sir Jonathan Stephens,[866] it is likely that the lack of publication has hindered WM-A120 in highlighting the issue to third parties. WM-A120 has made concerted efforts to advise organisations with which Chesshyre was involved to remove his honorary status or associations because he was found to have committed acts of child sexual abuse.[867] Most of those organisations have chosen not to cease their association with Chesshyre. While it may not have changed the outcome, it is likely that publication of the forfeiture in the usual way would have assisted WM-A120 in making those approaches. In addition, Chesshyre has recently been referred to as holding the CVO in materials published by organisations with which he is associated. He should not have used or been referred to as holding the honour after it had been forfeited.

[865] CAB000185_008, 012
[866] CAB000185_009
[867] INQ004519_014-016

Part J

Safeguarding

Safeguarding

J.1: Introduction

1. This part of the Westminster investigation seeks to ensure that, today and in the future, any allegations of child sexual abuse or exploitation involving people of public prominence associated with Westminster are dealt with appropriately and in accordance with best practice.

2. We examined the adequacy of existing safeguarding and child protection policies in place within political parties, in government departments and agencies, and in the intelligence and security agencies. We received evidence about how political parties have dealt with recent safeguarding and child protection matters and evidence from the intelligence and security agencies about how historic allegations would be dealt with, were they to happen today and current policies be applied.

3. Most Westminster organisations have safeguarding and child protection policies in place. However, there remain significant gaps, including political parties that have no such policies, and considerable variation in approach among the policies currently in place.

J.2: Safeguarding and child protection policies in government departments, political parties and the Palace of Westminster

4. The Inquiry instructed Professor June Thoburn, Emeritus Professor of Social Work at the University of East Anglia (UEA) and member of the UEA Centre for Research on Children and Families, to provide an expert report examining the safeguarding and child protection policies of government departments, political parties and the Palace of Westminster.[868]

5. Professor Thoburn made a number of observations about how Westminster institutions respond to allegations of child sexual abuse and exploitation.

> **5.1.** There is considerable variation in the content and detail of policies on safeguarding and child protection in government departments and political parties. In Professor Thoburn's opinion, no department or political party provided documentation that met all the requirements for child safeguarding policies and procedures that she considers necessary in the light of current knowledge about the nature and extent of child sexual abuse and exploitation. Some came very close while for others there were important deficits.[869]
>
> **5.2.** At the time of the hearing in this investigation, some political parties had no specific safeguarding and child protection policies at all, and relied instead on member codes of conduct and disciplinary procedures (the Conservative and Unionist Party, the Democratic Unionist Party, the Co-operative Party, Plaid Cymru and the United Kingdom Independence Party). Insofar as the Co-operative Party, the Democratic Unionist Party and Plaid Cymru are concerned, in their evidence to the Inquiry they

[868] INQ004088
[869] INQ004088_056

stated that they were each reviewing the requirement for a safeguarding and child protection policy.[870] By contrast, other parties (the Green Party, the Labour Party, the Liberal Democrat Party, the Scottish National Party and the Ulster Unionist Party) had detailed policies and procedures, some of which had undergone detailed review recently, and which had elements of best practice endorsed by Professor Thoburn.

5.3. Further, a number of the policies for political parties were not accessible online, meaning that party members and volunteers – including those overseeing youth groups – would not be able to avail themselves of what to do, or what to be aware of, when carrying out their duties and functions.

5.4. Professor Thoburn found that the Palace of Westminster's policies provide a good example of practical guidance for Westminster managers and employees who may come into contact with children but who do not have specific mandated child protection responsibilities.[871]

6. Child safeguarding policies and procedures appropriate to the function of each government department, the Palace of Westminster and all political parties are essential, even though it may not be immediately obvious that it is something that they need to consider. As Professor Thoburn explained, "*safeguarding is everyone's business*".[872] It is critical that even Westminster organisations or institutions which do not regard themselves as having regular contact with children have policies in place. Professor Thoburn concluded that:

> "*it is the role and/or degree of access to children and not whether they are a volunteer, an elected member or an employee that should determine the policies and contractual terms relevant to them*".[873]

7. Professor Thoburn recommended that a cross-departmental review should be undertaken of child safeguarding statements, policies and procedures, and that the Cabinet Office would likely be best placed to undertake this task. This would build on work already being undertaken within individual departments.[874] This is a sensible way forward and would ensure that the necessary consistency is achieved. We welcome the indication on behalf of Her Majesty's Government that government departments are considering Professor Thoburn's recommendations carefully.[875] The government should consider in particular Professor Thoburn's recommendation that the Cabinet Office take the lead on this policy issue across Whitehall.

8. It is unacceptable that any political party in England and Wales operates without suitable safeguarding and child protection policies and procedures. It is incumbent on all political parties to ensure that they have suitable policies in place, that these policies are kept up to date and that they are implemented effectively in practice.

[870] INQ004088_047; INQ004088_052
[871] INQ004088_043
[872] INQ004088_056; June Thoburn 26 March 2019 82/18-21
[873] INQ004088_011-012
[874] June Thoburn 26 March 2019 105/25-106/3
[875] INQ004277_012

Policies in practice

The Labour Party and Nick Brown MP

9. Whether a policy is effective in practice is key. As Richard Scorer and Kim Harrison of Slater & Gordon suggested in written submissions on behalf of a group of complainant core participants:

> *"it's one thing to have a safeguarding policy, it's quite another to embed that policy in the party culture so that MPs, party officials and party activists understand it and clearly abide by it".*[876]

10. We heard evidence which gave rise to concern that even the policies which were regarded as comprehensive and effective by Professor Thoburn may not be understood by those in a position to apply them. In his witness statement to the Inquiry, Nick Brown MP, Labour Party chief whip, said that:

> "*If an allegation of criminal conduct against a member of parliament came to my attention, I would immediately advise them to contact the relevant authorities, including, of course, the police*".[877]

When asked by Counsel to the Inquiry whether he would make a referral to the police himself of an allegation he received of child sexual abuse and whether this reflected Labour Party policy, Mr Brown told us:

> *"it really does depend on the strength of the evidence. But if I – and it is quite difficult to fully answer without having understood the nature of the complaint and who the complainant was and what sort of supportive evidence there was, but if I thought it was credible, then I would raise it with the police myself. But it would have to be – you know, I don't regard myself as having to report every bit of gossip I hear to the police. I mean, the distinction is: look, how serious is this?"*[878]

Similarly, when asked about the case of an allegation of child sexual abuse against an MP, he answered that "*It would depend on what the evidence was for that*" and said that he would be "*forced to*" make an assessment of that.[879]

11. Professor Thoburn's view of this was that "*the Labour Party's policy makes it absolutely clear that it applies to every MP, every volunteer, every party member, and since he has somebody called a safeguarding manager and a safeguarding team, I would have expected him to say, well, I will get in touch with them to check out whether I'm doing the right thing*".[880]

12. In her closing submissions on behalf of the Labour Party, Ms Eleanor Grey QC said that:

> "*there is often, in many contexts, a potential gap between policies and their practical or full implementation, and that the evidence implies that there is still work to be done to embed knowledge of the policies into the Party and its members. We are certainly not complacent. However, we would respectfully point out that Mr Brown was clear that he had not actually been faced with a situation which required him to exercise any sort*

[876] INQ004281_007
[877] Nick Brown MP 15 March 2019 98/6-10
[878] Nick Brown MP 15 March 2019 100/20-101/4
[879] Nick Brown MP 15 March 2019 101/5-20
[880] June Thoburn 26 March 2019 109/2-8

> *of judgment with regards to allegations of child sexual abuse, or to 'triage', still less to discard, any allegations. Considering such allegations might well, of course, have been the very point when policies were checked, and advice sought. So the importance of this point should not be exaggerated or used to single out an individual who has not, in fact, let children down or actually failed to follow procedures in any way. We do accept that these safeguarding policies are relatively new, and so the fact that knowledge of them is not yet second nature is not, perhaps, surprising."*[881]

13. However, the importance of safeguarding is not a new matter for political parties. We would expect the chief whip of a major political party to be familiar with his party's own safeguarding and child protection policies and procedures. He might well receive reports of child sexual abuse. Mr Brown's evidence demonstrates that despite its well-drafted policy, the Labour Party has failed to ensure that those who may receive allegations, such as the chief whip, have an adequate grasp of the procedure to be followed. We reiterate that it is not for Mr Brown, as chief whip, to attempt to assess an allegation of child sexual abuse or exploitation. That he would consider attempting this demonstrates that comprehensive policies are not sufficiently embedded into the culture of Westminster organisations. In recent correspondence with the Inquiry, Mr Brown stated that he intends to undertake some training in this area.

14. Those in senior positions within political parties must show leadership in order to achieve the necessary culture change in the recognition and handling of allegations of child sexual abuse and exploitation. As Mr Scorer and Ms Harrison said in their written submissions on behalf of a group of complainant core participants, this:

> *"illustrates the depth of the problem at Westminster – the Labour Party policy looks great on paper, ticks all the boxes, but the Chief Whip – who is more likely than anyone to be in receipt of an allegation – doesn't really understand the policy or the philosophy behind it. This is in a political party which, in its public policy platform, is officially committed to mandatory reporting in its policy programme."*[882]

The Green Party and Aimee and David Challenor

15. In November 2016, David Challenor was charged with 22 serious criminal offences, including taking indecent photographs, false imprisonment, rape, sexual assault of a child, assault by penetration and assault occasioning actual bodily harm. He was subsequently convicted of 20 offences including rape and was sentenced to 22 years' imprisonment.

16. At the time, Ms Aimee Challenor, David Challenor's daughter, was a member of the Green Party and chair of the national LGBTIQA+[883] Greens. When her father was charged, she informed two external communications coordinators for the Green Party, Matt Hawkins and Clare Phipps. This was in general terms (via a private Facebook message) that her father was being charged; she did not mention that the charges related to offences against children. On the same date Ms Challenor also informed Coventry Pride, of which she was a trustee.

[881] LAB000072_006
[882] INQ004281_007
[883] On its website, the Green Party defines "LGBTIQA+" as lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual and other diverse sexual orientations and gender identities (https://lgbtiqa.greenparty.org.uk/acronym/).

17. On the same day, 5 November 2016, Mr Hawkins informed three Green Party staff members in the press team by email that a close relative of a Green Party spokesperson had been arrested. He asked the staff members to contact him if anyone contacted them concerning the matter.

18. In April 2017, Ms Challenor was selected to be the Green Party General Election candidate for Coventry South. In May 2017, she appointed her father David Challenor as her election agent when she stood as a general election candidate. In May 2018, David Challenor was appointed as election agent for Aimee and for Tina Challenor, his wife, in the May 2018 local elections. In June or July 2018, Ms Challenor was selected as a candidate for deputy leader of the Green Party.

19. Throughout this period, David Challenor was facing very serious charges of child sexual abuse.

20. The Green Party commissioned Verita, an independent investigations consultancy, to carry out a private investigation. Its report dated January 2019[884] found that:

> "*Prioritising the safety of children and vulnerable people is an individual responsibility of every member of society. There could hardly be a bigger 'red flag' in this respect than someone being charged with 22 sexual offences. Irrespective of where the responsibility lies, one of the effects of the way this case was handled was that someone who had committed serious sexual offences was given roles of responsibility within the Green Party during a period of almost two years after a major safeguarding risk should have been apparent. David Challenor bears some responsibility for this, but Aimee Challenor, as an officer of the party both nationally and locally should have considered safeguarding issues.*"[885]
>
> "*Aimee Challenor had a number of roles, both locally and nationally, each of which carried important responsibilities. In not ensuring that the right people in the party were told what they needed to know, Aimee failed to fulfil her roles adequately. This is even clearer in her encouragement of her father to become more involved in the party by, for example, appointing him as her election agent in 2017 after she knew of charges against him. This was a serious error of judgement, which she repeated when she appointed him as her election agent in 2018.*"[886]

21. The Verita report also stressed the importance of the Green Party developing a strong safeguarding culture and made the following observation:

[884] GNP001003
[885] GNP001003_012
[886] GNP001003_016

> "*It is disappointing that many people we spoke to in the party failed to see the safeguarding issues that arise here. Those in the party who were told about David Challenor's activities saw the issue as primarily a communications one – about protecting the reputation of the party. Awareness of safeguarding issues in the party in general appears to be low.*"[887]

22. From the evidence we heard from Liz Reason, Chair of the Green Party Executive, safeguarding issues remain a matter which the Green Party needs to address.
On 17 December 2014, the Green Party received an email containing allegations of child sexual abuse against a Green Party candidate for the House of Commons.[888] Ms Reason told us that the Green Party could not find a record of this on their system or of any action taken in response to the email at the time.[889] In a supplementary witness statement, she said that the Green Party was still investigating how they had responded to the email when it was received in December 2014, adding:

> "*From the information ascertained so far it appears that key officers spoke to the party member accused of child sexual abuse in the email and established that no child sexual abuse charges had been brought against them.*"[890]

23. The 2014 email was provided to the Inquiry in response to its request for any information held by the Green Party pertaining to child sexual abuse. However, it was not until the Inquiry made a rule 9 request to the Green Party on 8 November 2018 that further internal inquiries were triggered. Ms Reason explained this on the basis that the first time any current officers and staff in the Green Party had seen the email was when a copy was provided along with the Inquiry's request (notwithstanding that the email had originally been provided to the Inquiry by the Green Party itself).

24. The information contained in this email appears not to have been dealt with in accordance with appropriate safeguarding and child protection procedures. The email was archived when staff members left. This was a failing. If it is correct that the only action taken was to speak to the member concerned, it supports the Verita findings that the Green Party saw allegations of child sexual abuse as primarily a communications issue – about protecting the reputation of the Party – rather than a safeguarding one.

25. After these events, Aimee Challenor joined the Liberal Democrat Party. At the time of the hearing, we understand she was the Diversity Officer on the Coventry Liberal Democrats Executive Committee.[891] In light of this, Mr Scorer and Ms Harrison asked whether action should be taken where an individual who is known or suspected of having failed to respond appropriately to safeguarding concerns as a member of one political party joins another political party at a later point in time.[892]

26. Professor Thoburn told us that she would expect the matter to be covered by a crossover of safeguarding and child protection policy and disciplinary policy, and that further training may be appropriate for any such person.[893] For child protection and safeguarding

[887] GNP001003_021
[888] GNP000016
[889] GNP001004_004; Liz Reason 14 March 2019 42/16-43/1
[890] GNP001006_002
[891] INQ004281_008
[892] INQ004281_007-008
[893] June Thoburn 26 March 2019 110/21-112/1

to be effective, political parties must ensure that their members and those in positions of authority – including those who may have joined from other parties – are appropriately trained and aware of safeguarding and child protection policies and procedures.

J.3: The intelligence and security agencies

27. The Secret Intelligence Service (SIS), the Security Service (MI5) and Government Communications Headquarters (GCHQ) provided witness statements[894] and safeguarding policies to the Inquiry.

28. The SIS confirmed that there was no formal policy in place concerning safeguarding and child protection before November 2015.[895] However, in two cases prior to 2015, despite the absence of a formal policy, referrals were made to relevant authorities regarding information about child sexual abuse or exploitation.

> **28.1.** In one case involving the discovery of pornographic material, including indecent photographs of children on a computer used by SIS staff, a referral was made to police.[896]
>
> **28.2.** In another case, where an SIS officer found out that a new contact was believed to be in the possession of a cache of illegal images of children, a referral was made to the National Crime Agency's Child Exploitation and Online Protection Centre.[897]

The SIS policy, which was revised and updated in June 2018 and January 2019, provides guidance on the reporting of any information or allegations of child sexual abuse or exploitation. This forms part of mandatory legal training for all SIS members, including contractors and secondees. In February 2018, for example, the policy was applied in practice to a case where the SIS became aware that a foreign contact was in possession of a video clip which might have involved child sexual abuse.[898]

29. Prior to 2014, there was no specific MI5 policy relating to the protection of children at risk.[899] A policy has been in place since 2014 and has undergone a number of revisions.[900] We heard evidence from an MI5 witness about three case studies demonstrating how the policy works in practice, two involving possible child sexual abuse and one involving possible violence against a child. In summary, in each case the information was passed to the police.[901]

30. The GCHQ Deputy Director for Mission Policy explained that the day-to-day intelligence and information assurance activities undertaken by GCHQ staff in their professional capacities rarely, if ever, bring them into direct contact with children.[902] However, GCHQ provides members of staff with policy and guidance on what action they should take if they encounter material related to child sexual abuse in the course of examining operational data. One of GCHQ's intelligence missions is to provide support to countering online child sexual

[894] SIS Officer witness statement INQ003831; MI5 witness statement INQ004032; GCHQ witness statement GCQ000001
[895] SIS Officer 26 March 2019 125/2-6
[896] SIS Officer 26 March 2019 125/17-126/23
[897] SIS Officer 26 March 2019 127/1-129/8
[898] SIS Officer 26 March 2019 141/6-142/25
[899] MI5 Witness 11 March 2019 180/11-181/1; INQ004032_008
[900] MI5 Witness 11 March 2019 181/2-10
[901] MI5 Witness 11 March 2019 182/9-183/17; INQ004032_012-013
[902] GCQ000001_004

exploitation and abuse and members of staff working in this mission seek out evidence of abuse. Should intelligence analysts working on unrelated missions encounter material related to child sexual abuse, they are guided by the GCHQ policy on Offensive Material which gives instructions on how to handle such information. We were provided with a number of policies relevant to child safeguarding and protection.

Part K

Conclusions and recommendations

Conclusions and recommendations

K.1: Conclusions

Addressing and allaying public concerns

1. There is ample evidence that individual perpetrators of child sexual abuse have been linked to Westminster.[903] However, the Inquiry has found no evidence to support the most sensational of the various allegations of child sexual abuse made over recent years that there has been a powerful paedophile network operating within Westminster. There is no evidence to suggest an organised network of abusers in Westminster, or that individuals with a Westminster connection who sexually abused children were part of a coordinated, organised group.

2. It is clear that there have been significant failures by Westminster institutions in their dealing with, and confrontation of, allegations of child sexual abuse. This has included not recognising it, turning a blind eye to it, actively shielding and protecting perpetrators, and covering up allegations of child sexual abuse.

3. Even though we did not find evidence of an organised Westminster paedophile network, the lasting effect on victims of sexual abuse by individual abusers linked to Westminster has been profound. And it has been compounded by institutional complacency about child sexual abuse and indifference to the plight of victims. We found, in particular, that institutions regularly put their own reputations or political interests before child protection.

4. Despite the Inquiry engaging in an extensive evidence-gathering process, we have seen no material indicating the existence of a Westminster 'paedophile ring'. Similarly, no evidence of any attempts to cover up or suppress information about the existence of such a ring was found at MI5, SIS, GCHQ or in Metropolitan Police Special Branch records now held by Metropolitan Police Counter Terrorism Command.

5. The allegations made by Anthony Daly in relation to his book *Playland: Secrets of a Forgotten Scandal*, published in 2018,[904] that senior establishment figures were present at parties where underage 'rent boys' were sexually abused and exploited do not of themselves constitute evidence of the existence of an organised network.

6. No material emerged from the political parties to show that there existed any kind of organised network of persons engaged in child sexual abuse. Despite the suggestion by Tim Fortescue that whips were aware of and sought to gain advantage from "*scandal involving small boys*",[905] we found no evidence that party whips deliberately suppressed any specific information about child sexual abuse. However, we also gained the distinct impression that

[903] By 'Westminster', we mean the centre of the United Kingdom's government, government ministers and officials, as well as Parliament, its members and the political parties represented there.
[904] INQ003915
[905] INQ004083

the whips' offices were concerned above all to protect the image of their party. There was a consistent culture for years of playing down rumours and protecting politicians from gossip or scandal at all costs. Moreover, it was done without ever considering the interests of potential victims and whether action should be taken to investigate allegations further, or to pass them on to the proper authorities.

7. The source of some of the most lurid claims about a sinister network of abusers in Westminster has now been discredited. In July 2019, several months after the conclusion of the hearings in this investigation, Carl Beech was convicted at Newcastle Crown Court of perverting the course of justice and fraud in connection with false allegations of child sexual abuse and murder made by him against a variety of prominent political figures, including Sir Edward Heath, Lord Brittan, Lord Bramall and the former heads of MI5 and MI6. He was sentenced to 18 years' imprisonment.

8. We have considered various areas of concern raised by Peter McKelvie. Each of these was investigated by the police but could not be supported. His concerns, which appear to have been genuine, might have been allayed by better communication about the progress of the investigations by the Metropolitan Police Service.

9. The Inquiry heard about the various claims made concerning Elm Guest House, which was a tawdry establishment where child sexual abuse took place.[906] We heard evidence about the various investigations conducted by the Metropolitan Police Service, which is available in full on the Inquiry's website.[907] This evidence goes some way to clarifying the allegations relating to child sexual abuse involving persons of public prominence and the extent to which there is any support for them.

10. The Inquiry investigated Don Hale's account of a 'D-Notice' being misused to stop publication of an explosive story about child sexual abuse by Cyril Smith and other high-profile politicians. We are unable to place any weight on Mr Hale's evidence and we cannot make any positive finding regarding the account that he gives.

Deference

11. We heard evidence of overt and direct deference by police towards powerful people, such as a conscious decision not to arrest or investigate someone because of their profile or position. One example of this kind of deference comes from Lord Taverne, who told us about Sir Joe Simpson's remark to the Home Secretary that police did not investigate certain Westminster lavatories to avoid the embarrassment of apprehending MPs and celebrities who frequented them. The best example of such deference is the case of Sir Peter Hayman, who was cautioned but avoided prosecution for sending obscene material in the post. This followed a meeting between his solicitor, Sir David Napley, and the Director of Public Prosecutions, after which Hayman himself considered he had been given immunity from prosecution. There is no question but that Hayman was the beneficiary of preferential, differential and unduly deferential treatment as a person of public prominence.

[906] As set out in Part D, and Neil Jerome 7 March 2019 157/22-159/12
[907] Neil Jerome 7 March 2019 141/8-216/15

12. A second form of deference we have heard about is a more internal kind within institutions themselves, such as where junior police officers did not challenge senior officers' questionable decisions during investigations of the powerful for fear of harming their own career prospects. We also heard evidence that changes to police culture over the past two or three decades have meant that this kind of deference has significantly reduced.

13. We have also seen some evidence of the dangers of deference to ideas, rather than people. The profound social changes of the 1960s and 1970s, particularly in relation to socially acceptable sexual behaviour, meant that people in positions of political and cultural influence at that time deliberately sought to challenge the boundaries of sexual activity. Language was often used in ambiguous ways. For example, the term 'boys' was used to describe 18 to 21-year-old young men. Although homosexual acts were decriminalised in 1967, the age of consent was still higher than for heterosexual relations until 2000 and being openly homosexual in Parliament was still unusual and the subject of disapproval. The effect of this was that in some circles there was an unwillingness to challenge efforts to make 'paedophilia' acceptable or to ask difficult questions about proposals to reduce the age of consent which seemed to be borne of inappropriate attitudes, for fear of being seen as old-fashioned, buttoned-up or out of touch with the times. Child welfare and protection yielded to self-serving ideas of sexual liberation.

14. A good example of this was the way in which the Paedophile Information Exchange (PIE) was able to gain support from certain civil society organisations for a period of several years. This appears to have been possible partly because PIE was not quite as open about its aims to begin with as it was later to become, and so its members were to some extent initially able to infiltrate civil libertarian and gay rights groups 'under the radar'. It was also because, as both Jeremy Clarke,[908] a trustee of the Albany Trust, and Corey Stoughton,[909] Advocacy Director of Liberty (formerly the National Council for Civil Liberties, NCCL), admitted, the governance structures and awareness of safeguarding in both the Albany Trust and the NCCL at the time were significantly more lax and underdeveloped than they are now.

15. However, the desire on the part of organisations like the Albany Trust and the NCCL to be seen as open-minded, and their determination to challenge prevailing conventions in society and push at the boundaries of what was considered appropriate, blinded them to the danger and led to some seriously flawed thinking. The evidence we heard from Mr Clarke about "*understanding and acceptance*" being the key aim of the Albany Trust was a good example of this.[910] This ethos appears to have been stretched to breaking point so that there was consideration of how to accept even the wholly unacceptable. Both organisations demonstrated a fundamental failure to see the problem and a lack of moral courage to confront it. The Inquiry has explored this problem in more detail in its research publication *Deflection, denial and disbelief*.[911] It identified the emergence of a discourse which argued that adult sexual attraction to children is a legitimate sexual orientation, and noted that PIE sought to make use of similar arguments.

[908] Jeremy Clarke 26 March 2019 72/5-23
[909] INQ003972_023
[910] Jeremy Clarke 26 March 2019 37/6-24
[911] *Deflection, denial and disbelief: social and political discourses about child sexual abuse and their influence on institutional responses*, pp84–86

Differences in treatment due to socio-economic status

16. This investigation has provided striking evidence of how wealth and social status insulated perpetrators of child sexual abuse from being brought to justice to the detriment of the victims of their alleged abuse. Preferential treatment of this type could be characterised as a further type of deference. The case of Victor Montagu might be regarded as an especially egregious example of it; significant leeway was given to Montagu as a well-known aristocratic landowner, and a patronising attitude was shown by the police and the Director of Public Prosections' office towards a working-class victim.

17. While Sir Peter Hayman avoided prosecution, Robert Wardell, a bus inspector, was prosecuted for sending Hayman through the post "*serious and extreme*"[912] material. This led the investigating officer to say there was "*one law for Wardell and another for Hayman*".[913] The prosecution lawyer similarly remarked:

> "*The taller they are, the harder they fall, and Hayman was fairly tall in respect of the diplomatic side of it. Therefore … he had a lot to lose. I'm not saying the others didn't but he had a lot to lose if he was prosecuted.*"[914]

Those comments imply that Hayman received special treatment due to his status, and the lawyer's remark suggests that special treatment was deserved for that reason.

18. The Montagu and Hayman cases provide instances of deference or a form of patronage due not only to power but also to social status and class. In her closing submissions on behalf of the Crown Prosecution Service, Zoe Johnson QC argued that it was an age of deference, when victims' rights were not paramount, and it is therefore impossible to disentangle those elements.[915] We acknowledge that in an age when deference was shown to power, authority and class, and victims' rights were not at the forefront of the decision-making process, identifying the rationale underlying the decisions made in such cases may not be easy. However, we are left with the distinct impression that deference to class and power was the overriding motive for the decisions in the Montagu and Hayman cases.

19. We heard in a particularly stark way in this investigation how the poverty and disadvantaged position of victims led to their allegations of child sexual abuse not being taken seriously. The evidence of Paul Holmes about the difficulties in getting help for boys being sexually exploited around Piccadilly Circus was a vivid account of this problem. These boys were often runaways from damaged backgrounds who were known as 'street rats' by many police officers.[916]

Insufficient consideration of the needs of child victims and survivors

20. A consistent pattern that has emerged from the evidence we have heard is a failure by almost every institution to put the needs and safety of children who have survived sexual abuse first.

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[912] IPC000514_004
[913] Bryan Collins 27 March 2019 87/7-89/8
[914] Jeremy Naunton 27 March 2019 149/1-16
[915] Zoe Johnson QC 29 March 2019 101/16-22
[916] Howard Groves 6 March 2019 35/5-36/1

21. In 1979, Lord Steel (the leader of the Liberal Party) "*assumed*" Sir Cyril Smith had committed offences of child sexual abuse.[917] In our view, rather than give primacy to the protection of children, he yielded to considerations of political expediency and failed to launch a formal internal inquiry into Smith's alleged activities. Likewise, the government's and MI5's handling of the case of Sir Peter Morrison in the mid-1980s demonstrated that considerations of political embarrassment and the security risk were of paramount importance while the risks to children allegedly abused by Morrison were not considered at all.

22. We also heard how the police were more concerned about prosecuting suspects than considering the welfare of sexually exploited children. Political parties in a variety of ways have shown themselves, even very recently, to be more concerned about political fallout than about safeguarding. Our investigation of the honours system found a process which in some instances prioritised reputation and discretion with little or no regard for victims.

The implementation of safeguarding policies in practice

23. Professor June Thoburn analysed the policies and procedures of the parties and numerous government departments, and commented on their quality. Many government departments have improved their approach in recent years to varying degrees, and put in place safeguarding mechanisms.

24. The situation with political parties is less impressive. To give one obvious example, at the time of the hearing in this investigation, the evidence was that certain political parties had no specific safeguarding and child protection policies at all, and that remains the case for some political parties.

25. We also heard evidence, notably from the Green Party and the Labour Party, to suggest that there are major gaps in the practical knowledge of even senior people about basic safeguarding principles. It is a matter of grave concern that, even after a significant public outcry about allegations of child sexual abuse linked to Westminster, elected politicians and officers of political parties do not understand how to respond to allegations properly, or consider themselves in a position to make judgements about whether abuse is sufficiently serious to warrant referral.

26. These examples show that there is still significant work to be done, including in relation to the detail of their policies and their rigorous implementation, particularly in terms of recognising and reporting allegations of child sexual abuse. This must extend to re-training and probationary periods for people in positions of authority in appropriate circumstances.

K.2: Recommendations

The Chair and Panel make the following recommendations, which arise directly from this investigation.

The Cabinet Office, the Forfeiture Committee, the government, political parties, other Westminster institutions and the Electoral Commission should publish their response to these recommendations, including the timetable involved, within six months of the publication of this report.

[917] Lord Steel 13 March 2019 127/3-5

Recommendation 1

The criteria for forfeiture of all honours must be formally extended to include convictions, cautions and cases decided by trial of the facts involving offences of child sexual abuse. This must be set out in a published policy and procedure, which must include a clear policy on how forfeiture decisions are made public. The Inquiry expects the Forfeiture Committee to take a lead on this matter.

Recommendation 2

The Cabinet Office should re-examine the policy on posthumous forfeiture, in order to consider the perspectives of victims and survivors of child sexual abuse.

Recommendation 3

Government, political parties and other Westminster institutions must have whistleblowing policies and procedures which cover child sexual abuse and exploitation. Every employee must be aware that they can raise any concerns using these policies and that the policies are not limited to concerns specific to a person's employment.

Recommendation 4

The Cabinet Office must ensure that each government department reviews its child safeguarding policy or policies in light of the expert witness report of Professor Thoburn.[918] There must also be published procedures to accompany their policies, in order that staff know how to enact their department's policy. All government departments must update their safeguarding policies and procedures regularly, and obtain expert safeguarding advice when doing this.

Recommendation 5

All political parties registered with the Electoral Commission in England and Wales must ensure that they have a comprehensive safeguarding policy.

All political parties must also ensure that they have procedures to accompany their policies, in order that politicians, prospective politicians, staff and volunteers know how to enact their party's policy, which must be published online. All political parties must update their policies and procedures regularly, and obtain expert safeguarding advice when doing this.

The Electoral Commission should monitor and oversee compliance with this recommendation.

[918] INQ004088_057-058 chapter 6, paras 24–30 and 34

Annexes

Annex 1

Overview of process and evidence obtained by the Inquiry

1. Definition of scope

The Westminster investigation is an overarching inquiry into allegations of child sexual abuse and exploitation involving people of public prominence associated with Westminster.

The scope of this investigation is as follows:

> *"1. The Inquiry will investigate allegations of child sexual abuse involving current and/or former Members of Parliament, senior civil servants, government advisors, and/or members of the intelligence agencies (collectively 'people of public prominence associated with Westminster'), including allegations:*
>
> *1.1. that people of public prominence associated with Westminster were involved in the sexual abuse of children;*
>
> *1.2. that Ministers, party whips, political parties, the intelligence and/or security services, law enforcement agencies, and/or prosecuting authorities were aware of the involvement of people of public prominence associated with Westminster in the sexual abuse of children, and failed to take adequate steps to prevent any such abuse from occurring and/or took steps to prevent such abuse from being revealed;*
>
> *1.3. that there was, within the highest levels of government, a culture of tolerance towards those suspected of child sexual abuse; and/or*
>
> *1.4. that people of public prominence associated with Westminster were involved in a conspiracy sexually to abuse children.*
>
> *2. In light of the above investigations, the Inquiry will consider:*
>
> *2.1. the adequacy and propriety of law enforcement investigations into allegations falling within paragraph 1 above, including consideration of whether there is evidence of inappropriate interference in any such investigations by politicians, the intelligence agencies, and/or other individuals or bodies holding statutory power;*
>
> *2.2. the media reporting of allegations falling within paragraph 1 above, including consideration of whether the current legislative framework strikes an appropriate balance between encouraging the reporting of child sexual abuse and protecting the rights of the accused; and*
>
> *2.3. the adequacy of existing safeguarding and child protection policies in place within political parties, in government departments and agencies, and in the intelligence and security agencies.*

3. *In light of the investigations set out above, the Inquiry will publish a report setting out its findings, lessons learned, and recommendations to improve child protection and safeguarding in England and Wales."*[919]

2. Core participants and legal representatives

Counsel to this investigation:

Brian Altman QC
Andrew O'Connor QC
Kate Beattie
Alasdair Henderson
Katie O'Byrne

Complainant core participants:

RO A1, RO A2, RO A4, RO A5, RO A6, RO A7, RO A8	
Solicitor	Richard Scorer and Kim Harrison (Slater & Gordon)

Independent core participants:

Timothy Hulbert	
Counsel	Sam Stein QC
Solicitor	David Enright (Howe & Co)
Esther Baker	
Counsel	Jonathan Price
Solicitor	Peter Garsden (Simpson Millar)
Harvey Proctor	
Counsel	Geoffrey Robertson QC and Adam Wagner
Solicitor	Mark Stephens CBE (Howard Kennedy)

Institutional core participants:

Crown Prosecution Service	
Counsel	Zoe Johnson QC
Solicitor	Laura Tams (Crown Prosecution Service Inquiries Team)
Independent Office for Police Conduct	
Counsel	Lorna Skinner
Solicitor	Rachel Taylor (Senior Lawyer, Independent Office for Police Conduct)
Home Office	
Counsel	Nick Griffin QC and Amelia Walker
Solicitor	Daniel Rapport (Government Legal Department for the Treasury Solicitor)

[919] Definition of Scope

Labour Party	
Counsel	Eleanor Grey QC
Solicitor	Gerald Shamash (Steel and Shamash Solicitors, now Edwards Duthie Shamash)
Commissioner of Police of the Metropolis	
Counsel	Samantha Leek QC and Jonathan Dixey
Solicitor	Metropolitan Police Service's Directorate of Legal Services
Chief Constable of Wiltshire Police	
Counsel	Anne Studd QC
Solicitor	Susan Dauncey (Force Solicitor of Wiltshire Police)

3. Evidence received by the Inquiry

Number of witness statements obtained:
141
Organisations and individuals to which requests for documentation or witness statements were sent:
Adam Richardson, United Kingdom Independence Party
Reverend Alan Francis Davies, former Principal within the Home Office Voluntary Services Unit
Alan Mabbutt OBE, the Conservative Party
Detective Inspector Alastair Pocock, Metropolitan Police Service
Alice Hurrell, Department for Business, Energy & Industrial Strategy
Andrew Surplice, retired Inspector with the Metropolitan Police Service
Anthony Daly, complainant witness
Baron Foster of Bishop Auckland PC DL
Baron Renton of Mount Harry PC
Baron Young of Cookham CH PC
Baroness Brinton, Liberal Democrats
Baroness Manningham-Buller LG DCB, former Director General of the Security Services
Baroness Taylor of Bolton
Barry Strevens, retired Detective Chief Inspector and former Personal Protection Officer to Baroness Thatcher LG OM DStJ PC FRS HonFRSC
Bradley Finn, civil servant (secretariat to the Independent Review conducted by Messrs Wanless and Whittam QC)
Bryan Collins, retired officer with the Metropolitan Police Service
Carmel Vega, Attorney General's Office
Caroline Rowe, Home Office
Commander Catherine Roper, Metropolitan Police Service
Catherine Vaughan, Department for International Trade

Organisations and individuals to which requests for documentation or witness statements were sent (continued):
Charu Gorasia, Home Office
Christine Hewitt, Ministry of Housing, Communities and Local Government
Christine Russell, former Member of Parliament
Christopher Horne, former Conservative councillor
Christopher Mahaffey, Independent Office for Police Conduct
Claire McCarthy, General Secretary of the Co-operative Party
Clare Moriarty, Department for Environment, Food & Rural Affairs
Clive Blackford, former police officer
Corey Stoughton, Liberty
David Ford Campbell-Chalmers
Sir David Trippier, former Member of Parliament
David Williams, Department of Health & Social Care
David Wilson, former editor of the *Surrey Comet*
Detective Chief Superintendent Denise Worth, Cheshire Constabulary
Des Wilson, former politician
Dominic Carman, former politician
Don Hale, journalist
Edwina Currie Jones, former politician
Frances Mowatt, former agent to Peter Morrison MP
Gareth Clubb, Plaid Cymru
Detective Superintendent Gary Richardson, British Transport Police
GCHQ
Brigadier Geoffrey Dodds OBE, Secretary of the Defence and Security Advisory Committee (DSMA)
Geth Williams, Office of the Secretary of State for Wales
Gillian McGregor, Office of the Secretary of State for Scotland
Chief Inspector Glen Lloyd, Operation Winter Key, Metropolitan Police Service
Glyn Williams, Home Office
Grahame Nicholls, former Secretary of the Chester Trades Union Council
Gregor McGill, Director of Legal Services, Crown Prosecution Service
Gyles Brandreth, former politician
Helen MacNamara, Cabinet Office
Hilton Tims, former journalist
Howard Groves, former Detective Chief Inspector with the Metropolitan Police Service
Ian Hodgkinson, Royal Voluntary Service

Organisations and individuals to which requests for documentation or witness statements were sent (continued):
Ian Lucas, former Member of Parliament
Ian McNicol, Labour Party
Jane Lee, former Secretary of the Gresford and Rossett branch of the Labour Party
Jennie Formby, Labour Party
Jennifer Hutton, Ministry of Housing, Communities and Local Government
Jeremy Naunton, former senior lawyer in the office of the Director of Public Prosecutions (now the Crown Prosecution Service)
Jessica Bailey, former employee of the Liberal Democrat Party
John Beggs, Ulster Unionist Party
John Mann MP
John Moore, Ulster Unionist Party
Sir Jonathan Stephens KBE, Cabinet Office
Detective Sergeant Julie Gallagher, Northamptonshire Police
Katy Willison, Department for Education
Keith Mitchell and Jeremy Clarke CBE, Trustees of the Albany Trust
Kenneth Clarke CH QC MP
Kirsten Oswald, Scottish National Party
Leo Adamson, former member of PIE
Liz Reason, Green Party
London School of Economics and Political Sciences (Archives and Special Collections)
Lord Alton of Liverpool
Lord Arbuthnot of Erdom
Lord Armstrong of Ilminster GCB CVO
Lord Beith
Lord Goodlad KCMG
Lord Hamilton of Epsom
Lord Jopling DL
Lord Newby OBE, Liberal Democrats
Lord Ryder of Wensum OBE
Lord Steel of Aikwood KT KBE PC
Lord Taverne QC
Lord Tebbit CH
Lord Wakeham DL
Malcolm Sinclair, former police officer with the Metropolitan Police Service
Mark Byers, Northern Ireland Office

Organisations and individuals to which requests for documentation or witness statements were sent (continued):
Martyn Smith, Ulster Unionist Party
Matt Browne, Green Party
Mervyn Thomas, Cabinet Office
MI5
Michael Box, former Head of the Secretariat to the Independent Review conducted by Messrs Wanless and Whittam QC
Michael Meadowcroft, former Member of Parliament
Michelle Crotty, Attorney General's Office
Mike Nesbitt, Ulster Unionist Party
Sir Murdo Maclean, former Private Secretary to the government chief whip
Naomi Ryan, Attorney General's Office
Commander Neil Jerome, Metropolitan Police Service
Neil Taylor, Office of the Advocate for Scotland
Neil Wooding, Ministry of Justice
Nicholas Brown MP
Nick Joyce, Department for Transport
Operation Hydrant: All police branches
Operation Hydrant: Special Branch police units
Patricia Green, former Liberal Party activist
Paul Connew, former police officer with the Metropolitan Police Service
Paul Foulston, former police officer with the Metropolitan Police Service
Paul Holmes, former police officer with the Metropolitan Police Service
Paul Settle, retired Detective Chief Inspector with the Metropolitan Police Service
Peter Batey, former Private Secretary to Sir Edward Heath
Peter Jones, Foreign & Commonwealth Office
Peter McKelvie, retired social worker
Peter Schofield, Department for Work & Pensions
Peter Taylor, Department for International Development
Peter Wanless and Richard Whittam QC, independent reviewers of two Home Office commissioned reviews held in connection with child abuse from 1979 to 1999
Philip Rycroft, Department for Exiting the European Union
Lieutenant General Richard Edward Nugee, Ministry of Defence
Detective Superintendent Richard Fewkes, National Coordinator, Operation Hydrant
Richard Mallender, Green Party
Robert Glen, retired Superintendent with the Metropolitan Police Service

4. Disclosure of documents

Total number of pages disclosed: 19,399

5. Public hearings including preliminary hearings

Preliminary hearings	
1	31 January 2018
2	20 October 2018
Public hearings	
Days 1–5	4 March to 8 March 2019
Days 6–10	11 March to 15 March 2019
Days 11–15	25 March to 29 March 2019

6. List of witnesses

Surname	Forename	Title	Called, read, adduced or published	Hearing day
Mahaffey	Christopher	Mr	Called	1, 2, 4, 5, 12
Roper	Catherine	Commander	Called	1, 2, 5, 12
Taverne	Dick	Lord	Called	2
Tebbit	Norman	Lord	Adduced	2
Daly	Anthony	Mr	Adduced	2
Groves	Howard	Mr	Called	3
Surplice	Andrew	Mr	Called	3
Glen	Robert	Mr	Called	3
Foulston	Paul	Mr	Called	3
Simpson	Susan	Ms	Adduced	3
Kirby	Steve	Detective Superintendent	Called	4
Sinclair	Malcolm	Mr	Called	4
Holmes	Paul	Mr	Called	4
Jerome	Neil	Commander	Called	4
Settle	Paul	Mr	Adduced	4, 12
Hale	Don	Mr	Called	5
Dodds	Geoffrey	Brigadier	Called	5
O'Carroll	Thomas	Mr	Adduced	5
Lucas	Ian	Mr	Adduced	5, 15
Green	Patricia	Ms	Adduced	5
Richardson	Gary	Detective Superintendent	Adduced	5
Mowatt	Frances	Ms	Called	6
Nicholls	Grahame	Mr	Called	6
Lee	Jane	Ms	Called	6
Russell	Christine	Ms	Called	6
MI5 Witness			Called	6
Worth	Denise	Deputy Chief Superintendent	Adduced	6
Pocock	Alastair	Detective Inspector	Adduced	6
Currie Jones	Edwina	Ms	Adduced	6
Hogg	Susan	Ms	Called	7
Manningham-Buller	Eliza	Baroness	Called	7
Armstrong	Robert	Lord	Called	7

Surname	Forename	Title	Called, read, adduced or published	Hearing day
Brandreth	Gyles	Mr	Called	7
Connew	Paul	Mr	Adduced	7
Strevens	Barry	Mr	Adduced	7
Hamilton	Archibald	Lord	Adduced	7
Brinton	Sarah	Baroness	Called	8
Wilson	Des	Mr	Called	8
Steel	David	Lord	Called	8
Carman	Dominic	Mr	Adduced	8
Alton	David	Lord	Adduced	8
Reason	Liz	Ms	Called	9
MacNamara	Helen	Ms	Called	9
Browne	Matt	Mr	Adduced	9
Clarke	Kenneth	Mr	Called	10
Jopling	Thomas	Lord	Called	10
Arbuthnot	James	Lord	Called	10
Brown	Nicholas	Mr	Called	10
Maclean	Murdo	Sir	Called	10
Young	George	Lord	Adduced	10
Beith	Alan	Lord	Adduced	10
Foster	Derek	Lord	Adduced	10
Goodlad	Alastair	Lord	Adduced	10
Ryder	Richard	Lord	Adduced	10
Taylor	Ann	Baroness	Adduced	10
Wakeham	John	Lord	Adduced	10
Box	Michael	Mr	Called	11
Hulbert	Timothy	Mr	Called	11
Davies	Alan	Reverend	Adduced	11
Stoughton	Corey	Ms	Adduced	11
Vega	Carmel	Ms	Adduced	11
Fewkes	Richard	Detective Superintendent	Adduced	11
Hodgkinson	Ian	Mr	Adduced	11
Wanless	Peter	Mr	Adduced	11
Whittam	Richard	Mr	Adduced	11
Clarke	Jeremy	Mr	Called	12

Surname	Forename	Title	Called, read, adduced or published	Hearing day
Thoburn	June	Professor	Called	12
SIS Witness			Called	12
Montagu	Robert	Mr	Called	13
Collins	Bryan	Mr	Called	13
Naunton	Jeremy	Mr	Called	13
McGill	Gregor	Mr	Called	13
Danczuk	Simon	Mr	Adduced	13
McKelvie	Peter	Mr	Adduced	13
Gallagher	Julie	Detective Sergeant	Adduced	13
Hopkins	Tony	Detective Chief Inspector	Adduced	13
Horne	Christopher	Mr	Adduced	15
Trippier	David	Sir	Adduced	15
Batey	Peter	Mr	Adduced	15
GCHQ			Published	N/A
Stephens	Jonathan	Sir	Published	N/A
WM-A120			Published	N/A

7. Restriction orders

On 23 March 2018, the Chair issued an updated restriction order under section 19(2)(b) of the Inquiries Act 2005, granting general anonymity to all core participants who allege they are the victim and survivor of sexual offences (referred to as 'complainant core participants'). The order prohibited:

(i) the disclosure or publication of any information that identifies, names or gives the address of a complainant who is a core participant; and

(ii) the disclosure or publication of any still or moving image of a complainant core participant.

This order meant that any complainant core participant within this investigation was granted anonymity, unless they did not wish to remain anonymous. That order was amended on 23 March 2018, but only to vary the circumstances in which a complainant core participant may themselves disclose their own core participant status.[920]

On 4 February 2019, the Chair issued a restriction order under section 19 of the Inquiries Act 2005 to prohibit the disclosure or publication of certain information contained within MI5's Child and Vulnerable Adult Protection Policy, which is exhibited to the statement of the MI5 witness.[921]

[920] Restriction Order 23 March 2018
[921] Restriction Order 4 February 2019

On 8 February 2019, the Chair issued a restriction order under section 19 of the Inquiries Act 2005 to prohibit the disclosure or publication of the identity of the MI5, SIS and GCHQ officers who had provided written evidence to the Inquiry and gave evidence at the public hearings in connection with this investigation and who were referred to during the course of evidence adduced during the Inquiry's proceedings.[922]

On 4 March 2019, the Chair issued a restriction order under section 19 of the Inquiries Act 2005 to prohibit the disclosure or publication of information which is capable of identifying WM-A9 as specified at paragraph 2(a) of the Order.[923]

On 5 March 2019, the Chair issued a restriction order under section 19 of the Inquiries Act 2005 to prohibit the disclosure or publication of the name of any individual whose identity has been redacted or ciphered by the Inquiry, and any information redacted as irrelevant and sensitive, in connection with this investigation and referred to during the course of evidence adduced during the Inquiry's proceedings.[924]

8. Broadcasting

The Chair directed that the proceedings would be broadcast, as has occurred in respect of public hearings in other investigations.

9. Redactions and ciphering

The material obtained for this phase of the investigation was redacted and, where appropriate, ciphers were applied, in accordance with the Inquiry's Protocol on the Redaction of Documents (the Protocol).[925] This meant that (in accordance with Annex A of the Protocol), for example, absent specific consent to the contrary, the identities of complainants and victims and survivors of child sexual abuse and other children were redacted; and if the Inquiry considered that their identity appeared to be sufficiently relevant to the investigation, a cipher was applied.

Pursuant to the Protocol, the identities of individuals convicted of child sexual abuse (including those who have accepted a police caution for offences related to child sexual abuse) were not generally redacted unless the naming of the individual would risk the identification of their victim, in which case a cipher would be applied.

The Protocol also addresses the position in respect of individuals accused, but not convicted, of child sexual or other physical abuse against a child, and provides that their identities should be redacted and a cipher applied. However, where the allegations against an individual are so widely known that redaction would serve no meaningful purpose (for example where the individual's name has been published in the regulated media in connection with allegations of abuse), the Protocol provides that the Inquiry may decide not to redact their identity.

Finally, the Protocol recognises that, while the Inquiry will not distinguish as a matter of course between individuals who are known or believed to be deceased and those who are or are believed to be alive, the Inquiry may take the fact that an individual is deceased into account when considering whether or not to apply redactions in a particular instance.

[922] Restriction Order 8 February 2019
[923] Restriction Order 4 March 2019
[924] Restriction Order 5 March 2019
[925] Redaction Protocol version 3

The Protocol anticipates that it may be necessary for core participants to be aware of the identity of individuals whose identity has been redacted and in respect of whom a cipher has been applied, if the same is relevant to their interest in the investigation.

10. Warning letters

Rule 13 of the Inquiry Rules 2006 provides:

> *"(1) The chairman may send a warning letter to any person –*
>
> *a. he considers may be, or who has been, subject to criticism in the inquiry proceedings; or*
>
> *b. about whom criticism may be inferred from evidence that has been given during the inquiry proceedings; or*
>
> *c. who may be subject to criticism in the report, or any interim report.*
>
> *(2) The recipient of a warning letter may disclose it to his recognised legal representative.*
>
> *(3) The inquiry panel must not include any explicit or significant criticism of a person in the report, or in any interim report, unless –*
>
> *a. the chairman has sent that person a warning letter; and*
>
> *b. the person has been given a reasonable opportunity to respond to the warning letter."*

In accordance with rule 13, warning letters were sent as appropriate to those who were covered by the provisions of rule 13, and the Chair and Panel considered the responses to those letters before finalising the report.

Annex 2

Glossary

Black book	Notes kept by party whips recording things that might be of interest to other whips or the chief whip. Also known as the 'dirt book'.
By-election	A UK parliamentary by-election happens when a seat in the House of Commons becomes vacant between general elections.
Chief agent (in a political context)	A person who is legally responsible for the conduct of a candidate's political campaign and to whom election material is sent by those running the election.
Chief whip or whip	The chief whip is a political office held by an individual whose task is to administer the whipping system in Parliament. They try to ensure that members of the party attend and vote as the party leadership desires. A whip works with the chief whip for their party. Whips are also largely responsible (together with the Leader of the House in the Commons) for arranging the business of Parliament.
Child	A person under the age of 18.
Child protection (see 'Safeguarding')	Activity to protect children who are suffering or are likely to suffer significant harm. Used interchangeably with safeguarding.
Child sexual abuse	Forcing or enticing a child or young person to take part in sexual activities. May involve physical contact and non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse including via the internet. Includes child sexual exploitation.
Child sexual exploitation	A form of child sexual abuse. It involves exploitative situations, contexts and relationships where a child receives something, for example as a result of them performing, or another or others performing on them, sexual activities. It can occur through the use of technology without the child's immediate recognition; for example being persuaded to post sexual images on the internet/mobile phones without immediate payment or gain.
Clubs Office	A specialist unit within the Metropolitan Police Service. Formally known as the Clubs and Vice Unit.
Cottages and cottaging	A slang term referring to anonymous sex between men in a public lavatory (a 'cottage') or cruising for sexual partners with the intention of having sex elsewhere.
CVO	Commander of the Royal Victorian Order, a grade within the order of knighthood established by Queen Victoria. It recognises distinguished personal service to the monarch of the Commonwealth realms, members of the monarch's family, or to any viceroy or senior representative of the monarch.

Glossary

D-Notice	A Defence Notice: an official request to news editors not to publish certain details of a story for reasons of national security (known as a Defence Advisory Notice or DA-Notice from 1993 to 2015, and as a Defence and Security Media Advisory Notice or DSMA-Notice since 2015).
DBS checks (formerly CRB checks)	A check carried out by the Disclosure and Barring Service of an individual's criminal record. Employers can then ask to see the certificate issued by the DBS to ensure that they are recruiting suitable people into their organisation. The Disclosure and Barring Service is an organisation that replaced the Criminal Records Bureau and the Independent Safeguarding Authority.
Dickens dossier	Information provided by Geoffrey Dickens MP to the then Home Secretary Leon Brittan in 1983 and 1984, which purported to identify high-profile child sexual abusers in government and the Royal Household. The information he provided has come to be known as the Dickens dossier. The contents of the Dickens dossier and how many dossiers there were is unclear.
Diplomatic bag	Container used to carry correspondence and other items between a diplomatic mission and its home government or other diplomatic missions, protected from any interference by international law.
Director of Public Prosecutions (DPP)	The third most senior public prosecutor in England and Wales. The DPP is the head of the Crown Prosecution Service.
Dirt book	See 'Black book'.
Dolphin Square	Location in London where it was alleged that parties were held involving sexual and violent abuse of young boys.
Elm Guest House	A hotel in Rocks Lane near Barnes Common in south-west London. In the early 1980s it was run by husband and wife Haroon and Carole Kasir, and was advertised as a gay guest house.
Garter Principal King of Arms	The senior King of Arms, and the senior Officer of Arms of the College of Arms, the heraldic authority with jurisdiction over England, Wales and Northern Ireland.
Honours system (Honours)	A means of rewarding individuals' personal bravery, achievement or service to the United Kingdom and the British Overseas Territories.
Independent Office for Police Conduct	Formerly the Independent Police Complaints Commission (IPCC). Oversees the police complaints system in England and Wales.
Keeper of the Privy Purse	The individual responsible for the financial management of the Royal Household of the Sovereign of the United Kingdom.
Knight Bachelor	An individual who has been knighted by the monarch but not as a member of one of the organised Orders of Chivalry; the lowest rank of knight in the British honours system.
Law Officers	A term used to refer collectively to the Attorney General and Solicitor General in England and Wales.
Local Authority Designated Officer	An officer in each local authority's children's social care service to whom allegations or concerns about the protection of children are reported. Responsible under statute for investigating such complaints.
Meat rack	A notorious congregation spot for teenagers and young men in the 1970s and early 1980s near the Playland Amusement Arcade at Picadilly Circus in the West End of London.

Glossary

Monday Club	A group of MPs on the right wing of the Conservative Party.
Obscene Publications Team	A Metropolitan Police unit in the 1970s.
Operation Athabasca	A Metropolitan Police investigation into allegations that prominent members of society had attended Elm Guest House and taken part in child sexual abuse.
Operation Circus	A Metropolitan Police investigation into the activities of a number of individuals at Piccadilly Circus involving 'rent boys' and allegations of indecency with young boys.
Operation Clarence	A Metropolitan Police investigation into allegations against a number of individuals, including teachers, doctors and clergymen, that ran from 1988 to 1998.
Operation Conifer	A Metropolitan Police investigation into allegations of child sexual abuse made against Sir Edward Heath.
Operation Fairbank	A Metropolitan Police investigation set up in response to questions raised at Prime Minister's Questions by Tom Watson MP in relation to the existence of a 'Westminster paedophile ring'. Later became part of Operation Winter Key (see below).
Operation Helena	An IOPC-managed investigation in relation to Elm Guest House and whether there was any evidence to suggest that WM-A9's statement had been altered to remove any reference to prominent public figures in general and Lord Leon Brittan specifically.
Operation Hesper	An IOPC-managed investigation in relation to an allegation that there was a cover-up concerning Sir Peter Hayman and a briefcase that was found in a park that contained black-and-white photographs of boys aged eight to 11 years, dressed only in their 'Y fronts'.
Operation Jordana	An IOPC-managed investigation into allegations that a confidential police operation in 1984, targeting rent boys in and around Piccadilly Circus, had been closed down early and evidence was suppressed to protect persons of prominence.
Operation Meryta	An IOPC-managed investigation into an allegation that in November 1989 Chris Fay was approached by two men outside the NAYPIC offices who warned him to stay away from Elm Guest House.
Operation Osier	An IOPC-managed investigation into allegations made by retired Detective Chief Inspector Howard Groves.
Operation Redrail 2	An IOPC-managed investigation in relation to concerns raised by Peter McKelvie regarding a Metropolitan Police Service investigation called Operation Clarence.
Operation Sycamore	An IOPC-managed investigation in relation to an allegation that, in May 1976, Metropolitan Police Special Branch officers tried to stop Sergeant Vallis and Mr Foulston from interviewing an individual (WM-A12) at Feltham Borstal Institution.
Operation Winter Key	The overarching Metropolitan Police response to IICSA. It provides specialist capacity and capability to investigate high-profile or complex criminal investigations into non-recent child sexual abuse.
Operation Yewtree	A Metropolitan Police investigation into sexual abuse allegations, predominantly the abuse of children, against the British media personality Jimmy Savile and others.

Glossary

Operation Yvonne	An IOPC-managed investigation into allegations made by WM-A8 regarding the raid that took place at Elm Guest House in 1982. At the time he was a 17-year-old masseur at the guest house.
Paedophile Information Exchange (PIE)	An organisation formed in 1974. Its aim was to campaign for changes to the law on the age of consent in order to allow adults to have sex with children.
Parliamentary privilege	Grants certain legal immunities for Members of both Houses to allow them to perform their duties without interference from outside of the House. Parliamentary privilege includes freedom of speech and the right of both Houses to regulate their own affairs.
Rent boy(s)	A young male prostitute under 18 years old (whom the Inquiry would regard as a child) or up to his early 20s.
Safeguarding (see also 'Child protection')	Protecting children from maltreatment; preventing impairment of children's health or development; ensuring that children are growing up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best life chances.
Safeguarding policy	A set of rules or procedures put in place by an organisation in order to safeguard children (see 'Safeguarding').
South African Bureau of State Security (BOSS)	South African Bureau whose job it was to monitor national security in South Africa. It operated between 1969 and 1980 when it was replaced by the National Intelligence Service (NIS).
Statutory agencies	Public agencies involved in safeguarding, including social services, the local authority more broadly, and police and healthcare organisations.
Tories	The Conservative Party or members of the Conservative Party.
Vetting clearance (positive)	Protective security measures put in place by the government in relation to access to information. A positive vetting clearance meant that an individual had been checked and cleared by government to access certain information. This has now been replaced by a security policy framework (https://www.gov.uk/government/publications/security-policy-framework).

Annex 3

Acronyms

BBC	British Broadcasting Corporation
C1	Main Criminal Investigation Department in the Metropolitan Police in the 1970s
CHE	Campaign for Homosexual Equality
CSEA	child sexual exploitation and abuse
CVO	Commander of the Royal Victorian Order
DPP	Director of Public Prosecutions
GCHQ	Government Communications Headquarters
GRC	Gay Rights Committee
HMRC	Her Majesty's Revenue & Customs
HO	Home Office
IOPC	Independent Office for Police Conduct
LADO	Local Authority designated officer
MEP	Member of European Parliament
MI5	Security Service
MP	Member of Parliament
MPSB	Metropolitan Police Special Branch
MSP	Member of Scottish Parliament
NAYPIC	National Association of Young People in Care
NCCL	National Council for Civil Liberties (now known as Liberty)
NUPE	National Union of Public Employees (a trade union)
OBE	Order of the British Empire
PC	Police Constable
PHSC	Political Honours Scrutiny Committee
PIE	Paedophile Information Exchange
PMQ	Prime Minister's Question
PPC	Prospective Parliamentary Candidate
PS	Police Sergeant
QC	Queen's Counsel
RVO	Royal Victorian Order
SDP	Social Democratic Party

Acronyms

SIS	Secret Intelligence Service, otherwise known as MI6
UEA	University of East Anglia
VSU	Home Office Voluntary Service Unit
WRVS	Women's Royal Voluntary Service

The following corrections were made to this version of the report on 29 May 2020:

Page vii, paragraph 3: was amended to read ‘hand over the same documents’.
Page 159 in Annex 1: profession removed, amended to read David Ford Campbell-Chalmers

The Internet

Investigation Report
March 2020

A report of the Inquiry Panel
Professor Alexis Jay OBE
Professor Sir Malcolm Evans KCMG OBE
Ivor Frank
Drusilla Sharpling CBE

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Contents

Executive Summary

This investigation focusses on the growing problem of online-facilitated child sexual abuse. The increase in access to and use of the internet has brought undeniable benefits to society. It has also enabled a section of society to misuse the internet to distribute indecent images of children; groom and manipulate children in order to commit sexual acts on them; and live stream the sexual abuse of children from around the world.

The harm done to children and their families is incalculable. We heard evidence from victims and their families about the devastating and long-term impact that this abuse has on them. Those affected live in fear that images of them being sexually abused remain available on the internet. Parents described their children being groomed as "*any parent's nightmare*".[1]

Scale of online-facilitated child sexual abuse

There are millions of indecent images of children in circulation worldwide. The word 'indecent' describes a spectrum of offending, some of which reaches unprecedented levels of depravity and includes the rape and torture of babies and toddlers. Although the dark web often hosts images of the most deviant kind, the vast majority of sites that host indecent images of children are available on the open web and potentially accessible to a worldwide audience.

In 2015, BT found that "*the average number of attempts to retrieve the CSA image was 36,738 every 24 hours*".[2] Extrapolate that data across all the internet service providers, and the number of attempts to access indecent images of children per day is alarmingly high.

Several police forces reported a rise in offences of online grooming. According to the National Society for the Prevention of Cruelty to Children (NSPCC), between April and September 2018, police recorded more than 10 grooming offences a day. Facebook, Instagram and Snapchat are frequently named as the most common platforms where grooming takes place.

It is wrong to assume that the live streaming of child sexual abuse does not involve children from the UK. The Internet Watch Foundation (IWF) frequently encounters images of live streams which involve children from Western backgrounds, the majority of whom are girls aged between seven and 13 years old. The sums paid to watch and in some cases direct the abuse are trivial, sometimes costing little more than one pound, thereby offering encouragement to would-be offenders to engage in child sexual abuse on a significant scale.

The true scale of offending and the number of children who have been victims of online-facilitated child sexual abuse is likely to be far higher than the number of reported offences.

The volume of online child sexual abuse and exploitation offences referred to law enforcement undoubtedly "*represents a broader societal failure to protect vulnerable children*".[3]

[1] MCF000007_009
[2] Kevin Brown 17 May 2019 20/5-7; 'CSA' means child sexual abuse.
[3] OHY002229_004-005

This investigation examined the response of law enforcement, industry and government to online-facilitated child sexual abuse by considering the response to three types of offending: indecent images of children offences; the grooming of a child; and live streaming of child sexual abuse.

Indecent images of children

There have been significant efforts by internet companies to detect indecent images of children on their platforms and services. The development of PhotoDNA in 2009 greatly increased the ability of internet companies to detect known (ie previously identified) child sexual abuse imagery. Other technological developments now exist to identify newly created or previously unidentified indecent images and videos.

The IWF has made remarkable progress in removing child sexual abuse material from web addresses that are hosted in the UK. When the IWF was set up in 1996, the UK hosted 18 percent of the worldwide total of online child sexual abuse imagery. By 2018, the figure was 0.04 percent.

The increase in detection and the removal of indecent images is important but this does not address the issue of ease of access to this imagery. It is still possible to access indecent images of a child from common search engines in only "*three clicks*".[4] The internet companies must do more to pre-screen material before it is uploaded to their platforms and systems. The Inquiry considers that preventing a user from accessing child sexual abuse material is a vital and necessary step in the fight against possession and distribution of indecent images of children.

Online grooming

There has been a rapid escalation in the number of children being groomed on the internet and, in particular, on social media platforms. Most internet companies either prohibit or discourage children under 13 years old from accessing their platforms or services.

However, we repeatedly heard evidence that children under 13 easily gained access to their services and that under 13-year-olds, especially girls, are at significant risk of being groomed. The internet companies failed to demonstrate that they were fully aware of the scale of underage use. The lack of a comprehensive plan from industry and government to combat this problem should be urgently addressed.

The Inquiry heard that collaboration between industry, law enforcement and government has resulted in a number of technological developments that help detect grooming. However, the Inquiry is not confident that internet companies are doing all they could to tackle online grooming on their platforms. More needs to be done than simply deploying existing technologies, many of which will not work where communication is encrypted. Encryption poses a real risk to the ability of law enforcement to detect and investigate online-facilitated child sexual abuse.

[4] NCA000376_003

Live streaming of child sexual abuse

The institutional response to live streaming is not as well developed as the responses to the grooming of children and the possession and distribution of indecent images of children. The ability of industry and law enforcement to detect child sexual abuse that is being live streamed is difficult given the real-time nature of the broadcast. The use of human moderators to monitor live streams is therefore a key feature of the response. We are unconvinced that internet companies fully understand the scale of the problem of live streaming on their platforms such that they can properly assess whether they employ sufficient numbers of moderators to detect such offending.

The response of industry and government

We repeatedly heard evidence from industry witnesses that their respective companies were committed to trying to prevent online-facilitated child sexual abuse. Industry's response was, at times, reactive and seemingly motivated by the desire to avoid reputational damage caused by adverse media reporting. Transparency reports published by the internet companies provide only part of the picture and there is a lack of guidance and regulation setting out the information that must be provided.

The government response includes the introduction in September 2020 of compulsory education in both primary and secondary schools that will help teach children about the need to stay safe online. The government also published its *Online Harms White Paper* aimed at tackling a wide range of online harms, including the threat of online child sexual abuse and exploitation. The Queen's Speech in December 2019 included reference to the introduction of legislation to establish a new regulatory framework. The Online Harms proposals are wide-ranging but the timetable for implementation of this legislation is unclear. The prospective interim code of practice in respect of child sexual abuse and exploitation offers a very real opportunity to make children in the UK safer online. We therefore unhesitatingly recommend that the interim code is published without further delay.

This recommendation, along with the Inquiry's other recommendations, aims to encourage greater collaboration between industry, law enforcement and government to put in place a strengthened and more rigorous regime to address the harm caused by online-facilitated child sexual abuse.

Recent cases

Operation 'C'[5]

In 2016, a local secondary school reported to West Midlands Police that there were images on the internet of one of their male pupils performing oral sex on another male. The police identified a social media account that was being used to distribute the images and a physical address linked to that account. The address was searched. A man in his 20s handed himself in to police. In his police interview, the offender admitted that he had set up a fake social media account posing as a female. He accepted that he had exchanged messages with the victim, including exchanging indecent images, which led to the meeting where he captured the victim performing oral sex on him. He denied setting up any other fake profiles and said he had only ever spoken to one other person using his fake account.

When West Midlands Police analysed his computer, they found a number of other fake female profiles and a large number of indecent images of young men. The offender followed a consistent pattern whereby he would befriend the victim using his fake female social media profile, encourage them to send indecent images to him and then use those images to blackmail them into meeting him and performing sexual acts. The police identified 45 victims. The offender pleaded guilty to 32 offences and was sentenced to 22 years' imprisonment.

Case 1

In 2017, Gwent Police received intelligence that a suspect was actively sharing files containing indecent images of children. Police obtained a search warrant, seized a number of devices from the address and arrested the suspect. During a police interview, he admitted downloading indecent images of children and in due course pleaded guilty to indecent image offences involving possessing a total of 158 indecent images of children. He was sentenced to a 12-month suspended sentence.

As part of their public protection duties, the police conducted a number of safeguarding assessments and spoke to members of his family. As a result, two victims, both aged under 13, reported that they had been sexually abused by the offender. In respect of the sexual contact offences, he was sentenced to 10 years' imprisonment.[6]

Richard Huckle

In 2016, Richard Huckle was sentenced to life imprisonment and was ordered to serve a minimum of 25 years for 71 offences of child sexual abuse.[7] Huckle was a UK national who pleaded guilty to sexually abusing 22 children in Malaysia and one in Cambodia. His victims were 13 years old or younger and included a baby estimated to be six months old. He captured images of this abuse and posted it online on the dark web, advertising this material

[5] OHY003315_021-022
[6] OHY003305_009-010
[7] NCA000163_052-053

for sale. When arrested, his computer devices were encrypted.[8] Once the encryption was broken, police found that Huckle had kept a scorecard awarding points per victim depending on the nature and seriousness of the sexual act he committed.[9]

Mathew Law

In December 2018, Mathew Law was sentenced to 15 years' imprisonment[10] for his role in a conspiracy to rape a seven-month-old baby.[11] Law was part of a 'paedophile gang', who communicated with each other privately using encrypted communication methods and the dark web. Other members of this network received sentences ranging from two to 24 years' imprisonment.

Law was convicted earlier, in 1999, of possessing and distributing indecent images of children and received a sentence of 15 months' imprisonment.

[8] Encryption is the process of converting information or data into a code that makes it unreadable to unauthorised parties.
[9] On 13 October 2019, Huckle was found dead in his prison cell. Another inmate has since been charged with his murder.
[10] The Court also extended Law's period spent on licence by five years.
[11] https://www.theguardian.com/uk-news/2018/dec/20/paedophile-gang-member-mathew-law-jailed-for-20-years

Part A

Introduction

Introduction

A.1: The background to the investigation

1. There are an estimated 14 million children under the age of 18 in the United Kingdom. Millions of those children regularly use the internet and enjoy the benefits of easy access to information and near instantaneous communication that the internet provides. At the same time, those children are potentially being exposed to perpetrators who commit online-facilitated sexual offences.

2. In 2018, Ofcom reported that:[12]

- more than half of three and four-year-olds spent nearly nine hours a week online, and 19 percent had access to their own tablet;
- 93 percent of eight to 11-year-olds spent about 13½ hours a week online, 35 percent had their own smartphone and 47 percent had their own tablet; and
- 99 percent of 12 to 15-year-olds spent 20½ hours online per week, 50 percent had their own tablet and 83 percent had their own smartphone.

3. The internet has created opportunities for sexual offending against children. It enables perpetrators to view images of a child being sexually abused (also referred to as indecent images of children). The number of indecent images in circulation is in the many millions.

4. The internet is also used to groom children. Grooming includes building a relationship with a child in order to gain their trust for the purposes of sexual abuse or exploitation. This can include forcing, manipulating or enticing a child to engage in sexual activity, either with themselves or with other children. These acts are then often live streamed and images taken of the footage. The move from establishing online contact with a child to meeting them in person and physically sexually abusing them can happen quickly.[13]

5. The Inquiry's Rapid Evidence Assessment (REA)[14] *Behaviour and Characteristics of Perpetrators of Online-facilitated Child Sexual Abuse and Exploitation* indicates that perpetrators are predominantly men from white or European backgrounds, with online offenders "*less likely to have criminal backgrounds, previous convictions or prior anti-social histories than contact offenders*".[15] In 2015, the National Society for the Prevention of Cruelty to Children (NSPCC) estimated that over half a million men had viewed indecent images of children.[16] UK law enforcement estimated that, in 2016, there may have been as many as 100,000 people in the UK involved in the downloading and sharing of child sexual abuse images.[17]

[12] Ofcom, *Children and parents: Media use and attitudes report 2018* p3
[13] Rapid Evidence Assessment: *Behaviour and Characteristics of Perpetrators of Online-facilitated Child Sexual Abuse and Exploitation* p45; INQ004149_006
[14] A Rapid Evidence Assessment (REA) is a review which gives an overview of the amount and quality of evidence on a particular topic as comprehensively as possible within a set timetable.
[15] Rapid Evidence Assessment: *Behaviour and Characteristics of Perpetrators of Online-facilitated Child Sexual Abuse and Exploitation* p10
[16] NCA000207_019
[17] NCA000163_019

6. It would be wrong to assume, however, that online-facilitated child sexual abuse is an exclusively male phenomenon. For example:

- In 2009, nursery worker Vanessa George pleaded guilty to a number of sexual offences against children and making, possessing and distributing indecent images. The images of the abuse she committed were sent to two other offenders whom she had met on Facebook.[18]
- More recently, in August 2019, Jodie Little was jailed for 12 years and four months for sexually abusing a boy and a girl both aged under 13. She recorded the abuse and sold it on the internet.[19]

7. Child sexual abuse imagery has become ever more depraved and the victims ever younger. From April 2018 to March 2019, police in England, Wales and Northern Ireland recorded 7,618 sexual offences against children aged between four and eight years old.[20] Law enforcement frequently encounter images of babies and toddlers being raped by adult males and children being sexually tortured.

8. The growing scale of child sexual abuse, including access to the most horrific and depraved indecent images, is facilitated by the internet. The offending is such that online child sexual abuse and exploitation is recognised by the UK government to be *"a national security threat"*,[21] with reports about the volume, severity and complexity of the online threat being made to the National Security Council.[22]

9. It is against this background that the Independent Inquiry into Child Sexual Abuse has examined the institutional responses to online-facilitated child sexual abuse.

A.2: Scope of the investigation

10. As set out in the definition of scope,[23] this investigation examined the nature and extent of the use of the internet to facilitate child sexual abuse, including by sharing indecent images of children, viewing or directing the abuse of children via online streaming or video conferencing, and grooming or otherwise coordinating contact offences against children. It also considered the experiences of victims and survivors of child sexual abuse facilitated by the internet, and the adequacy of the response of government, law enforcement and the internet industry to child sexual abuse facilitated by the internet.

11. The Inquiry is aware that the protection of those using the internet is an area of ongoing and constant development. For example, in the Queen's Speech in December 2019, the government re-stated its commitment to progressing the Online Harms Bill. We therefore anticipate returning to these issues in the Inquiry's final report.

12. For the purposes of this investigation, the Inquiry adopted a broad definition of 'industry'. We therefore include in industry:

- the internet service providers (ISPs) and communication service providers (CSPs) such as BT;

[18] https://www.bbc.co.uk/news/uk-england-devon-11682161
[19] https://www.bbc.co.uk/news/uk-england-leeds-49499781
[20] https://www.nspcc.org.uk/what-we-do/news-opinion/thousands-sexual-offences-young-children/
[21] Christian Papaleontiou 22 May 2019 14/16-17
[22] The National Security Council is a weekly forum in which government ministers meet to discuss national security. The meeting is chaired by the Prime Minister.
[23] https://www.iicsa.org.uk/investigations/child-sexual-abuse-facilitated-by-the-internet?tab=scope

- software companies such as Microsoft;
- social media platforms such as Facebook;
- providers of search engines such as Google; and
- those who provide email and messaging services and cloud storage such as Apple.

13. Some companies provide more than one service; for example, Google's services include Google Chrome (web browser), Gmail (email service), YouTube (video-sharing website), and Google Drive (online storage for storing and sharing digital files).

14. When examining the institutional responses to online-facilitated child sexual abuse, the Inquiry identified three types of offending in relation to which the response could most easily be identified and understood.

14.1. Indecent images of children: An indecent image of a child is a photograph or pseudo-photograph[24] of a child under the age of 18 that is deemed to be indecent. An indecent image is likely to show a child in a sexual pose; the child may be clothed or in varying states of undress or naked. It may include the child being involved in penetrative and non-penetrative sexual activity. There are criminal offences for those who download, possess and distribute such imagery (under the Protection of Children Act 1978 and the Criminal Justice Act 1988). 'First-generation imagery' is a child sexual abuse image taken by an adult that has not previously been recorded by law enforcement or industry as indecent. A naked or partially naked image of a child taken by the child himself/herself is known as 'self-generated imagery'.

14.2. Grooming of a child: Grooming is the process by which a perpetrator 'prepares' a child for sexual abuse. In terms of criminal offences it can involve the adult sending a sexual message to a child (section 15A, the Sexual Offences Act 2003) or arranging to meet a child following such communication (section 15, the Sexual Offences Act 2003).

14.3. Live streaming of child sexual abuse: Live streaming is the broadcasting of real-time, live footage of a child being sexually abused over the internet. Whilst there is no specific criminal offence of 'live streaming', an offender who films an act of child sexual abuse can be prosecuted for 'creating' an indecent film (under section 1, the Protection of Children Act 1978).

15. While this report separately analyses the institutional response to these three forms of abuse, these types of harm are not always independent of each other and there can be considerable overlap. For example, there is evidence that grooming can lead to a child being asked to take indecent images of themselves or to sexual acts being video recorded. Often those perpetrators who come before the criminal courts for child sexual abuse contact offences are found to be in possession of indecent images of children.

16. The majority of websites that host indecent images of children are accessed via the open web.[25] However, the Inquiry also heard evidence about offending that takes place on the dark web (or dark net). This is part of the world wide web that is only accessible by means of specialist software and cannot be accessed through well-known search engines. The dark web is often used to host forums in which images and ideas can be exchanged

[24] A pseudo-photograph is an image, often created on a computer, which looks like a real photograph.
[25] Keith Niven 24 January 2018 4/9-12

amongst people with an interest in sexually abusing children. At any one time, the dark web is home to approximately 30,000 live sites, just under half of which are considered to contain criminal content, including but not limited to child sexual abuse and exploitation content.

A.3: Research

17. In addition to material gathered as part of the investigation and the evidence heard in the public hearings, the Inquiry also commissioned four pieces of research:

- an REA *Quantifying the Extent of Online-facilitated Child Sexual Abuse*;[26]
- an REA *Behaviour and Characteristics of Perpetrators of Online-facilitated Child Sexual Abuse and Exploitation*;[27]
- an REA *Characteristics and Vulnerabilities of Victims of Online-facilitated Child Sexual Abuse and Exploitation*;[28] and
- University of Bedfordshire Research Report *Learning about online sexual harm*.[29]

18. In general terms, the research concluded that girls are more likely to be victims of reported, online-facilitated child sexual abuse. Characteristics such as having a learning disability or coming from a home where there has been physical or sexual abuse can make children more vulnerable to online-facilitated child sexual abuse.[30] The children involved in the University of Bedfordshire Research 'Learning about online sexual harm' emphasised the importance of children being educated about online sexual harm at primary school, before they start using social media or other online forums.[31]

A.4: Procedure adopted by the Inquiry

19. The procedure adopted by the Inquiry is set out in Annex 1 to this report. Core participant status was granted under Rule 5 of the Inquiry Rules 2006 to three victims of online-facilitated child sexual abuse and five institutions and other interested parties.

20. The Inquiry separated its examination of the institutional responses to online-facilitated child sexual abuse into two phases. The phase one hearing was held in January 2018 and examined the response of law enforcement. In preparation for that hearing, the Inquiry requested data which resulted in figures relating to 2016/17 being provided. The Inquiry subsequently requested data relating to 2018/19 and, where available, this report refers to the more recent figures. The phase two hearing was held in May 2019 and focussed on the response of industry and the government. The Inquiry held several preliminary hearings in advance of the two substantive public hearings, which heard evidence over 14 days.

[26] Rapid Evidence Assessment: *Quantifying the Extent of Online-facilitated Child Sexual Abuse*
[27] Rapid Evidence Assessment: *Behaviour and Characteristics of Perpetrators of Online-facilitated Child Sexual Abuse and Exploitation*
[28] Rapid Evidence Assessment: *Characteristics and vulnerabilities of victims of online-facilitated child sexual abuse and exploitation*
[29] *Learning about online sexual harm*
[30] Rapid Evidence Assessment: *Characteristics and vulnerabilities of victims of online-facilitated child sexual abuse and exploitation* p9
[31] *Learning about online sexual harm* p6

21. The Inquiry received evidence from a number of sources. It heard accounts given by complainant core participants and other family members who had been directly affected by online-facilitated child sexual abuse. Those accounts provided the Inquiry with the distressing detail of the sexual abuse they or their loved ones suffered and the devastating effects of such abuse.

22. On behalf of law enforcement, the Inquiry heard from the National Crime Agency (NCA) and the National Police Chiefs' Council (NPCC) Lead for Child Protection and Abuse Investigations. We also heard from witnesses representing a selection of the police forces in England and Wales, including those covering the least populated areas (such as Cumbria) through to those covering the most populated areas (such as Greater Manchester Police and the Metropolitan Police Service (MPS)).

23. The Inquiry heard evidence from a number of the companies which are responsible for provision of access to the internet and/or which provide social media platforms or other services, including Facebook, Apple, Google, Microsoft and BT. On behalf of the government, the Inquiry heard from the Home Office. Additionally the Inquiry heard from a number of non-governmental organisations (NGOs) and charities, including from the Marie Collins Foundation, the NSPCC, the Internet Watch Foundation (IWF), and John Carr OBE (a consultant and adviser on online safety and security).

A.5: Closed sessions

24. In addition to hearing evidence in open public sessions, the Inquiry held a number of private or 'closed' sessions. The closed sessions enabled the Inquiry to consider evidence that was relevant to the investigation but which had been assessed as being too sensitive to put into the public domain. Section 19 of the Inquiries Act 2005 sets out the legal framework for restricting public access to the hearing and to certain specified documents by the issuing of restriction orders.

25. The restriction orders[32] relate predominantly to sensitive detection techniques deployed by law enforcement and industry. To reveal those techniques would compromise the ability of the police and industry to detect online-facilitated child sexual abuse.

26. Following the conclusion of the closed sessions, the transcripts of those sessions were reviewed to ensure that only that material which was covered by the restriction orders was withheld from publication. Where the evidence given was not covered by a restriction order, the Inquiry published those additional parts of the transcript.[33]

27. The Inquiry has not prepared a closed part of this report. This report, including our conclusions and recommendations, takes into account all the evidence heard in both the open and closed sessions.

[32] https://www.iicsa.org.uk/investigations/child-sexual-abuse-facilitated-by-the-internet?tab=docs
[33] Extracts of evidence from closed sessions on 14 May 2019, 15 May 2019, 16 May 2019 and 21 May 2019

A.6: Terminology

28. There are a number of ways in which law enforcement, industry and government describe child sexual abuse and exploitation. Witnesses have referred to 'CSA' (child sexual abuse), 'CSAM' (child sexual abuse material), 'CSAE' (child sexual abuse and exploitation), 'CSE' (child sexual exploitation) and 'CSEA' (child sexual exploitation and abuse). Often these terms are used interchangeably.

29. In addition to the phrase 'indecent images of children', reference has occasionally been made to 'child pornography'. The Inquiry does not use this phrase. Indecent images of children are not pornography. They are a form of child sexual abuse and are illegal.

References

30. References in the footnotes of this report such as 'INQ000993' are to documents that have been adduced in evidence or published on the Inquiry website. A reference such as 'Chief Constable Simon Bailey 20 May 2019 102/23' is to the witness, the date he or she gave evidence, and the page and line reference within the relevant transcript.

Part B

Context

Context

B.1: Online-facilitated child sexual abuse

1. The government's *Serious and Organised Crime Strategy 2018* described the nature and scale of online-facilitated child sexual abuse:

> *"Any child can be a victim of abuse or exploitation … The exploitation of children online is becoming easier and more extreme. All ages are affected, from babies and toddlers through to older teenagers. Child sex offenders are becoming more sophisticated, using social media, image and file sharing sites, gaming sites and dating sites to groom potential victims. In response to law enforcement efforts to apprehend them, they are using encryption, anonymisation and destruction measures on the dark web and the open internet. Live-streamed abuse is a growing threat and children's own use of self-broadcast live-streaming applications are being exploited by offenders."*[34]

Scale

2. The magnitude of the scale and growth of online-facilitated child sexual abuse is significant.

2.1. A 2015 report by the National Society for the Prevention of Cruelty to Children (NSPCC) estimated that:

> "*there may be between 450,000 and 590,000 males aged 18–89 in the UK who have at some point viewed and used child sexual abuse images*".[35]

2.2. In 2016/17, police forces in England and Wales[36] recorded 5,653 incidents of sexual crimes against children where there was an online element to the crime.[37] In 2017/18, the figure had grown to 8,525 offences.[38]

2.3. On 3 September 2018, a joint operation by the National Crime Agency (NCA) and local police forces in the UK resulted in the arrest of 131 suspects for offences relating to indecent images of children.[39] The scale of these arrests was not unusual. Mr Robert Jones, Director of Threat Leadership for the NCA, characterised it as just "*a week in the life of national policing and its work with the NCA*".[40]

2.4. Since 2016, approximately 400 to 450 people are arrested in the UK each month for offences of online-facilitated child sexual abuse.[41]

[34] HOM003253_016
[35] NCA000207_019
[36] In 2017, the NSPCC sent the 43 police forces across England and Wales a freedom of information (FOI) request asking for the number of sexual offences against under 18-year-olds that had a cyber-flag attached to them between 1 April 2016 and 31 March 2017. A total of 39 police forces responded.
[37] Rapid Evidence Assessment: *Quantifying the Extent of Online-facilitated Child Sexual Abuse* p13
[38] https://learning.nspcc.org.uk/media/1747/how-safe-are-our-children-2019.pdf p19
[39] Robert Jones 20 May 2019 16/10-19
[40] Robert Jones 20 May 2019 16/23-24
[41] Simon Bailey 20 May 2019 104/7-11

2.5. The Inquiry's Rapid Evidence Assessment (REA) *Quantifying the Extent of Online-facilitated Child Sexual Abuse* states:

> *"Although no study identified in this REA examined the proportion of adults holding online sexualised conversations with young people in England and Wales, it is unlikely that figures would be below the lowest estimate of 1 in 10 adults."*[42]

3. As the government's recent *Online Harms White Paper* (April 2019) observed, "*The sheer scale of CSEA online is horrifying*".[43]

Severity

4. As the scale of offending grows, so does the severity of the abuse. Chief Constable Simon Bailey, the National Police Chiefs' Council (NPCC) Lead for Child Protection and Abuse Investigations, told us that the police were seeing "*an exponential increase in reports of abuse*" but also that "*levels of depravity that are – if they could get worse, are getting worse. We are seeing babies being subjects of sexual abuse*".[44]

5. In its 2018 Annual Report, the Internet Watch Foundation (IWF)[45] said that where it detected child sexual abuse imagery of younger children, "*it is more likely to show the most severe forms of abuse, including rape and sexual torture*".[46] In 2018, Matthew Falder, aged 29, was convicted of offences that included using the internet to encourage the rape of a two-year-old child and offences against a newborn baby.[47] In another recent case, an offender uploaded videos on to a site on the dark web showing his abuse of children aged three and five years old.[48] The Home Office told us about one site on the dark web that required its subscribers to upload 20 first-generation images, or a two-minute video of infant or toddler abuse, each month.[49]

Demand

6. We asked the Home Office what the government was doing to gain a better understanding of what was driving the growing demand for child sexual abuse. Mr Christian Papaleontiou, Head of the Home Office's Tackling Exploitation and Abuse Unit, told us that there were:

> *"different models of and motivations for child sexual abuse and exploitation. Some of it will be sexual interest in children, some of it … where it is almost pure sadism … Equally, we will know … about the issue of the whole interaction between the power and authority on one hand and vulnerability."*[50]

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[42] Rapid Evidence Assessment: *Quantifying the Extent of Online-facilitated Child Sexual Abuse* p14
[43] INQ004232_016
[44] Simon Bailey 20 May 2019 113/19-23
[45] The IWF is an independent not-for-profit organisation which aims to remove child sexual abuse images and videos from the internet and to minimise the availability of such material.
[46] INQ004283_028
[47] https://www.theguardian.com/technology/2018/feb/19/dark-web-paedophile-matthew-falder-jailed-for-32-years
[48] Robert Jones 20 May 2019 22/16-23/12
[49] HOM003247_010
[50] Christian Papaleontiou 22 May 2019 86/22-87/7

7. He agreed that there needed to be "*a much more sophisticated understanding*"[51] of the reasons why perpetrators committed child sexual abuse and explained that the Home Office had provided £7.5 million to fund the Centre of Expertise on Child Sexual Abuse. He told us that one aspect of the Centre's work was to look at "*typologies of child sexual abuse*" to help understand "*how you can take different approaches to different sorts of offenders*".[52]

B.2: Victims and survivors

Research

8. Research commissioned by the Inquiry concludes that girls are more likely to be victims of reported online-facilitated child sexual abuse.[53] The research also suggests that the 11 to 14 years age group may be most vulnerable to online-facilitated child sexual abuse.[54]

9. These findings are supported by other evidence.

9.1. In May 2018, research published by the IWF found that the majority of images and videos of live-streamed child sexual abuse analysed by the IWF depicted children assessed as being between 11 and 13 years old.[55] In 2019 (January to April), 81 percent of self-generated content on which the IWF took action was of children aged 11 to 13, predominantly girls.[56] Ms Susie Hargreaves OBE, Chief Executive of the IWF, told us:

> "*we are extremely worried about girls, young girls, 11 to 13, in their bedroom with a camera-enabled device and an internet connection*".[57]

9.2. The Inquiry heard similar evidence from police forces. Kent Police reported that victims of online-facilitated child sexual abuse were predominantly between 11 and 15 years old and 84 percent were female.[58] Norfolk Constabulary reported that 81 percent of victims were between 12 and 15 years old and (excluding victims of indecent image offences) 89 percent were female.[59] West Midlands Police agreed that those aged 13 to 15 years were by far the largest group of victims.[60]

10. Research also shows that adverse childhood experiences, such as physical or sexual abuse and exposure to parental conflict, make children more vulnerable to abuse online.[61] Above-average internet use increases vulnerability when this interacts with other characteristics such as having a disability or low self-esteem.[62]

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[51] Christian Papaleontiou 22 May 2019 87/8-9
[52] Christian Papaleontiou 22 May 2019 87/15-18
[53] Rapid Evidence Assessment: *Characteristics and vulnerabilities of victims of online-facilitated child sexual abuse and exploitation* p9
[54] Rapid Evidence Assessment: *Characteristics and vulnerabilities of victims of online-facilitated child sexual abuse and exploitation* p10. The REA states that this may be because adolescents are more often sampled in research studies, and studies involving children under 11 years old are rare.
[55] IWF000010_011
[56] Susie Hargreaves 17 May 2019 134/18-135/3
[57] Susie Hargreaves 17 May 2019 135/4-6
[58] OHY003413_006
[59] OHY003312_017
[60] OHY003315_015
[61] Rapid Evidence Assessment: *Characteristics and vulnerabilities of victims of online-facilitated child sexual abuse and exploitation* p9
[62] Rapid Evidence Assessment: *Characteristics and vulnerabilities of victims of online-facilitated child sexual abuse and exploitation* p9

The experience of victims and survivors

11. The Inquiry heard from IN-A3. When she was approximately 15 years old, IN-A3 worked part-time at a local bed & breakfast. Over time, the owner, Laurence Glynn (a man in his 60s), started to groom her and one of the other girls who worked there. He made inappropriate comments about her figure, bought her clothes and took her out to dinner. He took photographs of her sitting down in positions where her underwear could be seen. He sent her inappropriate messages on Facebook and Twitter. He showed her photos of young children which IN-A3 described as "*the most disturbing thing I've ever seen in my life*".[63] She told us that on one occasion Glynn sexually assaulted her. IN-A3 described the devastating effect the abuse had on her. She "*went a bit off the rails*", struggled, and still struggles, to sleep, and has an "*awful feeling*" of worrying that pictures of her may be circulating online.[64]

12. The Inquiry also heard from Ms Lorin LaFave.[65] On 17 February 2014, Ms LaFave's 14-year-old son, Breck, was brutally murdered by Lewis Daynes, then aged 18. In 2013, Breck had met Daynes in an online gaming community set up by Daynes. Daynes began to manipulate Breck and sought to distance Breck from his family. Ms LaFave tried to protect her son and in December 2013 she called Surrey Police and reported that she thought her son was being groomed for sex by an older man. She expected that the police would check any police records on Daynes but in fact nothing was done and the call log was closed. A subsequent Independent Police Complaints Commission[66] (IPCC) report concluded that, based on the information provided by Ms LaFave, the call handler should have "*taken more action*" and sought guidance on how to deal with callers expressing concerns about grooming.[67] Had the call handler checked Daynes' police national computer record, it would have revealed that when Daynes was 15 he had been accused of sexually assaulting a 15-year-old boy. This information should have prompted the police to investigate Ms LaFave's concerns.

13. On 16 February 2014, unbeknown to his parents, Breck visited Daynes. The next day, Daynes stabbed Breck to death. Daynes then destroyed his telephones and computer equipment by submerging the devices in a sink filled with water. The police found paraphernalia suggesting that the murder had been sexually motivated. Ms LaFave described that when she was told that Breck had been murdered she "*fell to the floor and could not stop screaming, this was what I tried so hard to prevent*".[68] In January 2015, Daynes was sentenced to life imprisonment with a minimum term of 25 years.

B.3: The institutions and organisations

14. In this investigation, the Inquiry considered the role of institutions and organisations such as government, law enforcement, industry, charities and non-governmental organisations (NGOs).

[63] IN-A3 13 May 2019 64/6-7
[64] IN-A3 13 May 2019 84/7-85/24
[65] Lorin LaFave 22 January 2018 57/12-111/16
[66] In January 2018, under the Police and Crime Act 2017, the Independent Police Complaints Commission (IPCC) was replaced by the Independent Office for Police Conduct (IOPC).
[67] INQ001032_012-013
[68] INQ001037_008

Government

15. The Home Office is the lead government department responsible for policy relating to online-facilitated child sexual abuse.[69] Its Tackling Exploitation and Abuse Unit engages with law enforcement, the intelligence agencies and industry; coordinates international cooperation to combat this abuse; identifies ways to address child sexual exploitation; and manages policy regarding the support of victims. The unit also works with other Home Office teams such as the team responsible for the Child Abuse Image Database (CAID).[70] In addition, the Home Office is responsible for making decisions on funding over and above the core budgets allocated to the NCA and the police.

16. Other government departments are involved in aspects of the response to child sexual abuse and exploitation.

16.1. The Department for Education is responsible for educating children about online safety. From September 2020, relationships education will be compulsory in primary schools in England, and relationships and sex education compulsory in secondary schools.[71] Draft guidance for these subjects includes material on online safety and, more generally, healthy relationships, boundaries and respect for others.[72]

16.2. The Ministry of Justice is responsible for the criminal law relating to acts of child sexual abuse (both contact offences and offences facilitated by the internet) and for the wider criminal justice system.

16.3. The Department for Digital, Culture, Media & Sport (DCMS) is responsible for digital issues. In October 2017, DCMS launched its Internet Safety Strategy consultation looking at various aspects of online safety (but not illegal harms such as child sexual abuse and exploitation). At the conclusion of the consultation process, DCMS and the Home Office published the *Online Harms White Paper* (April 2019) which specifically included the government's proposals for combating online-facilitated child sexual abuse. These proposals are considered in more detail in Part F of this report.

Law enforcement

The National Crime Agency

17. The National Crime Agency (NCA) leads and coordinates UK law enforcement's response to serious and organised crime. The response to online-facilitated child sexual abuse is the particular responsibility of the Child Exploitation and Online Protection Centre (CEOP), a command of the NCA. According to 2018/19 figures, the CEOP command now has 278 staff as well as 43 secondees from children's charities and industry. Its budget for 2018/19 was £17.97 million.[73]

18. In addition to carrying out investigations, apprehending offenders and identifying and safeguarding victims, the NCA responds to public reports made via the 'ClickCEOP' button on the homepage of the NCA and CEOP websites. ClickCEOP is an online reporting tool which enables anyone to make a report of online sexual abuse directly to the NCA.

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[69] HOM003247_002
[70] The Child Abuse Image Database (CAID) is a single secure database of illegal images of children.
[71] HOM003247_042
[72] HOM003273
[73] NCA000370_003

19. The NCA also receives reports from the National Center for Missing & Exploited Children (NCMEC), a non-profit private organisation established in the US in 1984. Electronic service providers (ESPs) based in the US are obliged under US law to make a report to NCMEC when they become aware of child sexual abuse material on their networks. Where the report relates to the UK,[74] NCMEC sends the report to the NCA. The NCA responds to the most serious reports itself and passes others on to local police forces.

20. The NCA also delivers an education programme known as 'Thinkuknow'.[75] The Thinkuknow website provides educational resources – including films, cartoons and lesson plans – for children, their parents and teachers to stay safe on the internet. The material is tailored to children depending on their age. The NCA also trains ambassadors to deliver the programme in schools. The NCA estimates that in 2016/17 the programme reached about 5.9 million children in the UK.[76] Between April 2017 and March 2019, Thinkuknow resources were downloaded over 81,000 times.[77]

Local police forces

21. Much of the operational work against online-facilitated child sexual abuse is carried out by the 43 police forces in England and Wales. In 2015, the Home Secretary designated child sexual exploitation and abuse as a threat of national importance, putting it on the same footing as terrorism.[78] According to Chief Constable Bailey, the impact of this was to make "*very clear*" to chief constables and police and crime commissioners of the need for an effective and adequately resourced response.[79]

22. There is an agreed plan in place for how local forces will work with the NCA and regionally with one another through regional organised crime units (ROCUs). The foundation of this plan is the '4Ps' approach of the Serious and Organised Crime Strategy:[80]

- 'Pursue': pursuing offenders through the criminal justice system;
- 'Prevent': preventing offending and reoffending while tackling threats from offenders and potential offenders;
- 'Protect': seeking to increase the resilience of systems and infrastructure; and
- 'Prepare': ensuring that those affected by serious and organised crime have the support they need.

23. The overall performance of police forces in pursuing online offenders is monitored by the Online Pursue Board, chaired by Chief Constable Bailey.

24. The Inquiry heard evidence from a range of police forces of different sizes across England and Wales: Kent Police, West Midlands Police, Avon and Somerset Constabulary, the Metropolitan Police Service, Greater Manchester Police, Norfolk Constabulary, Cumbria Constabulary and Gwent Police. While there are differences in the ways that forces structure and finance their responses to this type of offending, there are two key common features. First, the most serious or complex cases are typically tackled by a specialist unit. Second, over the last few years, all the forces have responded to the increasing scale of

[74] See Part C of this report.
[75] NCA000163_061
[76] Keith Niven 24 January 2018 41/20-22
[77] NCA000370_004
[78] OHY002224_007-008
[79] Simon Bailey 24 January 2018 80/8-14
[80] NCA000163_033

offending by dedicating more resources – financial, technical and human – to their efforts. For example, in 2015/16, Avon and Somerset Constabulary increased funding for its Internet Child Abuse Team (ICAT) by 18 percent.[81] In 2016/17, further funding enabled the ICAT to expand from seven to 16 staff and the number of data forensic investigators dedicated exclusively to ICAT cases increased from one part-time investigator to three full-time investigators.

25. Within the UK, law enforcement investigations into online-facilitated child sexual abuse will usually involve the use of investigatory powers to identify offenders and acquire communications data.[82] Communications data is the "*who, where, when and how of a communication but not the content*" of the communication.[83] Communications data would include, for example, the billing data showing the dates and times of messages and calls between telephones but not the content of any text message.

26. In the context of online-facilitated child sexual abuse investigations, much of the data is held by companies based in the US. Prior to October 2019, the acquisition of content data (eg the words in a text message or a social media post) held by companies overseas involved a process under a mutual legal assistance treaty (MLAT).[84] The MLAT process was described as cumbersome and lengthy, with the average time for UK law enforcement to get information from overseas companies being over a year.[85] However, on 3 October 2019, the Home Secretary signed a UK–US bilateral data access agreement allowing UK law enforcement to request communications content and data directly from US-based communications service providers.[86] It is envisaged that the new agreement will mean that data can be accessed in weeks, if not days.[87]

27. Once a perpetrator has been identified and arrested, there are a number of key criminal offences:

- possessing and distributing indecent images of children;[88]
- arranging or facilitating the commission of a child sexual offence;[89]
- causing or inciting a child to engage in sexual activity or causing a child to watch a sexual act;[90] and
- meeting a child following sexual grooming and the offence of engaging in sexual communication with a child, introduced in April 2017.[91]

28. In many cases where an offender is being sentenced for sexual offences, including those facilitated by the internet, the courts can impose a sexual harm prevention order. This can, for instance, place limitations on, and enable the monitoring of, the offender's use of the internet. Failure to comply with such an order is a criminal offence. The number of such orders has increased substantially, from 1,114 in 2006/07 to 5,551 in 2017/18.[92]

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[81] OHY003388_002
[82] The powers are contained in the Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016
[83] HOM003247_024
[84] Robert Jones 20 May 2019 77/4-15
[85] Christian Papaleontiou 22 May 2019 56/12-18
[86] https://www.gov.uk/government/news/uk-and-us-sign-landmark-data-access-agreement
[87] Christian Papaleontiou 22 May 2019 57/13-16
[88] For example: section 1 of the Protection of Children Act 1978, section 160 of the Criminal Justice Act 1988 and section 62 of the Coroners and Justice Act 2009
[89] Section 14 of the Sexual Offences Act 2003
[90] Sections 10 and 12 of the Sexual Offences Act 2003
[91] Sections 15-15A of the Sexual Offences Act 2003
[92] Ministry of Justice, *Multi-Agency Public Protection Arrangements – Annual Report 2017/2018* p14

Industry

29. The Inquiry heard evidence from a variety of companies that provide products and services capable of being used to enable or facilitate online child sexual abuse. Other than Kik (a messaging application founded in Canada), all of these companies have a very large presence in the UK. BT Group is the largest internet service provider in the UK.[93] Microsoft has almost 5,000 UK employees.[94] Facebook has approximately 40 million users in the UK and 2,300 full-time employees.[95] Apple does not keep specific data on the number of UK users of Apple products but estimates the number to be in the "*millions and millions*" and has 6,500 UK employees.[96] Google estimates that there are tens of millions of users in the UK of some of its products and has over 4,000 employees in the UK.[97]

Internet Watch Foundation

30. The Internet Watch Foundation (IWF) was established in 1996. Its objective is "*eliminating child sexual abuse wherever it occurs in the world*" and it plays a key role in detecting and removing child sexual abuse images from the internet.[98] From five founding members, the IWF now has 148 members, including internet service providers and social media companies such as Google, Microsoft, Apple, Facebook and BT.[99] It is a UK registered charity and is funded primarily (90 percent) by its members, with the remaining 10 percent coming from the European Commission.[100]

31. The IWF operates a hotline for the public to report potentially criminal online content and, since 2014, has also proactively carried out searches for such content. Its members are provided with various tools and blocking lists designed to prevent access to illegal content. It issues 'takedown notices' to UK internet service providers requiring them to remove child sexual abuse content.

32. In its first year of operation (1996), the IWF processed 1,291 reports of potentially criminal content.[101] At that time, the UK hosted 18 percent of the world's known child sexual abuse material.[102] By 2018, the IWF processed nearly 230,000 reports and the UK hosted 0.04 percent of such content.[103] By way of comparison, in 2018, the Netherlands hosted 47 percent of this material and 12 percent was hosted in the US.[104]

Other organisations

33. There are a number of third sector (voluntary and community) organisations that play a role in tackling online-facilitated child sexual abuse.

> **33.1.** The Marie Collins Foundation, established in 2011, is a charity set up to address the recovery needs of children who suffer sexual abuse and exploitation online. It offers support services to children and their families and provides training to professionals.

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[93] Kevin Brown 17 May 2019 3/11-18
[94] Hugh Milward 15 May 2019 73/16-74/1
[95] Julie de Bailliencourt 14 May 2019 21/19 and 22/11-13
[96] Melissa Polinsky 15 May 2019 6/17-7/1
[97] Kristie Canegallo 16 May 2019 39/8-19
[98] IWF000020_001-005
[99] Susie Hargreaves 17 May 2019 57/15; IWF000020_003
[100] IWF000020_005
[101] IWF000020_001
[102] IWF000020_001
[103] Susie Hargreaves 17 May 2019 101/1-3
[104] INQ004283_021

33.2. The Children's Charities' Coalition on Internet Safety (known as CHIS), established in 1999, is made up of 11 UK children's charities. It lobbies government and industry to improve the safety of children online.

33.3. Mr Tony Stower, Head of Child Safety Online at the NSPCC, told us about the organisation's campaigns, research, and support for parents and children affected by this kind of abuse.[105]

33.4. The Lucy Faithfull Foundation (LFF) is a charity dedicated to preventing child sexual abuse. It runs a helpline called 'Stop it Now!' for adults worried about their own behaviour.[106] In January 2018, Chief Constable Bailey told us that such was the demand for help from the LFF that between April 2016 and March 2017 "*only 21 per cent of callers*"[107] managed to get through to the helpline when they first called. In March 2019, the Home Office announced £600,000 in funding to the LFF to increase the capacity of the helpline.[108]

Collaborative efforts

34. There are also a number of international forums set up to enable institutions and organisations to collaborate with one another.

34.1. The Virtual Global Taskforce was established in 2003 as a collaboration between international law enforcement agencies and industry.[109] The NCA is a member. An example of the taskforce's recent work is a project, led by the UK, focussed on engaging key technology companies to enhance child safety on their platforms.

34.2. The Technology Coalition, established in 2006, brings together international technology companies to collaborate in the response to online abuse.[110] It works to identify and promote technology solutions to child sexual abuse material with the aim of eradicating online child sexual exploitation.

34.3. In 2014 the WePROTECT Global Alliance was established as a forum to improve the global response to online-facilitated child sexual abuse.[111] The alliance has 85 member countries, 20 industry members and 25 leading third sector organisations.[112] In 2018, it issued a global threat assessment to provide a better understanding of the worldwide threat of online child sexual exploitation and abuse and set out what countries need to do at a national level to tackle such abuse and to provide support for victims.[113] The Home Office provides £1–2 million per year in funding for the WePROTECT Global Alliance secretariat.[114]

[105] Tony Stower 22 May 2019 140/18 to 141/13
[106] Simon Bailey 24 January 2018 139/6-18
[107] Simon Bailey 24 January 2018 140/8-10
[108] https://www.gov.uk/government/news/funding-boost-for-child-sexual-abuse-prevention-helpline-following-jump-in-contacts
[109] NCA000163_066
[110] GOO000001_010
[111] Christian Papaleontiou 22 May 2019 27/7-17
[112] Christian Papaleontiou 22 May 2019 26/25-27/3
[113] Christian Papaleontiou 22 May 2019 27/10-13
[114] Christian Papaleontiou 22 May 2019 26/21-24

34.4. In June 2018 the UK ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, known as the Lanzarote Convention.[115] The Convention sets standards for the response to sexual offences against children. The Lanzarote Committee, established to implement the Convention, will help member states to cooperate in preventing and combating such abuse.

[115] HOM003247_043

Part C

Indecent images of children

Indecent images of children

C.1: Introduction

1. The precise number of indecent images of children in circulation worldwide is not known but is believed to be in the many millions. In the US alone, the National Center for Missing & Exploited Children (NCMEC) database contains 47.2 million unique images and 14.6 million unique videos which include indecent images of children and images taken prior to the abuse occurring.[116]

2. Images encountered by law enforcement span a spectrum of offending, including images of children in sexualised poses, the rape of young children and babies, penetration of small children and infants with objects, as well as children being tied up and subjected to physically painful sexual assaults.

3. The harm inflicted does not end once the image has been taken. In its recent annual report, the Internet Watch Foundation (IWF) recounted the abuse of a young girl called Olivia.[117] In 2013, eight-year-old Olivia was rescued by police. For five years she had been raped and tortured. Images and videos were taken of this abuse. Her abuser was imprisoned. However, the images remained online. Over a three-month period,[118] the IWF encountered images of Olivia's abuse online (including on commercial websites) on average five times a day.

4. This repeat victimisation is a constant worry for victims who were either groomed into taking photos of themselves or who had photos taken of them while they were being sexually assaulted. IN-A1, who was groomed online, said she "*remains worried about where the images of her and her brother are*".[119] Another victim, IN-A3, told us:

> "*you don't know where these images will end up … and that is an awful feeling, thinking that paedophiles can just look online and get whatever they want … it's scary*".[120]

C.2: Detection of images

5. There are different ways in which indecent images of children are detected by law enforcement and industry. The methods of detection vary depending on whether the image has previously been identified as an indecent image of a child (known image) or whether it is an image that has not previously been recorded by law enforcement or industry (unknown material) – often first-generation or self-generated imagery.

[116] NCA000370_004
[117] INQ004283_011
[118] Imagery was monitored between September and November 2018 on each working day (IWF000022_002).
[119] IN-A1 13 May 2019 101/14-15
[120] IN-A3 13 May 2019 85/20-86/1

Known child sexual abuse material

6. The sheer scale of child sexual abuse imagery is such that in order to detect this material industry and law enforcement are reliant on software and machine learning.[121]

PhotoDNA

7. In 2009 Microsoft developed technology called PhotoDNA. The company *"didn't want to be a platform of choice for abusers"*[122] and so developed PhotoDNA to assist in finding and removing known images of child sexual abuse on the internet. PhotoDNA creates a unique digital signature (known as a hash) of an image which is then compared against signatures (or hashes) of other photos to find copies of the same image.

Microsoft's PhotoDNA

Source: MIC000012_003[123]

8. Mr Hugh Milward, Senior Director for Corporate, Legal and External Affairs for Microsoft UK, described the process:

> *"You can take an image and scan it and it effectively turns that image into a string of numbers. Then you can compare that string of numbers with other strings of numbers and if the strings of numbers is similar or the same, then you can reach a conclusion with very great accuracy that the image is the same or similar."*[124]

PhotoDNA therefore enables a child sexual abuse image to be identified even if, for example, the colour of the image has been altered, or the image has been cropped.

9. Microsoft makes approximately 5,800 referrals each month to NCMEC globally across all types of child sexual abuse and exploitation.[125] Mr Milward said that most of those reports related to the finding of indecent images on the web. He did not know how many of those referrals related to the UK. When asked why such analysis was not undertaken, he explained:

> *"we think about the way in which we're tackling this in every country, and we want to make a difference in every country. So breaking it down for the UK … it doesn't help us in the fight that we're making".*[126]

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[121] Machine learning is an application of artificial intelligence that focusses on teaching computers how to learn from data without the need to be programmed for specific tasks.
[122] Hugh Milward 15 May 2019 100/3-4
[123] https://www.microsoft.com/en-us/photodna
[124] Hugh Milward 15 May 2019 100/21-101/3
[125] Hugh Milward 15 May 2019 109/7-12
[126] Hugh Milward 15 May 2019 112/16-21

10. Mr Milward said that one way of ascertaining the number of reports relating to the UK was to look at the number of accounts closed where child sexual abuse material had been found.

> "*So I have the figure for several years and they do vary between, you know, 98 in one year, 400 in another year, 244 in another year, 312 in another year.*"[127]

11. In addition to using PhotoDNA to detect child sexual abuse imagery across its own products and services, Microsoft made this technology available to other companies in the industry and to NCMEC.[128] More than 155 organisations now use PhotoDNA.

11.1. Facebook has been using PhotoDNA since 2011.[129] When asked what happens when an individual attempts to upload a known child sexual abuse image, Ms Julie de Bailliencourt, Facebook's Senior Manager for the Global Operations Team,[130] told us that in order to:

> "*compare the digital fingerprint of the new photos versus the hashes*[131] *that we have in our databank, we need to have sufficient information to make this match and conclude that the person uploaded this particular photo*".[132]

In practice this means that the abuse image is available to be viewed until such time as the image is removed. Ms de Bailliencourt said that on average an image was removed in "*a few minutes*" but added that she had seen the image being removed "*seconds after the upload*".[133]

11.2. Kik (a Canadian messaging application) started using PhotoDNA in 2015.[134] Kik has also developed 'SafePhoto' which is software used to "*detect, report, and ultimately delete known images of child exploitation on the Kik platform*".[135]

11.3. Google referred to PhotoDNA as the "*industry standard*".[136] In addition to using PhotoDNA, Google has designed its own "*proprietary technology*"[137] to search for indecent images of children. Developed around 10 years ago, Google takes the hashes from NCMEC and re-hashes that image.[138] Google uses the re-hash to scan for the image across Google's products and services. Google considers that this technology has led to improved accuracy in identifying child abuse images. Ms Kristie Canegallo, Vice President and Global Lead for Trust and Safety at Google, explained that Google has not shared this technology with other companies because "*it is tailored to our products. So I'm not sure whether others would find similar benefits*".[139]

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[127] Hugh Milward 16 May 2019 3/3-5
[128] NCMEC was established in the US in 1984 as a non-profit private organisation. Its aim is to provide a coordinated national response to problems relating to missing and exploited children.
[129] Julie de Bailliencourt 14 May 2019 21/9-12
[130] Ms de Bailliencourt's role changed in April 2019; Julie de Bailliencourt 14 May 2019 19/24-25
[131] A hash is a unique digital signature of an image.
[132] Julie de Bailliencourt 14 May 2019 76/3-7
[133] Julie de Bailliencourt 14 May 2019 76/15-18
[134] Michael Roberts 17 May 2019 49/21
[135] KIK000009_002
[136] Kristie Canegallo 16 May 2019 88/22
[137] Kristie Canegallo 16 May 2019 88/9-10
[138] Kristie Canegallo 16 May 2019 88/2-4
[139] Kristie Canegallo 16 May 2019 89/6-8

12. In 2012, Microsoft donated PhotoDNA to law enforcement worldwide.[140] In 2015, Microsoft also made PhotoDNA available on its cloud services,[141] which enables smaller organisations who use cloud services to ensure that their platform is not used to upload and store such imagery.

13. Once the image has been hashed, the hash is inputted into the IWF or NCMEC hash database.[142] The IWF's database is known as the hash list. The hash list is compiled from hashes that are generated for each image that the IWF confirms contains child sexual abuse imagery. The hash list can then be used to search for duplicate images online so that the images can be removed. It can also be used by IWF members to stop those images being shared and uploaded. In the event that the IWF receives a report of an image already contained within the hash list, the analyst does not need to re-review the image and can move straight to ascertaining where that image is hosted and getting the image removed. By May 2019, the IWF's hash list contained approximately 378,000 unique hashes.[143] By December 2019, this number had grown to over 420,000 unique hashes.[144]

14. The NCMEC database is similar to the IWF hash list but contains a significantly higher number of unique hashes. In December 2019, the IWF entered into an agreement with NCMEC to allow its hashes to be shared with NCMEC thereby increasing the pool of known child sexual abuse imagery that can be detected.[145]

PhotoDNA for Video

15. Child sexual abuse content is often hidden amongst otherwise innocuous video footage. As a consequence, where a suspected child sexual abuse video is reported to the IWF, an IWF analyst is required to watch the entire video to ascertain whether the video contains child sexual abuse material. This can be a time-consuming process.

16. In 2018, PhotoDNA for Video was developed. PhotoDNA for Video breaks down a video into key frames and hashes those frames. Those hashes can then be compared and matched with hashes of known child sexual abuse images.[146]

17. PhotoDNA for Video has therefore increased the IWF's ability to identify child sexual abuse content and quickly take appropriate action in relation to videos. PhotoDNA for Video has also been made available to other internet organisations and companies worldwide.

18. As more organisations deploy PhotoDNA and PhotoDNA for Video, more material will be hashed and the databases will become larger. This will enable more child sexual abuse material to be detected. In this sense, detection and prevention are linked.

19. Software such as PhotoDNA and Google's own re-hash technology are valuable tools to prevent the proliferation of indecent images and videos. Such tools should be used as widely as possible by every organisation and company whose platforms allow for the uploading, downloading and sharing of content. Collaboration between companies in developing future technologies is vital.

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[140] MIC000026_011
[141] The cloud is a network of remote servers hosted on the internet to store, manage and process data.
[142] Hugh Milward 15 May 2019 102/11-12
[143] Susie Hargreaves 17 May 2019 112/25
[144] https://www.iwf.org.uk/news/landmark-data-sharing-agreement-to-help-safeguard-victims-of-sexual-abuse-imagery
[145] https://www.iwf.org.uk/news/landmark-data-sharing-agreement-to-help-safeguard-victims-of-sexual-abuse-imagery
[146] MIC000018_003

Web crawlers

20. Part of the technological response to the volume of indecent images of children has been through the development of web crawlers. In the context of this investigation, a web crawler is a computer programme that automatically searches for indecent images on the web.

21. In 2016, the Canadian Centre for Child Protection[147] launched Project Arachnid. Project Arachnid is a web crawler designed to discover child sexual abuse material on sites that have previously been reported to the Canadian CyberTipline[148] as hosting such material. Google assisted in providing funding and technical assistance to develop this tool. Once child sexual abuse material has been detected, the crawler automatically sends a notice to the provider hosting the content requesting that the image be taken down.[149]

22. In November 2017, the Home Office invested £600,000 to help expand Project Arachnid.[150] This funding increased the capacity of the crawler so that more web pages could be searched per second, resulting in more images being identified and removed. The investment also meant that NCMEC's hash database was added to the Project Arachnid database, enabling the crawler to identify a larger number of indecent images of children. The money enabled the development of technology for industry to proactively scan their networks to identify and remove such imagery. As at January 2019:

- the crawler processed an average of 8,000 images per second and peaked at 150,000 images per second;
- 1.6 million notices were sent to service providers with more than 4,000 notices issued per day; and
- 7.4 million images of child sexual abuse have been detected.[151]

23. Since the start of 2019, Project Arachnid has detected more than 5,500 pages on the dark web hosting child sexual abuse material. However, because the identity of the server is anonymised, notices requesting removal of the material cannot be sent.[152] Project Arachnid has also detected a large volume of child sexual abuse material related to prepubescent children that is made available on dark web forums but actually sits on open web sources in encrypted archives. By virtue of encryption, scanning techniques cannot detect the imagery.[153]

24. In late 2017, the IWF introduced its own web crawler. Ms Susie Hargreaves OBE, Chief Executive of the IWF, explained the IWF's crawler in this way:

> *"we start off with a web page, a URL of child sexual abuse, and you put it into your crawler, which is like a spider, and then it will take that web page and it will start crawling and looking for similar things. So it will go into that web page and it will go to the next level down, next level down, it will see a link and it will keep going and keep going. And*

[147] The Canadian Centre for Child Protection runs a CyberTipline that operates in a similar way to NCMEC's CyberTipline.
[148] An online tool to report indecent images of children and incidents of grooming and child sex-trafficking found on the internet.
[149] HOM003278_001
[150] HOM003247_021-022
[151] HOM003278_002-003
[152] CRS000031_031
[153] CRS000031_031-032

> *every time it finds something that might be suspected child sexual abuse, it will return that back to us. We can then match that against our hash list … so that, if we see immediate matches, we can take action accordingly.*"[154]

IWF analysts view the crawler's returns to ensure that the image is illegal under UK legislation and then request that the web page is removed.[155]

25. The IWF crawler therefore enables a large amount of material to be identified far more quickly than a human analyst could. By way of example, in 2017, the IWF processed 132,636 reports of child sexual abuse material from both the public and through proactive searching (both by the IWF analysts and, latterly, via the crawler). In 2018, that number had grown to 229,328 reports, the increase being accounted for, in part, due to the use of the crawler.[156]

26. Where the content is hosted in the UK, the IWF confirms with law enforcement that removal of the imagery would not prejudice any ongoing police investigations and then issues a 'Notice and Takedown'. In 2018, only 41 URLs[157] displaying child sexual abuse and exploitation imagery were hosted in the UK, a decrease from 274 URLs in 2017.[158] Of that content, 35 percent was removed in under an hour; 55 percent in one to two hours and 10 percent in two hours or more.[159] In 2018, the fastest time for compliance with a 'Notice and Takedown' was two minutes and 39 seconds.[160]

27. Where the content is hosted outside the UK, Ms Hargreaves explained that the IWF's response depended on whether the host country has an INHOPE registered hotline. INHOPE is a foundation that develops national hotlines to help deal with child sexual abuse material online.

> "*So if they have a hotline – so there are 52 hotlines in 48 countries – we send the content via the INHOPE database*".[161]

The host country's hotline is then responsible for processing the IWF's report in accordance with their national law. If the country has no hotline, then the IWF will pursue the matter through either the National Crime Agency (NCA) or any direct link to law enforcement in that host country.[162]

28. Technological innovations such as crawlers greatly increase the capacity to proactively detect known images of child sexual abuse. Project Arachnid and the IWF's crawler are excellent examples of how collaboration between governments and non-governmental organisations (NGOs), aided by technology, can bring about tangible results in detecting child sexual abuse and exploitation imagery.

29. In the UK, the IWF sits at the heart of the national response to combating the proliferation of indecent images of children. It is an organisation that deserves to be publically acknowledged as being a vital part of how, and why, comparatively little child sexual abuse material is hosted in the UK.

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[154] Susie Hargreaves 17 May 2019 75/11-22
[155] The Project Arachnid crawler counts images for removal; the IWF crawler counts web pages for removal.
[156] IWF000021_002
[157] A 'URL' (uniform resource locator) is the address where a particular page or resource (eg images, sound files) can be found on the world wide web.
[158] INQ004283_035
[159] INQ004283_035
[160] IWF000022_002
[161] Susie Hargreaves 17 May 2019 97/9-11
[162] Susie Hargreaves 17 May 2019 97/24-98/4

Previously undetected child sexual abuse material

Technology

30. Technology, including machine learning (ie computer programmes that can access data and use it to learn for themselves), also assists in identifying child sexual abuse images that have not previously been hashed or are newly generated images.

31. In September 2018, Google launched new artificial intelligence technology[163] which detects images containing child nudity and images most likely to contain child sexual abuse content (whether previously detected or not). The technology prioritises the image for review and enables Google to remove the image, often before it has been viewed. Ms Canegallo said that Google thought this technology was "*a game changer*".[164] Google estimates that this technology will enable reviewers to take action on 700 percent[165] more child sexual abuse content than before. It is making this technology available to NGOs and other industry companies. Machine learning is also used to detect material on YouTube that violates YouTube's nudity and sexual content policy.

32. In October 2018, Facebook announced that it had developed a classifier (a computer programme that learns from data given to it to then identify similar data) to detect whether an image may contain child nudity. Where the classifier identifies this possibility, the image would be reviewed by its Community Operations team. Facebook "*is exploring*" how to make this technology available to NGOs and other internet companies.[166]

33. Advances in technology undoubtedly play an important role in detecting large volumes of potential child sexual abuse and exploitation content and alerting the internet companies to a previously unidentified child sexual abuse image. However, there remains a need to ensure that companies have a sufficient number of staff (often called moderators) to be able to conduct a review of any such material and take action including, where appropriate, referring the matter to law enforcement.

Notification to law enforcement

CyberTip reports

34. US law requires that electronic communications companies or companies that provide remote computing services to the public report child sexual abuse material (known as a CyberTip report) to NCMEC "*as soon as is reasonably practicable*".[167] This obligation exists whether an image is a known or previously undetected image. In 1998, NCMEC noticed an increase in the number of reports relating to online child sexual exploitation and so created the CyberTipline. This is an online tool which enables the public and industry to report indecent images of children and incidents of grooming and child sex-trafficking found on the internet.

35. The CyberTip report, made via the CyberTipline, must contain information about the suspected perpetrator such as an email address or IP address.[168] A single CyberTip report might contain thousands of images linked to a single account or thousands of IP addresses;

[163] GOO000039; Also referred to as the 'Content Safety API'.
[164] Kristie Canegallo 16 May 2019 78/21-22
[165] Kristie Canegallo 16 May 2019 93/4-18
[166] FBK000059_003
[167] Keith Niven 24 January 2018 60/18-61/3
[168] An IP (Internet Protocol) address is a number assigned to a device connected to a computer network.

the report might relate to a single person using multiple devices or relate to multiple suspects and victims. Reports to NCMEC have increased from approximately 110,000 reports in 2004 to over 18.4 million reports in 2018.[169]

36. NCMEC's systems analyse the CyberTip report to identify the location for the IP address and NCMEC make that information known to the appropriate law enforcement agency. Where the incident or offender is believed to be based in the UK, NCMEC sends a referral to the NCA and these referrals are downloaded daily.[170] Where the referral is urgent, there is an out-of-hours arrangement that enables the NCA to deal with the report.

37. The majority of reports received by the NCA come from NCMEC. As a result of the increase in detection and reporting of child sexual abuse material to NCMEC, there has been an increase in the volume of referrals to the NCA.[171]

Table 1 UK industry reports of child sexual abuse material

Year	*Number of UK industry reports of child sexual abuse material*
2009	*1,591*
2010	*6,130*
2011	*8,622*
2012	*10,384*
2013	*11,477*
2014	*12,303*
2015	*27,232*
2016	*43,072*
2017	*82,109*
2018	*113,948**

**This figure includes 46,1468* [corrected figure: 46,148] *non-actionable referrals sifted out by NCMEC prior to dissemination to UK, in 2018, NCMEC deployed analytical capability focusing on UK referrals. This followed an NCA grant to NCMEC. The non-actionable content has been included to ensure the comparison is like with like in respect of previous years.*

Source: NCA000363_010

38. Although there were nearly 114,000 reports in 2018, this does not mean there were nearly 114,000 offenders in the UK.[172] The figures in Table 1 include what are known as non-actionable referrals. Mr Robert Jones, Director of Threat Leadership for the NCA, explained that not all referrals will identify a criminal offence or offender. For example, some reports will contain information only (described as informational reports). In some cases it is not possible, based on the information provided by the service providers, to geolocate an IP address.[173] In other instances the IP address might lead to multiple users, which means that the precise identity of the perpetrator cannot be ascertained.

[169] NCA000363_010
[170] NCA000163_027
[171] NCA000363_010-011
[172] Robert Jones 20 May 2019 15/4-8
[173] Geolocation of an IP address is the process of identifying the location where the internet is being accessed, whether on a computer or a mobile device.

Action taken by UK law enforcement

39. Staff at the NCA's Referrals Bureau assess the CyberTip report to determine the nature of the offending and the identity or location of the perpetrator. They also ascertain whether there is ongoing risk and threat to a child. The results are graded, one to three. Grade one involves an immediate threat to the life of a child and such reports are prioritised and actioned "*as soon as is possible*".[174] Grade two cases concern a serious crime against a child and are actioned "*as soon as possible, but in any case within two days*".[175] Grade three referrals will be prioritised after grades one and two and are generally dealt with by local police forces based on geolocation.

40. Inevitably, the increased referrals to the NCA have led to an increase in the number of cases allocated to local policing.

40.1. Kent Police received 50 referrals from the NCA in 2013. This increased in 2017 to 258 referrals – a 400 percent increase.[176]

40.2. West Midlands Police provided the number of referrals from the NCA and the time taken in days by West Midlands Police to deal with such referrals:[177]

Table 2 NCA referrals to West Midlands Police

Year	No. of NCA referrals	Time taken to deal with referral		
		Average (days)	Shortest (days)	Longest (days)
2013	161	5	1	46
2018	433	20	1	174
2019 (Jan to May)	186	16	1	105

Child Abuse Image Database

41. When investigating child sexual abuse offences, and in particular online-facilitated offending, police routinely seize a suspect's digital devices, including any mobile phone, computer and tablet. These devices are then examined for the presence of indecent images of children.

42. The increase in NCA referrals, coupled with the increased reporting of sexual offences more generally, led to significant demands being placed on the police teams dealing with such allegations and to delays in examination of digital devices. For example, in December 2014, Greater Manchester Police encountered lengthy delays in having devices examined, as can be seen from Table 3.[178]

[174] Keith Niven 24 January 2018 26/12
[175] Keith Niven 24 January 2018 26/16-17
[176] OHY003413_009
[177] OHY003315_019; OHY008692_002
[178] OHY003286_009

Table 3 Digital device examinations backlog, Greater Manchester Police December 2014

Type of case	*Number of cases*	*Oldest case*
Standard computer examinations	*74*	*61 weeks*
Urgent computer examinations	*32*	*16 weeks*
Standard telephone examinations	*905*	*7 weeks*
Urgent telephone examinations	*10*	*2 weeks*

Source: OHY003286_009

43. In 2014 and 2015, in order to manage the delays in having devices analysed, Greater Manchester Police spent an additional £400,000 in outsourcing digital examinations of devices.[179]

44. Police and digital examination departments often found the same image on different devices and so in 2014 the Home Office announced it had created a "*single secure database of illegal images of children*",[180] known as the Child Abuse Image Database (CAID). All UK police forces and the NCA have access to CAID, which contains the images and hash values (the digital fingerprint) of indecent images.

45. When a device is seized from a suspect, police will use CAID to identify known indecent images of children. If the device contains previously unidentified images, those images are hashed, added to CAID and categorised into one of three categories:[181]

- Category A includes images involving penetrative sexual activity.
- Category B includes images involving non-penetrative sexual activity.
- Category C includes other indecent images that do not fall within categories A and B.

46. CAID records the results of the categorisation and produces a report on the number of hashed images in each category. The use of CAID therefore helps to reduce the demand on forensic services as, in future, police examiners no longer have to review that image. Chief Constable Simon Bailey, the National Police Chiefs' Council (NPCC) Lead for Child Protection and Abuse Investigations, said that CAID "*has made a really big difference in terms of the amount of hours that officers and members of staff have to view these most awful images*".[182] By January 2019, there were over 13 million child abuse images in CAID.[183]

47. Mr Christian Papaleontiou, Head of the Home Office's Tackling Exploitation and Abuse Unit, explained that the CAID Innovation Lab was working to enhance CAID over the course of 2019 and 2020 by developing:

- a new algorithm "*to identify known IIOC images within minutes*";[184]

[179] OHY003286_009
[180] HOM003247_017
[181] Current sentencing practice requires the image to be categorised in order that the Court may determine the seriousness of the offence: https://www.sentencingcouncil.org.uk/offences/crown-court/item/possession-of-indecent-photograph-of-child/
[182] Simon Bailey 24 January 2018 128/20-23
[183] HOM003247_019
[184] Christian Papaleontiou 22 May 2019 30/21; 'IIOC' means indecent images of children.

- *"an auto-categorisation of images using AI which is used to grade the severity of child sexual abuse material"*;[185] and
- *"scene matching – again, using artificial intelligence and data analytics – which allows better identification of victims and the threat an offender may pose to children"*.[186]

48. Although the IWF has access to CAID,[187] it is presently unable to run CAID hashes through its crawlers, thereby limiting the IWF's ability to proactively search the internet for known images of child sexual abuse. As Ms Hargreaves said, *"if we could, given that there are potentially 10 million images in CAID … we would be able to massively increase our ability to bring down content"*.[188] We encourage resolution of this issue.

Sharing of indecent images of children between offenders

49. Prior to the formation of the NCA in 2013, the Child Exploitation and Online Protection Centre (CEOP) conducted a number of policing operations focussed on apprehending those individuals who downloaded and shared indecent images of children.

50. The first nationally coordinated approach between the NCA and local policing aimed at targeting those individuals sharing indecent images of children was conducted in 2014.[189] Operation Notarise *"had two main objectives: to rescue children from abuse and to identify previously unknown child sex offenders"*.[190] As a result of Operation Notarise (which ran from April to December 2014), 787 arrests were made, 9,685 devices were seized, 518 children were safeguarded or protected, and 107 suspects who were registered sex offenders or who had a conviction or allegation for a contact child sexual abuse offence were identified.[191]

51. In February 2015, the then Deputy Director General of the NCA wrote to the then Chair of the NPCC, suggesting that there needed to be *"more improvement in relation to a nationally coordinated response in relation to online CSEA"*.[192] As a result of that letter, the NCA and NPCC devised a response plan for national, regional and local policing to six identifiable online threats.[193] One of those threats was the growing number of individuals sharing indecent images of children.

52. Law enforcement proactively uses sensitive detection techniques to identify offenders who share indecent images of children. Once a perpetrator has been identified, the NCA and police use a prioritisation tool known as KIRAT[194] (Kent Internet Risk Assessment Tool) to identify those offenders who are more likely to commit contact sexual abuse. KIRAT assesses the offender as low, medium, high or very high risk. Perpetrators assessed as high and very high risk are investigated and arrested as a matter of priority.

53. Mr Keith Niven, Deputy Director Support to the NCA, told us that the current KIRAT tool was evaluated in 2015 and successfully identified the most dangerous offenders. Ninety-seven percent of contact offenders were assessed as 'very high' or 'high' risk and

[185] Christian Papaleontiou 22 May 2019 30/25-31/2
[186] Christian Papaleontiou 22 May 2019 31/10-13
[187] HOM003272_002
[188] Susie Hargreaves 17 May 2019 112/2-6
[189] Keith Niven 24 January 2018 13/3-11
[190] Keith Niven 24 January 2018 13/12-14
[191] Keith Niven 24 January 2018 13/15-21
[192] Keith Niven 24 January 2018 7/16-18
[193] NCA000164
[194] KIRAT is also used by the EU member states as well as Australia, New Zealand, Israel and Canada.

the overall correct prediction rate was 83.7 percent.[195] When asked about the percentage of cases where KIRAT did not accurately assess the risk of the offender committing contact abuse, Mr Niven stressed that KIRAT was not the sole way in which officers sought to prioritise the case:

> "*we are not saying 'That's the tool. Use it religiously'. We are saying 'Use it as a guide and then use your own judgement as well and any further enquiries that may be required'.*"[196]

54. There are no national directives which require a police force to respond to a KIRAT risk assessment within certain timescales.

54.1. Kent Police has the following guidelines:

- very high risk: respond within 24 hours;
- high risk: respond within a maximum of 7 days;
- medium risk: respond within 14 days; and
- low risk: respond within 30 days.

Anthony Blaker, Assistant Chief Constable of Kent Police, said that referrals involving an immediate risk of harm had led to arrests "*within a matter of hours*".[197] Where the suspect had no identifiable access to children and had a KIRAT grading of low risk, Mr Blaker said in his statement that, as at October 2017, "*it is not uncommon … for several months to pass between receipt of referral and execution of a search warrant and/or arrest or other investigative action*".[198]

54.2. Mark Webster, Assistant Chief Constable of Cumbria Constabulary, said that his force met the expectation that a 'very high risk' case is responded to within 24 hours. In a 'high risk' case, Cumbria Constabulary's average response time was 5.6 days, in a 'medium risk' case it was 8.2 days, and in a 'low risk' case it was 11.3 days.[199]

55. The Inquiry's Rapid Evidence Assessment (REA) into the behaviour and characteristics of perpetrators[200] considered the extent of research as to whether those who offend online also commit, or are more likely to commit, a contact sexual offence. The REA found that:

> "*research findings about the cross-over offending between online and contact offences are mixed. The research studies conclude that most offenders do not cross over, or evolve from online-only to contact or dual offending*".[201]

[195] Keith Niven 24 January 2018 10/14-22
[196] Keith Niven 24 January 2018 11/4-7
[197] Anthony Blaker 25 January 2018 76/19
[198] Anthony Blaker 25 January 2018 76/23-77/2
[199] Mark Webster 26 January 2018 19/18-25
[200] Rapid Evidence Assessment: *Behaviour and Characteristics of Perpetrators of Online-facilitated Child Sexual Abuse and Exploitation*
[201] Rapid Evidence Assessment: *Behaviour and Characteristics of Perpetrators of Online-facilitated Child Sexual Abuse and Exploitation* p39. Dual offending refers to those offenders who engage in both online and contact child sexual abuse.

56. Mr Jim Gamble QPM, a former Deputy Director General of the National Crime Squad[202] and former Head of CEOP, expressed his concern about whether policing should differentiate between online only and offline only (ie contact) offenders. He accepted that there needed to be prioritisation using a "*risk-based approach on the basis of the current funding and current resourcing*".[203] However, Mr Gamble's view was that:

> "*if you have a deviant sexual interest in looking at an image … you are likely to have already abused a child or may do so in the future on the basis of whether you think you can get away with it or not. To risk assess on the basis of what an individual has looked at just doesn't make sense and it doesn't bear out experience in my opinion.*"[204]

57. Ms Tink Palmer, Chief Executive Officer of the Marie Collins Foundation,[205] told us that in her experience:

> "*If I were to look at the majority of the cases I have either been involved with myself or acted as a consultant, I would say at least about 65 to 70 per cent there's been activities both online and offline.*"[206]

58. There may therefore be a dissonance between what the research indicates and the practical experiences of those who work in this area. There is clearly a need for law enforcement to prioritise its response, focussing on those offenders who are intent on committing contact offences, but this should not preclude pursuing any offender who views indecent images of children. There is also a need to focus on preventative measures that can be deployed by industry, which should reduce the burden on hard-pressed law enforcement agencies.

59. No witness suggested to us that the number of indecent images of children being viewed or shared was likely to fall.

60. Chief Constable Bailey told us that the police had reached "*saturation point*".[207] In early 2017 he made the same point in a number of press interviews,[208] in which he had said that the police and criminal justice system were "*not coping*"[209] even though "*400, 450, almost exclusively men, are being arrested, every month*".[210] In response to the Home Affairs Committee's request to explain his comments,[211] Chief Constable Bailey suggested a number of steps to combat the threat of online child sexual abuse:

- industry to do more to prevent this material being streamed on their platforms and services;
- more education for children about risks online; and
- a law enforcement response which "*prioritises and proactively targets those offenders at highest risk of contact offending*".[212]

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[202] Until its merger into the Serious Organised Crime Agency in 2006, the National Crime Squad was the police agency responsible for organised and major crime.
[203] Jim Gamble 23 January 2018 24/22-23
[204] Jim Gamble 23 January 2018 24/8-16
[205] The Marie Collins Foundation is a UK-based charity which works with victims of online-facilitated child sexual abuse and their families.
[206] Tink Palmer 22 January 2018 123/9-13
[207] Simon Bailey 24 January 2018 102/6-7; Simon Bailey 20 May 2019 110/22
[208] OHY002228_001
[209] OHY002228_001
[210] Simon Bailey 20 May 2019 111/8-9
[211] OHY002228
[212] OHY002229

61. He said that, in his experience, a large proportion of those offenders being dealt with for the viewing of indecent images of children did not receive an immediate custodial sentence and for those offenders who did go to prison very few received any form of rehabilitation to address their underlying problem. It was against this background that he wanted to stimulate debate about whether "*alternative outcomes*"[213] for some types of offenders ought to be considered.

Alternative proposals for dealing with indecent image offences

62. Some witnesses suggested that a change of approach might be appropriate.

62.1. The personal view of Chief Constable Bailey (ie not in his role as NPCC Lead) was that, rather than going to court, low-risk offenders who had admitted indecent image offences could be subject to conditional cautioning with, for example, a requirement to submit to a rehabilitation and treatment programme. The offender would still be subject to notification requirements of the sex offenders register and the offence would still be registered with the Disclosure and Barring Service.[214] If the offender breached the conditions, the offender could be prosecuted for the original offence.[215] Chief Constable Bailey recognised that such a proposal "*instantly creates a real sense of anger, that there is the National Police Chiefs' Council lead for this going soft on paedophiles*"[216] and that this might simply shift the burden to a different agency or part of the criminal justice system. However, he considered that the number of individuals arrested each month demonstrated the commitment of the police to bring these perpetrators to justice. He added:

> "*I would much rather have the offender having to confront their offending behaviour and maybe they would stop viewing indecent images as a result*."[217]

62.2. Mr Gamble agreed that police "*can't simply arrest our way out*"[218] of the scale of offending and that there may be some offenders who should be diverted away from the criminal justice system. However, he considered that the police should arrest more offenders in order to "*create a credible deterrent*"[219] and that the primary issue was that there needed to be "*actual real investment being made in the tactical options that we choose to use that minimise opportunities for offenders online*".[220]

62.3. Debbie Ford, Assistant Chief Constable of Greater Manchester Police (GMP), said "*Arresting our way out of the problem is clearly unrealistic*".[221] She also told us that the actual level of risk posed by an offender often is not known until after the offender has been arrested and further investigations undertaken, including the examination of any devices seized.

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[213] Simon Bailey 24 January 2018 104/1
[214] The Disclosure and Barring Service (DBS) operates to assist employers in making safer recruitment decisions by preventing those who pose a risk of abuse to children from working with them.
[215] Simon Bailey 24 January 2018 107/1-109/12
[216] Simon Bailey 24 January 2018 104/3-5
[217] Simon Bailey 24 January 2018 111/3-5
[218] Jim Gamble 23 January 2018 28/10
[219] Jim Gamble 23 January 2018 28/11-12
[220] Jim Gamble 23 January 2018 34/20-22
[221] OHY003286_075

> "*The question therefore remains how confident can we be of categorising low-risk offenders at the intelligence stage? GMP has illustrative examples where offenders make admissions and plead guilty to charges to mask the actual gravity of their wider offending … By adopting alternative disposal methods at an early stage, we run a real risk of allowing potential high-risk offenders to slip the net.*"[222]

62.4. Commander Richard Smith, the professional lead for child safeguarding for the Metropolitan Police Service, was of the view that "*demand will rapidly outstrip the resources that we have, and so a whole-systems approach is required with much more focus on preventing it*".[223] He said that the problem is particularly acute within the Metropolitan Police Service given "*the significant and continuing ongoing terrorist threat*"[224] and because, by 2020/21, it "*is required to reduce revenue across all of its policing expenditure by 400 million*".[225]

63. In 2015/16, the Home Office ran a pilot to test the practicalities of diverting low-risk offenders who "*had to have no previous offences, no unsupervised access to children*".[226] Mr Papaleontiou said that the pilot highlighted three problems:[227]

- the diversion scheme may have been more resource-intensive than prosecuting the individual through the criminal justice system;
- the crimes and potential sentences were themselves too serious to make it appropriate to issue a conditional caution; and
- there were concerns about how an offender would be deemed to be low risk.

The Home Office recognised that the viewing of indecent imagery "*still has a very direct and indirect impact on the victims*" and that there is a "*need for justice to be served in terms of victim impact*"[228] by ensuring that a conviction is recorded.

64. In June 2019, Justice (the law reform and human rights organisation) published its working party report *Prosecuting Sexual Offences*. It proposed a diversion scheme for those offenders who had viewed indecent images of children.

> "*The programme ought to be designed purely to educate and assist with moving forward in a pro-social manner, rather than to shame and punish, since this has been shown to be ineffective.*"[229]

The report includes details about the criteria for participation in the diversion scheme, and its structure and management. The report considers that the pilot should be evaluated after three years.

65. Based on the evidence we heard in this investigation, there was no consensus as to whether, and what, alternative proposals should be considered for dealing with the so-called 'low risk' offenders who view indecent imagery.

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[222] Debbie Ford 25 January 2018 131/2-11
[223] Richard Smith 25 January 2018 43/25-44/3
[224] Richard Smith 25 January 2018 41/7-10
[225] Richard Smith 25 January 2018 41/2-5
[226] HOM003247_019
[227] Christian Papaleontiou 22 May 2019 35/18-37/16
[228] Christian Papaleontiou 22 May 2019 37/10-16
[229] https://justice.org.uk/wp-content/uploads/2019/06/Prosecuting-Sexual-Offences-Report.pdf p42

66. While law enforcement cannot arrest its way out of this problem, that is true in respect of many criminal offences. It would undoubtedly assist law enforcement if offenders were prevented from accessing this material at the outset – it is clear that the increase in the number of indecent images of children offences is driven by images of child sexual abuse being too easily accessible. A greater focus on prevention is required.

C.3: Preventing access to indecent images of children

67. Given the concern about the growing scale of offending, the Inquiry considered the ways in which industry and government currently prevent perpetrators from accessing indecent images of children and the proposals for future technological developments.

Hash list

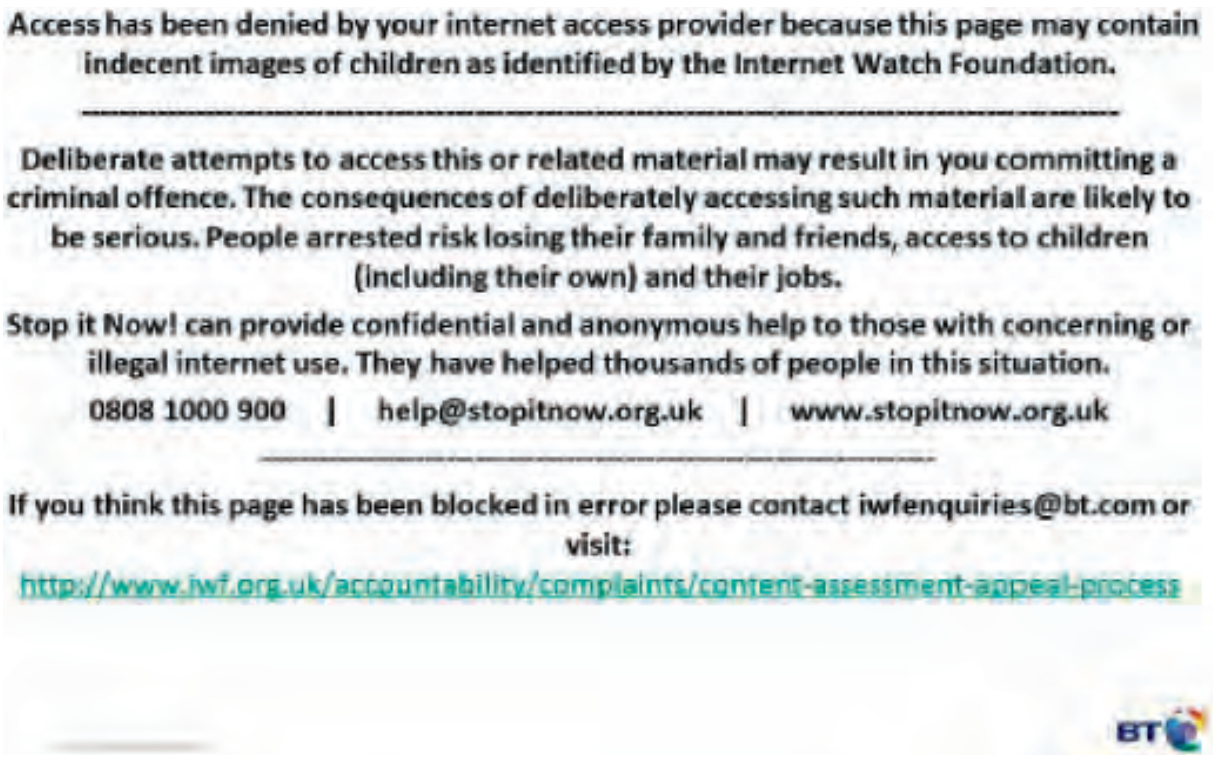
68. As explained above, the IWF operates a hash list. This is a separate list to the list of hashes within CAID. At present the IWF cannot share CAID hashes with any UK company but can share CAID hashes with six US companies. Ms Hargreaves explained that the hashes cannot be shared because the Information Commissioner's Office (ICO) has classified hashes as personal data within the meaning of the General Data Protection Regulation (GDPR).[230] The IWF is working with the Home Office, the NCA and the ICO to see if this obstacle can be overcome, which has the potential to increase the pool of known child sexual abuse images that can be detected in proactive searches.[231]

Blocking access to URLs

69. The IWF's URL list identifies those web pages where the IWF has found images or videos of child sexual abuse. The URL list is provided to industry members so that they can block access to those web pages. It is used by around 70 companies, including Google, BT and Microsoft. Once the indecent imagery is removed from the web page, the web page is removed from the URL list. The URL list is updated twice a day. Ms Hargreaves said that on the day she gave evidence, 17 May 2019, there were 5,800 URLs on the list "*which is pretty average*"[232] but that there had been as many as 12,000 URLs on the list.

70. Kevin Brown, Managing Director of BT Security, explained that by 2004 BT had developed a blocking tool called Cleanfeed, which downloaded the latest IWF URL list. If a BT customer tried to access a website that was on the URL list, access to that website would be blocked. Since approximately 2013, a warning message is displayed on-screen "*alerting customers to the fact that they have accessed a site that has been deemed as hosting indecent images*".[233]

[230] Personal data is information that relates to an identified or identifiable individual: https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/key-definitions/what-is-personal-data/
[231] Susie Hargreaves 17 May 2019 113/4-114/3
[232] Susie Hargreaves 17 May 2019 106/2
[233] Kevin Brown 17 May 2019 16/6-8



Example of warning message for blocked website
Source: BTG000003_018

71. In 2015, BT conducted a one-off exercise to try and establish the number of times that BT blocked access to child sexual abuse imagery in the UK. Between January and November 2015, "*the average number of attempts to retrieve the CSA image was 36,738 every 24 hours*".[234]

72. Cleanfeed is automatically applied to all internet traffic delivered by BT, including BTnet customers such as Plusnet. Mr Brown told us that EE uses a blocking platform called Wolf which works in the same way as Cleanfeed.[235]

73. Facebook began discussing the use of the URL list with the IWF in 2014 but as at the public hearing in May 2019 still had not adopted the list. Both Facebook and the IWF were asked why it seemed that little progress had been made in the intervening five years. Ms de Baillencourt said that it was a UK-based employee who in 2014 first started discussions with the IWF but that:

> "*At some time, there were other projects which were implemented ahead of the list … so I reinitiated those conversations, probably a year and a half ago, and we have been working on making this happen.*"[236]

Ms Hargreaves stated that when Facebook first approached the IWF in relation to the URL list it was because Facebook "*wanted to use it for monitoring purposes, which is not a designated use of our list*".[237]

74. On 25 September 2019, Facebook stated that it had reached an agreement with the IWF and "*look forward to deploying* [the URL list] *soon*".[238]

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[234] Kevin Brown 17 May 2019 20/5-7
[235] Kevin Brown 17 May 2019 14/13-16
[236] Julie de Baillencourt 14 May 2019 82/9-16
[237] Susie Hargreaves 17 May 2019 123/3-4
[238] FBK000059_004

75. The use of the URL list is vital in the efforts to prevent access to child sexual abuse imagery. It is difficult to understand why Facebook did not deal with this matter sooner.

Keywords lists

76. Perpetrators often create their own search terms for finding and hiding indecent images of children. Ms Hargreaves told us that this language can include "*a series of numbers or exclamation marks or different languages or weird terms*".[239]

77. The IWF has therefore created a list of keywords which is available to its members, particularly those who operate internet search facilities or moderate content. This enables organisations to block a search for such material. Ms Hargreaves told us that, by May 2019, there were "*just under 500 key words*" on the list.[240] The IWF has another "*8500 that we just do not have the resource to assess at the moment*".[241]

Other measures

78. The Inquiry also heard about work undertaken between the NCA and Visa Europe, whereby Visa Europe sponsored NCA financial investigation officers to help prevent the use of payment cards to purchase indecent images of children. Mr Jones told us that "*the use of mainstream payment mechanisms … has been virtually eradicated from the mainstream providers*".[242] This appears to be an example of good collaborative practice.

C.4: Media reporting

79. In late 2018 and early 2019, a number of articles appeared in the media alleging that Google,[243] Microsoft[244] and Facebook[245] were allowing their services to be used by offenders to share child sexual abuse images and groom children. In advance of the hearing, the Inquiry provided witnesses from these companies with these articles, in order that they could respond to the contents.

80. In relation to Microsoft, one article stated that when terms such as 'porn kids' or 'nude family kids' were typed into Bing (Microsoft's search engine), indecent images of children were returned in the results. Microsoft's own investigations suggested that the images were not in fact illegal images but were sexually explicit images of individuals over the age of 18. As a result of the article, Microsoft made changes to Bing to ensure that adult content was not returned when search queries related to child sexual abuse or exploitation were made.

81. The article also stated that when seemingly innocent search terms were used, Bing auto-suggested search terms which led to indecent images. Microsoft accepted that common search terms should not deliver "*suboptimal results*".[246] Mr Milward said that this article had prompted Microsoft to "*fundamentally sit down and rethink the way in which we were devoting engineering attention to the challenge that we face here*".[247]

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[239] Susie Hargreaves 17 May 2019 114/15-17
[240] Susie Hargreaves 17 May 2019 114/21
[241] Susie Hargreaves 17 May 2019 114/22-23
[242] NCA000363_016
[243] INQ004185
[244] INQ004187_001-002
[245] INQ004190
[246] Hugh Milward 15 May 2019 116/6
[247] Hugh Milward 15 May 2019 118/1-3

82. In December 2018, an article on the BBC news website[248] stated that apps were available to download on the Google Play Store which directed users to WhatsApp groups that were being used to share child sexual abuse images. On behalf of Google, Ms Canegallo explained[249] that a prospective app is reviewed before it is uploaded to the store to ensure it does not violate Google's policies. It is then subject to periodic reviews and would also be reviewed if a user flagged the app for a suspected breach of policy. Ms Canegallo said she was confident that had such material been present at the initial review, the app would not have been available in the app store.[250] Despite the review process, however, it would appear that, in this example, the review did not detect the material. Google told us that, once aware of the issues raised in the article, the apps were suspended from the Google Play Store and the developer accounts were terminated. Two reports were made to NCMEC due to the content of the apps.

83. Following the BBC article, investigations[251] into WhatsApp revealed WhatsApp groups with names such as 'Only Child Pornography' and 'Gay Kids Sex Only'. The article stated that a WhatsApp spokesperson had said:

> "*Recent reports have shown that both app stores and communications services are being misused to spread abusive content, which is why technology companies must work together to stop it.*"[252]

84. When asked how WhatsApp prevents a group from having such titles and from sharing indecent imagery, Ms de Bailliencourt told us that WhatsApp uses PhotoDNA and has "*some proactive detection mechanism in place to flag and pull down anything that may – that may appear to be of this nature*".[253]

85. One of the factors that prompted internet companies to review their current procedures, or consider future improvements, appears to be the reputational damage caused by adverse media reporting. Some changes we heard about were made as a result of negative publicity which impacts on their business model. It is this impact that seemingly drives or expedites revision and innovation as much as a concerted commitment to prevent access to indecent images of children.

C.5: Future proposals

Pre-screening or pre-filtering

86. In March 2018, the NCA gave evidence before the Home Affairs Select Committee Inquiry into 'Policing for the Future'. The NCA set out "*three asks that were made of industry*".[254] The first of those requests related to pre-screening or pre-filtering of known and unknown imagery to prevent indecent images offences occurring in the first place.

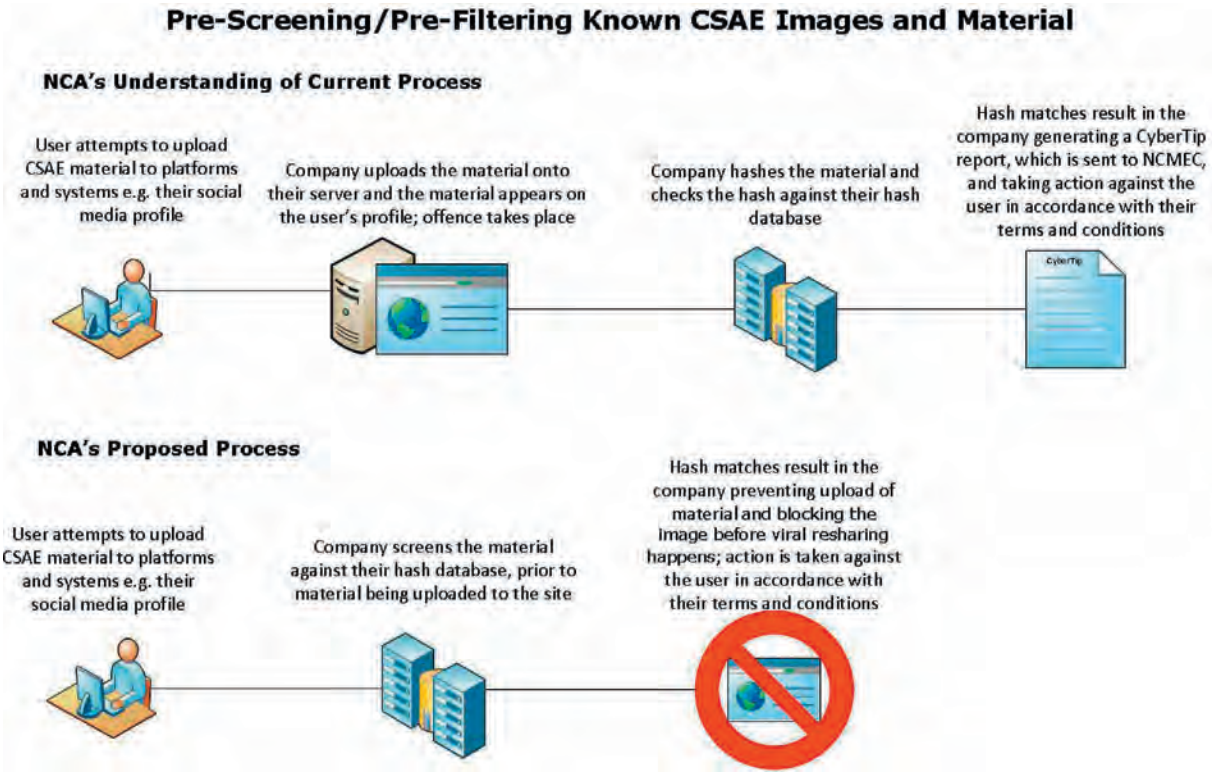
[248] INQ004185
[249] Kristie Canegallo 16 May 2019 72/23-75/10
[250] Kristie Canegallo 16 May 2019 75/20-24
[251] The investigations were carried out by AntiToxin Technologies, an Israeli online safety organisation.
[252] INQ004190_004
[253] Julie de Bailliencourt 14 May 2019 95/25-96/3
[254] Robert Jones 20 May 2019 35/5-6

87. In relation to known imagery, Mr Jones said:

> *"you can stop an offender from accessing a known image because it's been hashed, it's detectable, it's an illegal commodity which is moving digitally. So if you prevent access to that, you prevent an offence. It's as simple as that."*[255]

88. In November 2019, the NCA stated that it was still possible to access known child sexual abuse imagery on "*mainstream*" search engines within just "*three clicks*".[256]

89. The essence of the NCA's proposal is for an internet company to scan the image against their hash database prior to the image being uploaded. If the image is identified as a known indecent image, it can then be prevented from being uploaded. The graphic below sets out the current screening process and the proposed process when pre-screening or pre-filtering is used:



Current indecent image screening process and NCA's proposed process
Source: NCA000366

90. Mr Jones explained that the introduction of 5G will enable quicker upload and download speeds with a consequential increase in the speed at which indecent imagery can be shared. The NCA considers that if pre-screening or pre-filtering is used by companies to prevent access to the imagery at the outset, it will allow law enforcement the "*capacity and capability to chase first-generation images and safeguard children as quickly as possible*".[257] The internet companies could then use their classifier technology to identify previously unknown child sexual abuse material and first-generation images. These images would be hashed and incorporated into the NCMEC database thereby expanding the pool of images that could be prevented from being accessed.

[255] Robert Jones 20 May 2019 36/9-13
[256] NCA000376_003
[257] Robert Jones 20 May 2019 36/23-25

91. Google agreed that pre-filtering was a "*proactive*" approach that "*prevents the offending material from being disseminated*"[258] but said that the image needed to be uploaded (or found by a Google search on another website) in order for their image classifiers to be used.[259] Ms Canegallo stated that Google "*has not come to a conclusion on* [the] *feasibility or efficacy*" but she thought that pre-filtering "*presents serious technological and security challenges*".[260]

92. Ms de Bailliencourt was aware of the NCA's request for pre-screening and was asked "*What steps, if any, are Facebook taking to prevent the image being uploaded at the outset?*" She replied:

> "*we didn't develop PhotoDNA … Microsoft developed the technology, so they may be better placed to provide additional insights here. I know the way it is working on the platform would generally move so quickly that it's really a matter of seconds before its removal.*" [261]

Ms de Bailliencourt's answer was that, given the obligation to report any child sexual abuse material to NCMEC and the potential for an individual to be arrested, Facebook "*need to make sure that we have reasonable conclusion that the content was uploaded and is indeed matching any of the hashes that we have*".[262] As a result, we remain unsure about Facebook's position in relation to pre-screening indecent images of children.

93. Apple considered that filtering known child sexual abuse material images was "*effective*".[263]

94. Microsoft explained that it screens for known indecent images of children at the point at which the image is shared and that "*applying PhotoDNA at that point is actually very fast*".[264] Mr Milward explained that Microsoft:

> "*feel that the invasion of privacy around routinely screening people's private files and folders would not be accepted by the general public as being an appropriate level of intrusion by a technology company*".[265]

95. No industry witness said that it was technologically impossible to pre-screen their platforms and services. PhotoDNA is efficient in detecting a known indecent image once it has been uploaded but it is important to try and prevent the image being uploaded in the first place and thereby prevent access. The use of pre-screening or pre-filtering should be encouraged in order to fulfil the government's expectation that "*child sexual abuse material should be blocked as soon as companies detect it being uploaded*".[266] This is a key aspect of the preventative approach that is necessary.

[258] GOO000049_003
[259] GOO000049_003
[260] GOO000049_003
[261] Julie de Bailliencourt 14 May 2019 79/6-13
[262] Julie de Bailliencourt 14 May 2019 79/18-20
[263] Melissa Polinsky 15 May 2019 60/13
[264] Hugh Milward 16 May 2019 28/23-24
[265] Hugh Milward 16 May 2019 28/7-11
[266] HOM003253_030

Self-generated imagery

96. The ease and frequency with which children can share self-generated indecent imagery is all too apparent.

96.1. The government's *Online Harms White Paper* (published in April 2019)[267] refers to surveys that indicate between 26 percent and 38 percent of 14 to 17-year-olds have sent sexual images to a partner and between 12 percent and 49 percent have received a sexual image.

96.2. The IWF states that self-generated imagery now makes up one-third of the child sexual abuse material that it removes from the internet. Of that one-third, 82 percent of the imagery features 11 to 13-year-olds, with the overwhelming majority featuring images of girls.[268]

96.3. In Greater Manchester, children are recorded as the offender in nearly half of all indecent images of children offences.[269] In Cumbria, "*in the last three financial years, children make up the largest group of suspects recorded*" for indecent images of children offences.[270]

96.4. The *Learning about online sexual harm* research report stated that "*The issue of sexual images received considerable attention among interview and focus group participants*".[271] The children told the researchers about how they and/or their peers received unsolicited explicit messages (primarily sent by males to females) and requests to send someone nude images. As one 14-year-old interviewee said:

> "*I don't think my dad realises how many messages from random boys I get or how many dick pics I get. And I have to deal with it every day … it's kind of like a normal thing for girls now … I've been in conversations [online] like, 'Hi. Hi. Nudes?' I'm like, 'No' … yeah, it literally happens that quickly. Like, 'What's your age?' And you'll say how old you are, you're underage, and they'll be like, 'Oh OK', and then they'll ask for pictures.*"[272]

97. The Protection of Children Act 1978 criminalises the making, taking or distribution of an indecent image of a child irrespective of the circumstances in which the image is taken. Where, for example, sexual images are shared between two 16-year-olds who are, legally, sexually active, both are committing a criminal offence and could be prosecuted.

98. Chief Constable Bailey explained that, in conjunction with the Home Office, 'Outcome 21' was devised in response to the concern that:

> "*children were becoming criminalised, and as a result their life chances were then going to be significantly undermined because the Disclosure and Barring Service would then disclose if they wanted to become a police officer or a nurse or a social worker*".[273]

[267] INQ004232_023
[268] https://www.iwf.org.uk/sites/default/files/inline-files/IWF%20Online%20Harms%20White%20Paper%20Response.pdf p6
[269] OHY003286_018
[270] OHY002285_016
[271] *Learning about online sexual harm* p5
[272] *Learning about online sexual harm* p5
[273] Simon Bailey 24 January 2018 151/4-8

Outcome 21 enables police to record that a crime has been committed but the child is not prosecuted on the basis it is not in the public interest to do so.[274] Outcome 21 is only used where there are no aggravating factors, such as where the sharing of the image is not as a result of blackmail or extortion. Outcome 21 is therefore a sensible response to a very real problem.

99. The Inquiry heard about a joint NCA, IWF, National Society for the Prevention of Cruelty to Children (NSPCC), NCMEC and Home Office initiative called 'Report Remove'. The aim of Report Remove is to enable a child to report a self-generated image and request that the image be taken down. As Mr Jones said:

> "*we've … come up with a viable system that will allow us to quarantine the image, prevent the image from being shared amongst sex offenders, safeguard the child, who may need help and advice, and not criminalise them*".[275]

In reporting the image, the child will not be directed to law enforcement. The procedure is being designed to ensure that once the image is hashed it is flagged as a 'Report Remove' image. This will ensure that NCMEC and, subsequently, the NCA know that this is an image that has come from this initiative where the victim's identity is known.

Age verification

100. The Inquiry heard evidence that child sexual abuse material relating to older children is often found in public forums on the internet, including on adult pornography websites. Professor Warren Binford, a trustee of Child Redress International (CRI),[276] gave an example whereby 60 variations of an image of a pubescent victim were posted to 538,729 unique URLs and 99 per cent of those URLs were found on 14 adult sites.[277]

101. Chief Constable Bailey told us that "*the greatest percentage of people now viewing online is not, as I think an awful lot of people would perceive it to be, in the 40s and 50s, it's that age group of 18 to 24*".[278] He added that the availability of pornography is:

> "*creating a group of men who will look at pornography and the pornography gets harder and harder and harder, to the point where they are simply getting no sexual stimulation from it at all, so the next click is child abuse imagery. This is a real problem. It really worries me that children who should not be being able to access that material … are being led to believe this is what a normal relationship looks like and this is normal activity.*"[279]

102. The NCA gave the example of Tashan Gallagher, who in March 2019 was sentenced to 15 years' imprisonment for child sexual abuse offences, having:

> "*viewed images for probably two and a half years. By the time we captured that individual, he had progressed through a journey which had taken him through a series of forums who had told him his behaviour was normal, they had rationalised his behaviour,*

[274] Whether it is in the public interest to bring a prosecution is part of the test used by the Crown Prosecution Service in deciding whether an individual should face criminal charges.
[275] Robert Jones 20 May 2019 58/12-17
[276] CRI is a not-for-profit organisation that seeks to provide children with access to remedies including compensation for transnational crimes.
[277] Warren Binford 22 May 2019 169/6-14
[278] Simon Bailey 20 May 2019 120/9-12
[279] Simon Bailey 24 January 2018 148/16-24

> *he had become desensitised and he encountered the dark web. When he tried to get into the dark web ... They wouldn't let him into that forum unless he produced new, first-generation images*."[280]

To gain access to the forum, Gallagher recorded himself raping a six-month-old baby girl and sexually assaulting a two-year-old boy.

103. Mr Jones explained that a number of perpetrators recently arrested by the NCA "*aren't people who would be seen as the stereotypical person that poses a threat to a child*".[281] These were people who had grown up in the internet age. They had initially viewed images online but had gone on to engage in contact child sexual abuse. Mr Jones said there was a "*very low barrier to entry for offenders who seek access to child abuse images*" and that these individuals had crossed it.[282]

104. The Inquiry's 'Learning about online harm' research considered that children's "*repeated exposure*" to being sent sexual images and/or requests for them "*could lead to desensitisation, which meant such incidents became accepted as an everyday part of life rather than something harmful to be acted on*".[283]

105. In 2016, the government proposed introducing legislation, the Digital Economy Act 2017 (DEA), that restricted access to pornographic websites to those aged 18 or over. In October 2019, the government announced that it would not be implementing the part of the DEA concerning age verification controls designed to ensure that those aged under 18 cannot access those sites. The government said that the reason for this decision was to ensure that "*our policy aims and our overall policy on protecting children from online harms are developed coherently*" and "*that this objective of coherence will be best achieved through our wider online harms proposals*".[284]

106. Chief Constable Bailey considered that the DEA was "*really an important element*"[285] in preventing children from becoming desensitised by viewing adult pornography and potentially seeking out indecent images of children. This echoes comments made by children who participated in the 'Learning about online sexual harm' research who identified exposure to pornography as being one of a number of examples of online sexual harm.[286] Legislation is required in order to ensure that children are protected from harmful sexualised content online, and this part of the DEA was an important measure designed to prevent children viewing adult sexual material. The value of this part of the legislation was, and remains, obvious – it may prevent some children being exposed to child sexual abuse material. Delaying or deferring action until the Online Harms legislation comes into force fails to recognise the urgency of the problem.

[280] Robert Jones 20 May 2019 21/6-16
[281] Robert Jones 20 May 2019 23/18-20
[282] Robert Jones 20 May 2019 17/21-24
[283] *Learning about online sexual harm* p5
[284] https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-10-16/HCWS13/
[285] Simon Bailey 20 May 2019 120/13-14
[286] *Learning about online sexual harm* p44

Part D

Online grooming

Online grooming

D.1: Introduction

1. Grooming is the process by which a perpetrator communicates with a child with the intention of sexually abusing or exploiting them. In the online world, it can be facilitated via text and online messaging services, emails, and online games that allow participants to message each other. There may be overlap between online grooming and other online-facilitated child sexual abuse. For example, child sexual abuse imagery may be shared with a child in an attempt to encourage him or her to perform a sexual act. There can also be an overlap between the platforms used by groomers. Initial contact can be made on public social media platforms. Once a rapport has been established, the perpetrator may suggest using the same platform's private messaging service or moving to an encrypted messaging service. Communication may remain online or the perpetrator may convince the child to meet in person.

2. Section 15 of the Sexual Offences Act 2003[287] criminalised those individuals who arranged to meet a child following sexual grooming. In April 2017, when section 15A was brought into force, it became a criminal offence to send a "*sexual communication*" to a child.

D.2: The scale of the problem

3. The scale of online grooming is of real and significant concern:

3.1. As discussed in Part B, the Inquiry's Rapid Evidence Assessment estimated that the proportion of adults holding sexualised conversations with a child is "*unlikely*" to be "*below the lowest estimate of 1 in 10 adults*".[288]

3.2. Freedom of Information requests made to the police by the National Society for the Prevention of Cruelty to Children (NSPCC) revealed that, in the first year that section 15A of the Sexual Offences Act 2003 was in force (April 2017 to April 2018), there were 3,171 recorded offences.[289] This amounts to more than eight offences each day. For the next six-month period (April 2018 to September 2018), there were more than 10 offences a day (with 1,944 offences recorded[290]). Mr Tony Stower, Head of Child Safety Online at the NSPCC, commented that the figures were "*far in excess*" of what the NSPCC expected to discover.[291]

3.3. The scale of online grooming was also clear in evidence given to the Inquiry by individual police forces. West Midlands Police specifically reported a growth in online grooming.[292] Online grooming was the fastest growing part of the work of Kent Police's specialist online child abuse unit.[293] Greater Manchester Police reported that,

[287] Sexual Offences Act 2003
[288] Rapid Evidence Assessment: *Quantifying the Extent of Online-facilitated Child Sexual Abuse* p14
[289] Tony Stower 22 May 2019 149/20-25
[290] Tony Stower 22 May 2019 150/1-3
[291] Tony Stower 22 May 2019 150/3-4
[292] OHY003315_015
[293] OHY003413_008

> in 2015/16, the number of recorded cases of online grooming overtook the number of cases of 'offline' grooming.[294] There had been a 104 percent increase from 2014/15 to 2015/16 and the increase from 2015/16 to 2016/17 was expected to be around 47 percent.[295]

4. Over a three-month period in 2018, the National Crime Agency (NCA) received over 1,500 reports of grooming in respect of 12 internet platforms.[296] The NSPCC Freedom of Information requests revealed that – for the 2,097 offences where the police had recorded "*the method used to communicate*" – Facebook, Snapchat and Instagram were used in 70 percent of cases.[297] West Midlands Police[298] and Kent Police[299] both identified Facebook, Snapchat and Instagram as the three most common platforms used by offenders in child abuse (or domestic violence) reported to the force.

5. These statistics resonate with the Inquiry's research 'Learning about online sexual harm' where:

> "*Snapchat … Facebook, Instagram … were all repeatedly cited by participants across different elements of the research as spaces where sexual harassment or other forms of online sexual harm took place.*"[300]

6. Google, for example, acknowledged that online grooming was encountered on YouTube in particular.[301] Kik acknowledged that online grooming could occur in its public or private chat rooms.[302]

7. When asked about the scale of online grooming on its platforms, Ms Julie de Bailliencourt, Facebook's Senior Manager for the Global Operations Team, said that she "*can't comment on the specific numbers*"[303] provided by the NSPCC. Mr Hugh Milward, Senior Director for Corporate, Legal and External Affairs for Microsoft UK, acknowledged that grooming may take place on Microsoft platforms such as Xbox Live (an online gaming platform on which users can message one another) and Skype.[304] He said that Microsoft "*already know about instances where there has been grooming taking place on Xbox Live*",[305] but Microsoft did not keep data on how much grooming took place on Skype.[306]

D.3: Victims and survivors

IN-A1 and IN-A2

8. The Inquiry heard evidence from IN-A1 and IN-A2.[307] They are siblings, who were groomed online by Anthony O'Connor, a 57-year-old man who met IN-A1 on a music-sharing website, BearShare.

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[294] OHY003286_019
[295] OHY003286_019-020
[296] NCA000363_008-009
[297] Tony Stower 22 May 2019 151/15-20
[298] OHY003315_011
[299] OHY003413_006
[300] *Learning about online sexual harm* p44
[301] Kristie Canegallo 16 May 2019 56/7-14
[302] KIK000009_003
[303] Julie de Bailliencourt 14 May 2019 87/9
[304] Hugh Milward 16 May 2019 10/7-13
[305] Hugh Milward 16 May 2019 14/1-4
[306] Hugh Milward 16 May 2019 10/10-12
[307] IN-A1 and IN-A2 13 May 2019 91/23-108/21

9. O'Connor duped IN-A1 into having contact with him by pretending, initially, to be a 22-year-old woman named 'Susan'. IN-A1 was 13 years old at the time. Initially, Susan seemed nice and was interested in IN-A1 and her hobbies. They would use Skype to message each other. IN-A1 introduced Susan to her 12-year-old brother, IN-A2. Susan's control over IN-A1 grew over time such that when Susan revealed he was a man, IN-A1 was not able to break contact with him.

10. One morning, O'Connor made IN-A2 sexually touch IN-A1 and even went so far as to suggest that IN-A2 should have sexual intercourse with her. After this incident, IN-A1 describes herself as becoming O'Connor's slave. O'Connor started to make IN-A1 commit sexual acts for him over webcam. He told IN-A1 that he had photographs of her and her family, but that he had deleted them. For a short period of time, she tried to stop contact but then he got in touch to say that, because she had ignored him, he had not really deleted the photographs. He sent her photographs of her and IN-A2 together and said that if she did not do as he asked, he would put the photographs on the internet. He even threatened to have her kidnapped (IN-A1 had told O'Connor her address, while he was masquerading as Susan). O'Connor kept saying that if IN-A1 did one more thing she would be free from him but the abuse continued. When sentencing O'Connor to 14 years' imprisonment, the judge referred to his behaviour towards IN-A1 as "*the grossest manipulation*".[308]

11. The impact of O'Connor's abuse can hardly be overstated. The children's mother (IN-H1) described the impact of the abuse:

> "*My daughter's terrified of everybody. She started self-harming, overdosing, starving herself, she wouldn't leave the house. She was aggressive, violent. She – she didn't want to be around me or talk to me. She couldn't handle – she couldn't handle anything. She overdosed about 20/30 times. She has scars all over her body from self-harming … they lost everything …* [My son] *is very vulnerable. He's always been very vulnerable. He's – he's very quiet. He – he just wants to forget it ever happened. He is – he just distances himself from everybody, he doesn't trust people. He clings to his dad a lot, because he knows he's protected …* "[309]

Ben

12. The Inquiry also heard about Ben (not his real name). In 2010, at the age of 13, Ben started to explore his homosexuality by using online forums.[310] This led him into contact with a number of adult males, many of whom went on to groom and sexually abuse Ben. All Ben's abusers knew that he was only 13 or 14 years old.[311]

13. Ms Tink Palmer, Chief Executive Officer of the Marie Collins Foundation, told us that the majority of his abusers were white men aged between 23 and 56 years old.

> "*The majority were middle-class with jobs. There was a teacher, two senior management positions, one man who owned his own business. So they were what I would call comfortably off people. And they were also from all parts of the country and would travel to him or try to get him to go to them.*"[312]

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[308] https://www.examinerlive.co.uk/news/west-yorkshire-news/14-years-paedophile-anthony-oconnor-6311007
[309] IN-H1 14 May 2019 12/21-14/19
[310] MCF000008_004
[311] MCF000008_010
[312] Tink Palmer 22 January 2018 142/10-15

14. The offending came to light when, in 2010, Ben contacted ChildLine because a man was threatening to post naked photos of Ben on the internet. ChildLine referred the matter to the police.[313] Despite the involvement of the police and various agencies in early 2011, Ben continued to be abused and travelled to different parts of the UK to meet his abusers.

15. In early February 2011,[314] one of Ben's abusers was uncovered when Ben's parents overheard Ben making arrangements to go to Portsmouth to meet a 23-year-old male. Ben's mother found that Ben had electronically sent sexually explicit photos of himself to this unknown male. His parents reported this matter to the police, who passed the matter to their safeguarding unit. No immediate response was forthcoming. Ben's parents also reported the matter to their GP, who referred the matter to Bradford's Children's Social Care, and a meeting was arranged at Ben's school. At that meeting, police seized Ben's laptop and forcibly removed his phone from him.[315] However, no police investigation commenced and it was not until mid-February that Ben was formally video interviewed and asked for his account.

16. Ben reported to the police that he had been abused by over 30 adult males.[316] The volume of offenders who gained access to and the trust of Ben via the internet is shown below.[317]

Table 4 Offences against Ben that proceeded to court

Date of offence	*Offence*	*Status*
January 2011	*Grooming; sexual assault*	*Trial; not guilty verdict*
August/November 2010 Reported February 2011	*Grooming; penetrative assaults*	*Guilty plea; 36 months prison*
January 2011 Reported February 2011	*Grooming; penetrative assaults*	*Guilty plea; 32 months prison*
June 2011 Reported same day	*Abduction; grooming*	*Guilty plea; 16 months suspended 2 years*
January/June 2011 Reported June 2011	*Grooming; penetrative assaults*	*Guilty plea; 42 months prison*
January 2011 Reported March 2011	*Penetrative assaults*	*Guilty plea; 24 months prison*
January 2011 Reported February 2011	*Penetrative assaults*	*Trial; not guilty verdict*
January/June 2011 Reported March 2011	*Grooming; inciting a minor*	*Guilty plea; sentenced 20 months prison*
Autumn 2010 Reported March 2011	*Grooming; penetrative assaults*	*Guilty plea; 3 years prison*
September 2011 Reported September 2011	*Grooming; penetrative assault*	*Guilty plea; 24 months Young Offender Institution*

[313] MCF000007_10; In this Serious Case Review Overview Report, Ben is referred to as Jack, which is also not his real name.
[314] MCF000007_011
[315] Ben spoke of the horror of this incident in an interview, saying the "*police just pinning my arms behind me to get my phone out of my pocket when I'm already as distraught as can be*" (MCF000008_020).
[316] MCF000007_014
[317] MCF000004

Date of offence	Offence	Status
November 2011 Reported November 2011	Grooming; penetrative assault	Guilty plea; 30 months prison
October 2011 Reported November 2011	Grooming; penetrative assault	Guilty plea; 37 months prison
2011	Inciting a minor	Guilty plea; 2 years supervision
2011	Inciting a minor x 1	Guilty plea; 3 years supervision
2011	Inciting a minor x 4	Guilty plea; 1 year community
2011	Inciting a minor x 2	Guilty plea; 3 years community
2011	Inciting a minor x 3	Guilty plea; 12 months prison
2011	Inciting a minor x 3	4 years Young Offenders Institution; 7 years supervision
2011	Grooming/CSE	Charged in Merseyside NFA in WY
2011	Grooming/CSE	27 months prison
2011	Inciting a minor	18 months prison
Autumn 2010 Reported February 2011	Inciting a minor x 13 Voyeurism x 1	3 years plus 8 months for voyeurism
2011	Inciting a minor x 3	9 months suspended for two years

Source: MCF000004

17. In total, 23 offenders were taken to court. One case was not pursued. In all but two of the other cases, the offenders pleaded guilty to offences of sexually abusing Ben or inciting the sexual abuse of Ben. The sentences imposed by the courts ranged from supervision and community orders to sentences of immediate imprisonment.

18. A Serious Case Review, conducted by the Bradford Safeguarding Children Board[318] and published in June 2017, found that West Yorkshire Police and Bradford Children's Social Care failed in their statutory duty to protect Ben.[319] It concluded that the police's response to reports of Ben's contact with an offender in August 2010 was poor and that the initial police investigation was inept, badly managed and under resourced. As Ben told Ms Palmer in September 2016:

> *"I wasn't treated like a victim properly, there was one policeman who said that I was wasting police resources, and I knew what I was doing, almost blaming me, saying I'd be put into an offender's unit for a month. So definitely they need to adjust how they view boys in this situation."*[320]

The review also concluded that the use of technology exposed children to contact with child sexual abusers that no individual (for example, Ben's parents who attempted to restrict his access to the internet) or agency (such as the police who removed his devices) could prevent.[321]

[318] MCF000007
[319] MCF000007_052
[320] MCF000008_024
[321] MCF000007_039

19. As Ben's parents told the Serious Case Review:

> *"The enormity and horror of what our son suffered would be any parent's nightmare; the effect on our family was and is truly shocking … These should have been the happiest days of our son's life, but he was robbed of his childhood. We still cannot bear to think of what was done to his young and immature mind and equally to his young and immature body."*[322]

D.4: Preventing grooming

Industry

20. The Inquiry heard of various ways in which industry sought to prevent online grooming occurring.

21. Ms Kristie Canegallo, Vice President and Global Lead for Trust and Safety at Google, explained that YouTube now requires a user to accept an invitation to engage in a private conversation with another.[323] This gives users control over who they chat to and allows users to block approaches from someone they do not wish to be in contact with.

22. Mr Milward explained the parental controls available on Xbox. The set-up procedure specifically asks if the Xbox is going to be used by a child. If so, a main administrator can be designated giving them a level of control over the child's account. Microsoft ensures that the administrator is an adult *"by demanding various age verification which is required by law, and we ensure that it is in fact a parent by taking a small credit card payment"*.[324] Where a child account is set up, various settings such as the live chat function are switched off by default and permission for access to such functions can only be granted by the adult administrator.[325]

Age verification

23. The Inquiry heard evidence that many social media and technology companies stipulate that, in respect of some of their platforms or services, users must be at least 13 years old. Facebook's terms and conditions state that children under 13 cannot use Facebook.[326] The same applies to Kik.[327] In order to have a YouTube account, the user needs to be at least 13 years old.[328] Skype has no age limit but its *"websites and software are not intended for or designed to attract users under the age of 13"*.[329]

24. Mr John Carr OBE, who advises on matters of child internet safety, was asked how the age of 13 came to be the minimum age for subscription to online platforms and services. He explained that this requirement originated from evidence gathered in the US in the late 1990s in relation to marketing and advertising. The evidence suggested that 13 was the age at which a child could *"decide for themselves whether or not to be part of an environment*

[322] MCF000007_009
[323] Kristie Canegallo 16 May 2019 57/17-22
[324] Hugh Milward 16 May 2019 15/5-7
[325] Hugh Milward 16 May 2019 15/12-21
[326] FBK000005_003
[327] KIK000009_003
[328] Kristie Canegallo 16 May 2019 61/8-9
[329] INQ004284_001

where those kinds of advertisements, commercial advertisements, would be present".[330] Although this research was conducted before social media companies existed, the age limit has not changed.

25. In reality, the steps taken to ensure that users are at least 13 years old amount to no more than requiring the child to enter a date of birth which makes them at least 13. IN-A3 said that she opened a Facebook account when she was 12 because all her friends at school were on Facebook and that she could not now remember being told about the age limit.

> "*I can't remember if I lied about my age, but if I did lie about my age, think how simple that is, just to be able to put a different age, different year you was born and just being able to set up your account straight away.*"[331]

26. The NSPCC research for 2017/18 revealed that children aged 11 and under were victims of one-quarter of offences.[332] Mr Stower described it as:

> "*astonishing … And I find the fact that children under 11 are being targeted … quite systematically by offenders here is something I don't think the internet companies have yet got to grips with.*"[333]

27. The internet companies that gave evidence explained the ways in which they worked to detect underage users.

27.1. Ms de Baillencourt said that, in her view, there was "*no easy solution to implement age verification*".[334] For example, she said, a requirement to present government ID cards or credit cards could exclude those who did not have them and would involve the processing of a substantial amount of information. She explained that Facebook's reporting tool includes the ability to report a possible underage user but said that Facebook did not keep data on the number of underage reports made in respect of the UK because:

> "*under COPPA,*[335] *Facebook is required to permanently wipe out any data potentially related to the account of a child under the age of 13 quite swiftly. So when we remove an account from the platform, we remove any associated data with this.*"[336]

Facebook had "*started to look into*" artificial intelligence to help detect underage users.[337]

27.2. When asked whether Facebook was able to assure the public that children would not be able to open accounts if they were underage, Ms de Baillencourt said "*this is something that we all need to work on together*".[338] Similarly, when asked whether Facebook could guarantee that children would be safe from being groomed online, Ms de Baillencourt said that this would be a "*very difficult promise to make*" but that Facebook would "*put the manpower and the technology that we have at our fingertips to make this as difficult as possible*".[339]

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[330] John Carr 22 May 2019 121/10-12
[331] IN-A3 13 May 2019 87/14-18
[332] Tony Stower 22 May 2019 151/7-14; NSP000054_004
[333] Tony Stower 22 May 2019 151/10-14
[334] Julie de Baillencourt 14 May 2019 121/7-8
[335] Children's Online Privacy Protection Act of 1998 (COPPA) is a federal law in the US.
[336] Julie de Baillencourt 14 May 2019 30/25-31/4
[337] Julie de Baillencourt 14 May 2019 121/18-23
[338] Julie de Baillencourt 14 May 2019 122/4-5
[339] Julie de Baillencourt 14 May 2019 122/11-123/4

27.3. In relation to YouTube, Ms Canegallo said that if there are reasons to suspect a user is under 13 years old, for example where the user reveals their age,[340] YouTube requires the user to submit additional verification or it will terminate the account. YouTube "*terminate thousands of accounts on a weekly basis for not passing that age verification process*".[341] When asked whether this signified that the process was inadequate in the first place, Ms Canegallo said that YouTube was "*constantly looking to improve*" its age verification process while "*looking to ensure that we are weighing those considerations of safety on the platform as well as privacy and data minimisation appropriately*".[342]

28. The NCA was clear, however, that not enough was being done by social media platforms to ensure that users were at least 13 years old. Mr Robert Jones, Director of Threat Leadership for the NCA, said it was "*absolutely pointless*" simply to rely on users declaring they were 13 years old if this was not then checked[343] because experience showed that this was "*no defence in terms of preventing underage use*". He said there were a "*viable set of measures which could be applied across the social media platforms as well*".[344] Mr Jones also said that the measures used to verify a child's age for the purposes of the Report Remove initiative,[345] which may require the involvement of a parent or carer, were another model that could be considered.[346]

29. Mr Christian Papaleontiou, Head of the Home Office's Tackling Exploitation and Abuse Unit, told us about a practical initiative taken by the social network, Yubo. Yubo partnered with Yoti (a digital identity provider) to use machine learning to detect whether website users are in the right age band for their platform.[347] He also described a recent 10-week study[348] by the Home Office and GCHQ to understand what more can be done to identify underage users. The study – which involved representatives from government, charities, academia, industry and law enforcement – found that at present no single "*technical approach*" could accurately identify child users while protecting privacy and ensuring a "*frictionless customer experience*".[349] However, "*early product tests*" conducted as part of the study revealed that a number of potential solutions "*show promise*".[350]

30. In closing submissions, a number of core participants called for industry to adopt age verification as well as identity verification. It was said – on behalf of IN-A1, IN-A2 and IN-A3 – that age verification on social media platforms was required now to protect children from grooming as it was "*not good enough to rely on self-certification*".[351]

31. The NCA agreed that both age and identity verification were "*vital in mitigating the online child abuse threat*", particularly for encrypted services and platforms as "*it is one of the few things that can be done to mitigate*" the difficulties that they posed to law enforcement.[352] As the NCA questioned:

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[340] Kristie Canegallo 16 May 2019 61/18
[341] Kristie Canegallo 16 May 2019 61/22-23
[342] Kristie Canegallo 16 May 2019 66/7-23
[343] Robert Jones 20 May 2019 56/9-15
[344] Robert Jones 20 May 2019 57/6-7
[345] See Part C of this report.
[346] Robert Jones 20 May 2019 59/20 to 61/9
[347] Christian Papaleontiou 22 May 2019 70/6-24
[348] HOM003308
[349] HOM003308_013
[350] HOM003308_013
[351] Counsel for IN-A1, IN-A2 and IN-A3 24 May 2019 15/6-7
[352] Counsel for the NCA 24 May 2019 57/1-8

> "*Why, if you operate a service designed for children above a certain age, should you have any difficulty whatsoever in requiring children to establish their age when opening an account? … What is the legitimate and compelling reason for not doing so, that is sufficiently powerful to outweigh the child protection benefit?*"[353]

32. Based on the evidence we heard, the risk of being groomed online is particularly acute for children aged under 13 years old. It is plain that a more robust mechanism is required to verify the age of users than simply requiring them to declare their age on sign-up to a platform or service. The internet companies must also do more to identify users who are under 13 years old. As the Home Office and GCHQ study[354] reveals, there is much work still to be done before a practical technical solution to the problem can be achieved.

Education

33. Children who participated in the Inquiry's 'Learning about online sexual harm' research[355] told the researchers that education focussed too much on "*stereotypical 'stranger danger' images of perpetrators and abuse*".[356] In fact, where the secondary school aged children commented on the nature of online sexual harm they did so "*almost exclusively with reference to online approaches from unknown adults*".[357] In one of the focus groups conducted by the researchers, "*every participant said they had met up with at least one person who they had initially met online, without an adult present, and showed little concern about having done so*".[358]

34. The research found that children wanted to learn more about the potential to be sexually abused online from people they knew, including their friends and peers. One 15-year-old female interviewee said:

> "*Obviously they can tell you, 'Don't talk to strangers, don't let strangers talk to you', and stuff, but they should also talk about people that you know and trust, or you think you trust, because they might be more of, you might be more of a target to them because they think you trust them.*"[359]

35. The Department for Education's draft statutory guidance *Relationships Education, Relationships and Sex Education (RSE) and Health Education* (February 2019)[360] states that, by the end of secondary school, pupils should know, amongst other topics, "*the concepts of and laws relating to … grooming*".[361] This guidance will be compulsory in England from September 2020, with schools being encouraged to teach it from September 2019.

36. The guidance states that, before leaving primary school, children should know "*that people sometimes behave differently online, including by pretending to be someone they are not*"[362] but there is no specific reference to primary school aged children being taught about grooming. One 14-year-old who was interviewed as part of the 'Learning about online sexual harm' research recounted that by the time she was in year 6 (10 to 11 years old) she was "*already getting messages from random people and I didn't know what to do*".[363]

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[353] Counsel for the NCA 24 May 2019 59/9-15
[354] HOM003308
[355] *Learning about online sexual harm*
[356] *Learning about online sexual harm* p7
[357] *Learning about online sexual harm* pp43–44
[358] *Learning about online sexual harm* p74
[359] *Learning about online sexual harm* p7
[360] HOM003273
[361] HOM003273_029
[362] HOM003273_022
[363] *Learning about online sexual harm* p57

37. The Department for Education will need to ensure that the guidance for primary school aged children sufficiently protects them from the dangers of being groomed online.

D.5: Detection

Law enforcement

38. The law enforcement response to online grooming initially lagged behind the response to the viewing and distribution of child sexual abuse imagery. In 2016, law enforcement acknowledged that:

> "*The police approach to targeting those who abuse children online has been disproportionately directed to those accessing indecent imagery. Comparatively little resource has been directed towards grooming which arguably represents a greater threat to children.*"[364]

39. Mr Keith Niven, Deputy Director Support to the NCA's Child Exploitation and Online Protection Centre, said that policing was "*very focused*"[365] on grooming and that law enforcement "*proactively deploys sensitive techniques*" to detect online grooming.[366] These techniques include officers operating in internet chatrooms and forums used by suspected offenders.[367] Chief Constable Simon Bailey, the National Police Chiefs' Council (NPCC) Lead for Child Protection and Abuse Investigations, explained that "*dedicated trained specialists*" were used "*to interact with offenders online*".[368]

40. In 2017, the Police Transformation Fund (PTF)[369] awarded £20.39 million over three years to enable regional organised crime units (ROCUs) to increase their undercover online (UCOL) capabilities.[370] Mr Papaleontiou described UCOL work as "*critically important in terms of bearing down on grooming*".[371] In September 2018, the Home Secretary announced a further £4.6 million to support UCOL work in the ROCUs.[372]

41. It is clear that the scale of the law enforcement response to online grooming has increased in a short period of time. However, as we consider in the next section of this report, the Inquiry also heard criticisms of the law enforcement response.

Online child abuse activist groups

42. Dark Justice is an online organisation which aims to uncover those who groom children over the internet. Its founders pose as children, on platforms such as Facebook and Snapchat, by setting up a decoy profile. The decoy profile makes clear that the person is a child. When the offender sexualises the communication and arranges to meet the 'child' in person, Dark Justice films the encounter. Dark Justice then contacts the police and provides the police with records of the offending.

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[364] OHY003408_010
[365] Keith Niven 24 January 2018 38/18
[366] NCA000163_050
[367] NCA000230_008
[368] OHY003408_011
[369] The Police Transformation Fund was launched by the Home Office in May 2016. It is designed to allocate extra investment to reform policing.
[370] HOM003247_016
[371] Christian Papaleontiou 22 May 2019 20/4-6
[372] HOM003247_016

43. Dark Justice said that they were seeking to assist the police "*in an area where they do not have the expertise, understanding or resources to act properly or at all, to protect children from sexual abuse*".[373] Dark Justice gave an example where they were told (by a parent) that the police had been unable to trace an online groomer but that "[w]*ithin 15 minutes*" they were able to ascertain a name and address for the person and pass those details to the police.[374] They also said they had assisted in the arrests of 165 people of whom 96 were convicted.

44. Chief Constable Bailey told the Inquiry that the police did not support working with online child abuse activist groups "*for a significant number of reasons*".[375] His "*greatest fear*"[376] was that the operations of these groups were mounted without due regard to safeguarding risks to suspects and their families, including any children. He had concerns about whether the investigations had been conducted properly, about the quality of the evidence that these groups collected and he told us of instances where the suspects had been blackmailed or assaulted. Chief Constable Bailey gave an example where an online child abuse activist group had live-streamed their confrontation with a man accused of trying to meet a 14-year-old child.[377] The man denied the allegation, saying that he thought he was meeting a 48-year-old woman. The man was verbally abused by a neighbour who had seen the broadcast, and later that same day took his own life. The police reviewed the evidence provided by the online child activist group and found:

> "*no evidence to suggest that the male thought that he was meeting a 14 year old child … there was nothing to show that they had said that they were 14 years of age*".[378]

45. When asked whether (as suggested by Dark Justice) he envisaged there could be a framework or agreement so that police could use the resources of such groups while avoiding safeguarding risks, Chief Constable Bailey answered "*genuinely – I don't*".[379] He defended the law enforcement response to online grooming:

> "*over 400 people being arrested every month, month after month, after month … to say that we don't have the expertise, the skills, the capacity, quite frankly, I just think is misleading and it's not true*".[380]

Industry

46. In the *Serious and Organised Crime Strategy 2018*, the government expressed a clear and unqualified expectation of what technology companies must do about online grooming:

> "*companies must stop online grooming taking place on their platforms*".[381]

47. Companies use a variety of techniques to detect grooming.

[373] INQ004149_010
[374] INQ004149_010
[375] Simon Bailey 20 May 2019 125/1-3
[376] Simon Bailey 20 May 2019 126/14-15
[377] OHY008834
[378] OHY008834_001
[379] Simon Bailey 20 May 2019 127/7-14
[380] Simon Bailey 20 May 2019 127/17-20
[381] HOM003253_030

Moderators

48. Between February 2018 and May 2019, Facebook doubled its number of moderators (referred to by Facebook as 'content reviewers') from 7,500 to 15,000 reviewers worldwide.[382] The moderators review content and take action where there has been a breach of Facebook's 'Community Standards'. The Community Standards cover a wide range of content and include a policy on 'child nudity and sexual exploitation of children'.

49. When asked why the number of reviewers was increased, Ms de Baillencourt said:

> "*I don't think there was anything specifically that triggered this particular investment, I think the company, as a whole, is incredibly dedicated to making sure that we have the right amount of people able to review content …* "[383]

She was not aware if there were plans to increase the numbers of moderators throughout 2019 into 2020.[384]

50. When asked how Facebook knew whether 15,000 moderators was enough, Ms de Baillencourt said:

> "*When I speak to experts in this area, they often focus really on the number of people. We don't tend to look at it this way, we tend to think of the speed of our response and the adequacy of our response. We do this by using automation, machine learning, AI, as well as people … If we had reasons to believe that we were lagging behind or not good enough or taking too long to respond to a particular challenge, this is where I have seen investment in new teams, new technology, new expertise brought in on certain topics.*"[385]

51. Mr Milward did not provide the Inquiry with the number of moderators employed by Microsoft:[386]

> "*we would rather keep that information private. It is in the tens, not in the hundreds or in the thousands, and bear in mind that this is the team that reviews content to determine whether it is child sexual abuse material or not. This is not the limit to the resources that are placed on tackling this whole issue, which, again, is in the thousands.*"[387]

52. In December 2017, Google announced that by 2018 it aimed to have over 10,000 people working on content that might violate Google's policies.[388] Ms Canegallo could not state the number of reviewers prior to the increase. When asked what prompted this increase, she said:

> "*I think it was a – a natural reflection of the priority that we, at Google, place … in ensuring that users are having a safe experience and that we're being a responsible platform. So as online and off-line harms proliferate, it is natural that that responsibility necessitates Google to increase our investment in this area …* "[389]

[382] Julie de Baillencourt 14 May 2019 53/19-55/12
[383] Julie de Baillencourt 14 May 2019 55/19-23
[384] Julie de Baillencourt 14 May 2019 56/3-6
[385] Julie de Baillencourt 14 May 2019 56/12-22
[386] Hugh Milward 15 May 2019 80/25
[387] Hugh Milward 15 May 2019 84/19-25
[388] GOO000007_001
[389] Kristie Canegallo 16 May 2019 44/9-16

53. The increase in the number of people employed by Google and Facebook to review content, including child sexual abuse content, is significant but it is still unclear if the increase is enough. Industry needs to demonstrate a better understanding of the scale of the child sexual abuse imagery and grooming on their services and products. It is only once this data is known that the adequacy of resources (in terms of developing technology and employing sufficient numbers of human reviewers or moderators specifically focused on child sexual abuse and exploitation) can be assessed.

Technological methods of detection

54. Ms de Bailliencourt explained that, in 2012, Facebook realised that given the "*high probability*" that a child would not report being groomed, it needed to take a further step to "*identify this type of behaviour regardless of a user report*".[390] Since then, Facebook had been "*working hard*"[391] to improve its detection mechanism. The technology had developed from a "*quite rudimentary*" state in 2012, to what is now a "*behavioural classifier*" involving "*quite sophisticated pattern recognition*" rather than simply "*key word flagging detection*" to detect grooming.[392] The behavioural classifier looks at "*patterns of behaviour that may indicate that someone is trying to approach, or behaves in a predatorial way towards children on the platform*".[393] Where grooming is detected, the matter is reported to the National Center for Missing & Exploited Children (NCMEC) or, where necessary, directly to law enforcement.

55. Mr Milward said that Microsoft uses "*real time moderation technologies*" on XBox Live to detect grooming.[394] Conversations over XBox Live are public communications and are not encrypted. Microsoft will:

> "*dip in and out of a whole variety of these conversations to check on language being used … and then, equally, we will look for indications that there might be grooming taking place*".[395]

56. A "*level of automation*" was applied to detect indications that grooming may be occurring.[396] This might be combinations of words to indicate that somebody is trying to take a public conversation into a private forum: for example, 'are your parents around?' or 'do you have a number I can call you on?' Where potential grooming is detected, the "*intention*" is that the live chat stops, a warning message appears, the account of the potential groomer is suspended, and human moderators investigate.[397] Mr Milward acknowledged, however, that Microsoft:

> "*already know about instances where there has been grooming taking place on Xbox Live and has transferred to other platforms. So it's not perfect. Without a doubt, there's work to do on this.*"[398]

[390] Julie de Bailliencourt 14 May 2019 83/5-15
[391] Julie de Bailliencourt 14 May 2019 83/16
[392] Julie de Bailliencourt 14 May 2019 83/17-84-17
[393] Julie de Bailliencourt 14 May 2019 84/12-14
[394] Hugh Milward 16 May 2019 11/15-21
[395] Hugh Milward 16 May 2019 12/2-8
[396] Hugh Milward 16 May 2019 12/10
[397] Hugh Milward 16 May 2019 13/1-18
[398] Hugh Milward 16 May 2019 14/1-4

57. Google's "*comments classifier*" uses machine learning to detect potential grooming in comments on YouTube videos and brings them to the attention of a human moderator for review.[399] The classifier is an automated system that looks for "*potentially inappropriate comments*", captures them, removes them and if necessary reports them to NCMEC.

58. In November 2018, the Home Secretary convened a 'hackathon'. Hosted by Microsoft, engineers from leading technology companies including Microsoft, Facebook and Google worked for two days to analyse tens of thousands of conversations to understand patterns used by online groomers. This enabled engineers to develop a prototype that could potentially be used to flag conversations that might be indicative of grooming.

59. Mr Milward described the hackathon as a "*significant brainstorming resulting in an engineering solution*".[400] The prototype was improved following a second, mini-hackathon in May 2019, and it was put into live testing with three companies. At the May 2019 public hearing, Mr Milward said the testing was reporting "*very strong accuracy*"[401] and that it was a matter of "*months*" rather than years for the prototype to be finalised and deployed.[402] In January 2020, Microsoft announced the launch of this technology. Known as Project Artemis, the technology will be licensed free of charge to smaller and medium-sized technology companies worldwide.[403]

60. While acknowledging the useful work on the prototype, Mr Papaleontiou of the Home Office emphasised the need for follow-up. He said the Home Office:

> "*will be continuing to engage closely with industry and partners in terms of making sure that good intentions and a good prototype actually manifests itself in a product that delivers real world tangible benefits to those we are focused on protecting*".[404]

61. Mr Jones of the NCA emphasised the need for industry to implement the measures that it had developed:

> "*the real challenge for this type of event – you know, what's not to like about very clever people in Silicon Valley coming together and writing code to detect child abuse? Brilliant. What we need is the delivery and prevention of that offending and we are not seeing that at the pace that we should.*"[405]

He described frustrations that very positive measures taken by some smaller companies to tackle online grooming had not been adopted by bigger organisations. For example, Mr Jones told us about a company called Jagex which developed "*sophisticated*"[406] technology that can identify potentially inappropriate communication between users within its online gaming community. Where there is such communication, players receive a live pop-up advising them that a conversation is inappropriate. He said that "*over 87 percent*"[407] of the players who received the pop-up modified their behaviour. Mr Jones said he struggled to understand why bigger companies had not followed suit, despite efforts by the NCA to highlight and promote the innovation.[408]

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[399] Kristie Canegallo 16 May 2019 57/17-58/3
[400] Hugh Milward 15 May 2019 91/18-20
[401] Hugh Milward 16 May 2019 21/3
[402] Hugh Milward 15 May 2019 93/23 to 94/4
[403] https://www.gov.uk/government/news/new-ai-technique-to-block-online-child-grooming-launched
[404] Christian Papaleontiou 22 May 2019 74/14-19
[405] Robert Jones 20 May 2019 32/16-21
[406] Robert Jones 20 May 2019 65/6
[407] Robert Jones 20 May 2019 65/24-66/1
[408] Robert Jones 20 May 2019 66/24-67/16

62. Ms Canegallo explained that online grooming is not always easy to detect. She said that "*grooming could begin with interaction that seems innocuous or comments that, without clear understanding of the intent … could not raise suspicion*".[409] It can happen both online and offline across many platforms "*in a way where it may not be clear the individual's age*".[410] When asked about media reports of grooming on YouTube, Google pointed (among other things) to having "*dramatically improved*" its comments classifier.[411]

63. In light of the NSPCC research revealing approximately two incidents of grooming a day on Facebook in the UK,[412] Ms de Bailliencourt was asked about the adequacy of Facebook's response to online grooming. Ms de Bailliencourt said that Facebook "*have invested and are and will continue to invest a huge amount*" in its response to online grooming and took its responsibility seriously.[413]

64. The results of the 2018 hackathon show how much can be achieved, in a short space of time, when government takes the lead and internet companies collaborate with one another.

65. Given the evidence of the scale of online grooming, industry's response will necessarily involve the increased development and use of technology. Companies will also need to ensure that there are sufficient numbers of human moderators to follow up on potential instances of online grooming identified by those technologies.

D.6: The interaction between law enforcement and industry

66. The law enforcement response to online grooming, and other forms of online-facilitated child sexual abuse, necessarily involves close and constant interaction with industry. Chief Constable Bailey, having consulted with a number of police forces, told us that "*relationships between policing and some Industry platforms is good*". One industry platform was said to demonstrate "*extremely good practice and support … by providing law enforcement with detailed information upon which to conduct a criminal investigation*". Another had a "*very active group of moderators*" of its chat rooms.[414] However, there were two particular issues on which there was a notable divergence of views between law enforcement and industry: encryption and access to data.

Encryption

67. Smartphones are not just telephones; they are also computers.[415] They enable communication between individuals but also store vast amounts of personal data, including work and social diaries, banking applications, photographs and videos of friends and family. In order to keep this information private, many of the technology companies use encryption. Encryption is the process of converting information or data into a code that makes it unreadable to unauthorised parties. Ms Melissa Polinsky, Director of the Global Security Investigations and Child Safety Team for Apple, said that Apple viewed encryption as "*fundamental to the protection of our customers*" from "*bad actors, by hackers, by various governments around the world for different purposes*".[416]

[409] Kristie Canegallo 16 May 2019 57/5-7
[410] Kristie Canegallo 16 May 2019 57/8-11
[411] Kristie Canegallo 16 May 2019 70/12-24
[412] As reported by BBC News: INQ004186
[413] Julie de Bailliencourt 14 May 2019 88/4-13
[414] OHY007220_002
[415] Simon Bailey 20 May 2019 120/4-5
[416] Melissa Polinsky 15 May 2019 38/14-39/19

68. The use of encryption is growing. The number of encrypted websites has increased substantially. According to Google, desktop users spend two-thirds of their time on such websites.[417] Facebook is considering applying encryption to Facebook Messenger.[418]

69. Communications made via many common platforms – such as WhatsApp, iMessage and Facetime – are subject to end-to-end encryption. This means that the content of the communication can only be seen by the sender and recipient and not by third parties – including the providers of the platforms themselves.[419] In practice this means that if, as part of a criminal investigation, law enforcement needs to access the messages between two people, then the company running the messaging service would not be able to provide police with that information. The only way for law enforcement to ascertain what was being said in the messages would be to obtain the data from one of the devices (eg the telephone handset or computer) used or from an (un-encrypted) online backup.

70. End-to-end encryption has significant implications for the law enforcement response to online grooming, the sharing of child abuse imagery and live streaming of abuse. The NCA acknowledged that encryption can be "*a force for good*" but said that if "*applied without thought to platforms that could be used by this type of offender, then, quite frankly, the lights could go out for law enforcement*".[420] Many of the techniques used to detect online offending do not work where the communication in question is encrypted. For example, PhotoDNA cannot scan the content of WhatsApp messages (which are encrypted) to detect child abuse imagery.[421] BT's Cleanfeed system, designed to prevent access to child abuse imagery, cannot operate over encrypted websites.[422] While Microsoft can monitor conversations over XBox Live (which are not encrypted) for potential grooming,[423] Apple cannot monitor conversations over iMessage (which are encrypted)[424] or live streaming via Facetime.[425]

71. Offenders are aware and take advantage of the protection afforded by encryption. Mr Stower for the NSPCC gave evidence that groomers will often move children between platforms to "*platforms which are smaller, that are more difficult for law enforcement to get into, particularly those that are encrypted*".[426] A large amount of child abuse imagery is stored in "*encrypted archives*" on the open web, beyond the reach of scanning techniques, with the means to access such archives (the encryption keys) stored on the dark net.[427]

72. The Home Office explained that the government's goal was to secure "*exceptional and targeted access to specific individuals' communications*".[428] Mr Papaleontiou said that "*Possible, platform-specific technical solutions exist, but these require working with individual service providers*".[429] Ms Polinsky said:

[417] Kevin Brown 17 May 2019 24/6-9
[418] Julie de Bailliencourt 14 May 2019 97/23-98/9
[419] HOM003247_030
[420] Robert Jones 20 May 2019 54/9-18
[421] Julie de Bailliencourt 14 May 2019 92/12-94/22
[422] Kevin Brown 17 May 2019 23/17-20
[423] Hugh Milward 16 May 2019 11/21-12/1
[424] Melissa Polinsky 15 May 2019 37/17-38/2
[425] Melissa Polinsky 15 May 2019 35/6-18
[426] Tony Stower 22 May 2019 158/10-14
[427] CRS000031_031-032
[428] HOM003247_030-031
[429] HOM003247_031

> "*as much as I would love to have an exception that would only be an exception for child protection … the truth of the matter is that any exception to encryption is an exception for anyone and is something that can be exploited by anyone*".[430]

73. On 4 October 2019, the Home Secretary and her counterparts in the US and Australia sent an open letter to Facebook asking it not to proceed with its plan to implement end-to-end encryption across all of its messaging services. The letter stated that the risks to public safety were:

> "*exacerbated in the context of a single platform that would combine inaccessible messaging services with open profiles, providing unique routes for prospective offenders to identify and groom our children*".[431]

74. When asked how the NCA envisage dealing with the consequences of end-to-end encryption, Mr Jones said that the technology companies should adopt a "*range of mitigations*"[432] and "*use hash lists, use machine learning, use AI*" on the un-encrypted areas to "*make sure there are no child sexual abuse images in there*".[433] For example, if an offender downloaded a known child sexual abuse image from a website and sought to send it to a third party via a WhatsApp message, whilst the WhatsApp message itself could not be pre-screened (because WhatsApp messages are encrypted), if pre-screening had been deployed on the website it would not have been available for download in the first place.

75. In closing submissions, a number of core participants challenged the growing use of end-to-end encryption and called for industry to fundamentally change its approach. The NCA said:

> "*It is simply not good enough, therefore, for a company which chooses to operate an encrypted service to shrug its shoulders and say there is nothing it can do. The making of that choice generates a responsibility to mitigate its harmful effects*".[434]

76. Submissions on behalf of IN-A1, IN-A2 and IN-A3 suggested that the technology companies' insistence on "*absolute privacy … is an excuse, a way in which platform providers, with a digital shrug, divest themselves of all responsibility*".[435] It was submitted that communications should be able to be accessed by the police.[436] In response to Apple's evidence that an exception to encryption could not be created just for child protection,[437] counsel for the NCA asked rhetorically "*how hard have you tried?*"[438]

77. Encryption represents a serious challenge to the detection of, and response to, online grooming and other forms of online-facilitated child sexual abuse. The public should be under no illusion: a consequence of encryption, and in particular end-to-end encryption of messages, is that it will make it harder for law enforcement to detect and investigate offending of this kind and is likely to result in child sexual abuse offences going undetected.

[430] Melissa Polinsky 15 May 2019 39/10-14
[431] https://www.gov.uk/government/publications/open-letter-to-mark-zuckerberg
[432] Robert Jones 20 May 2019 54/21-22
[433] Robert Jones 20 May 2019 55/13-16
[434] Counsel for the NCA 24 May 2019 58/12-16
[435] Counsel for IN-A1, IN-A2 and IN-A3 24 May 2019 18/12-15
[436] Counsel for IN-A1, IN-A2 and IN-A3 24 May 2019 17/19-22
[437] Melissa Polinksy 15 May 2019 39/10-19
[438] Counsel for the NCA 24 May 2019 56/17-25

Securing data

78. According to Chief Constable Bailey, the "*main challenge encountered by police nationally*" is obtaining data from industry to support investigations into online-facilitated child sexual abuse.[439] This is because data is typically stored by internet companies based overseas and there is an "*extremely lengthy*" and complex mutual legal assistance treaty (MLAT) process typically required to access content data. This leads to "*significant delays in gathering evidence to pursue offenders and protect children*".[440]

79. The NCA gave an example of an investigation which commenced in 2017. The suspect was alleged to have used Facebook, Instagram, Gmail and Snapchat to groom teenage boys into sending him indecent images and videos of themselves committing sexual acts.[441] Over 150 potential victims had been identified. The suspect was arrested in early 2018 but, as at March 2019, the NCA was still awaiting "*authorisation from a US judge to release content to further the investigation towards a potential prosecution*".[442]

80. As Mr Milward said, the MLAT process is "*not suitable for the digital age at all*".[443] As explained in Part B of this report, in October 2019 the Home Secretary signed a UK–US bilateral data access agreement allowing UK law enforcement to directly request communications service providers to produce communications data and content.[444] It is envisaged that the new agreement will mean that data can be accessed in weeks if not days.

81. Where law enforcement sought data (other than content data) or other types of assistance from industry, Chief Constable Bailey's evidence was that the response was mixed.[445] There was "*consensus*" that, where life was at risk, industry responded well and that, in such cases, support from social media applications was "*very good*".[446] Where there was no immediate risk to life – as in the vast majority of cases – there were examples of good practice; one industry platform responded within 48 hours but the response was "*generally slow*".[447] One platform was identified by two forces as having an "*extremely burdensome and lengthy law enforcement request process*".[448] Forces also noted that there were disparities between platforms as to how they dealt with law enforcement requests, the threshold for when assistance would be provided, and the quality and duration of data retained.

82. It is clear that improvements can and should be made to the speed and quality of the response by industry to law enforcement requests for data. Greater collaboration between law enforcement and industry ought to be capable of resolving the problem of inexpedient provision of information. It may be that the government will want to consider whether, if the regulator envisaged in the *Online Harms White Paper* is established, there should be a protocol setting out time limits for industry to respond to law enforcement requests.

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[439] OHY007220_004
[440] OHY007220_004
[441] NCA000363_028-029
[442] NCA000363_028-029
[443] Hugh Milward 16 May 2019 24/15-19
[444] https://www.gov.uk/government/news/uk-and-us-sign-landmark-data-access-agreement
[445] OHY007220_001-003
[446] OHY007220_002
[447] OHY007220_003
[448] OHY007220_003

Part E

Live streaming

Live streaming

E.1: Introduction

1. Live streaming involves:

> "*live child abuse anywhere across the world, and in some of these sites and some of these facilities it enables them to direct individuals who are abusing children to abuse them in a way to which they gain some form of satisfaction. They can do this from the comfort and apparent safety of their own home, they can do it across the internet and, on occasions, there can be people that are gaining money out of this, because there can be a money aspect, or it could be between individuals, like-minded individuals, who are doing this to support each other.*"[449]

2. The National Crime Agency (NCA) considers live streaming "*one of the emerging threats*".[450] The increased use of webcam and video-conferencing technology has led to an increased risk of child sexual abuse by live streaming. The instantaneous nature of the broadcast poses challenges for how law enforcement and industry detect such abuse.

3. The international nature of this offending is not uncommon. In 2015, the NCA investigated Mark Frost (also known as Andrew John Tracey), a UK national who raped and sexually assaulted a number of children in Thailand. His crime was uncovered when Dutch police arrested a Dutch national who was in possession of videos showing the Dutch national directing some of the abuse that Frost inflicted on his victims.[451] In another example, the NCA told us they had:

> "*very recently … prosecuted* [an individual] *using section 72 of the Sexual Offences Act. That individual incited abuse in the Philippines and in a range of other environments.*"[452]

4. The commercial live streaming of abuse for payment, particularly from countries in Southeast Asia, is familiar to the Inquiry. In the Children Outside the UK investigation,[453] the Inquiry heard about 'Lorna'. 'Lorna' lives in the Philippines and started doing online "*shows*" when she was seven years old. She was recruited by a neighbour to perform online sexual acts on a webcam for foreigners. She did shows three times a day and was paid six US dollars. She used the money to buy food. The Inquiry is also aware of a case where the perpetrator paid just 93 pence to watch a girl being sexually abused.[454]

5. According to Chief Constable Simon Bailey, the National Police Chiefs' Council (NPCC) Lead for Child Protection and Abuse Investigations, the UK is "*the third greatest consumer in the world of the live streaming of abuse*".[455] He told us that technology:

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[449] Keith Niven 24 January 2018 34/13-23
[450] Keith Niven 24 January 2018 34/10
[451] NCA000163_054
[452] Rob Jones 20 May 2019 25/23-26/2; Section 72 of the Sexual Offences Act 2003 enables a UK national to be prosecuted in the UK for certain sexual offences committed outside of the UK.
[453] *Children Outside the United Kingdom Investigation Report*, Pen portraits
[454] https://www.dailymail.co.uk/news/article-7209173/Paedophile-faces-jail-paying-just-93p-live-stream-young-girl-abused.html
[455] Simon Bailey 20 May 2019 121/17-19

> *"now allows somebody to go on and use their credit card to pay for and instruct the live-time sexual abuse rape of a child in the Philippines … So you will sit in front of a monitor, having paid maybe as little as £10 or £15, no more than that … You will then direct how that child is then sexually abused."*[456]

6. Live streaming is also a problem facing children in England and Wales. We heard, for example, that during his abuse of IN-A1 and IN-A2, Anthony O'Connor was able to direct his victims into committing sexual acts, streaming it to him via Skype.

7. In 2018, the Internet Watch Foundation (IWF), assisted by funding from Microsoft, published research[457] examining the distribution of captures of live streamed child sexual abuse.[458] The IWF in fact said that it was "*uncommon*"[459] for the IWF to encounter images or videos captured by live streaming to feature Southeast Asian children. The IWF more frequently encountered images "*involving white girls, apparently from relatively affluent Western backgrounds*".[460]

8. Over a three-month period between August and October 2017, the IWF examined 2,082 images and videos. Its findings included that:

- 96 percent of the children depicted were on their own, typically in a home setting such as a bedroom or bathroom;[461]
- 96 percent of the imagery depicted one or more girls;[462] and
- 69 percent of the imagery depicted children assessed as aged 11 to 13 years old and 28 percent depicted children assessed as aged seven to 10 years old.[463]

9. Ms Susie Hargreaves OBE, Chief Executive of the IWF, told the Inquiry that in the first four months of 2019, there had been an increase in the amount of self-generated content:

> *"now at 36 percent of all the content we actioned … we took action on 15,264 URLs of self-generated content … 81 per cent of those were children aged 11 to 13 and predominantly girls … 90 per cent girls. So we are extremely worried about girls, young girls, 11 to 13, in their bedroom with a camera-enabled device and an internet connection."*[464]

10. The IWF's research drew on Ofcom's *Children and Parents: Media Use and Attitudes Report 2017*. Ofcom found that 53 percent of 12 to 15-year-olds who go online agreed with the statement 'I can easily delete information that I have posted about myself online if I don't want people to see it'.[465] However, the IWF's research found that 100 percent of the imagery included in the study had been taken from its original upload location and distributed via third-party websites.

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[456] Simon Bailey 20 May 2019 122/5-13
[457] IWF000010
[458] Content that has been live streamed and then been photographed or videoed and made its way onto a child sexual abuse website.
[459] IWF000010_002
[460] IWF000010_002
[461] IWF000010_012
[462] IWF000010_012
[463] IWF000010_011
[464] Susie Hargreaves 17 May 2019 134/19-135/6
[465] https://www.ofcom.org.uk/__data/assets/pdf_file/0020/108182/children-parents-media-use-attitudes-2017.pdf p159

> "*this finding suggests there is still a lack of awareness amongst children of the risks of live interactions via webcam and the potential for permanent records to be created and distributed outside of their control*".[466]

E.2: Challenges posed by live streaming

11. Live streaming offences pose unique legal and technical challenges for law enforcement and industry.

Issues

12. The speed and real-time nature of live streaming make it extremely difficult to proactively police interactions between the live streamer and the recipient. The practical effect of this is that it is harder for industry to deploy technology to detect, moderate or prevent live streamed child sexual abuse material. End-to-end encryption exacerbates this problem as it means the content of the communication cannot be accessed by industry or law enforcement.

13. On behalf of the NPCC, Chief Constable Bailey told us:

> "*the emergence of 4G and 5G and live streaming is going to present a greater risk … we know that there is a real problem in the area of the Philippines, and … I would have a real fear that with the emergence of 4G and 5G on the African continent, we are going to end up with a very similar situation*".[467]

14. We also heard evidence that, on occasions, law enforcement has difficulty in obtaining information about the online accounts of individuals suspected of grooming and live streaming. Commander Richard Smith, the professional lead for child safeguarding for the Metropolitan Police Service, told us about the live streaming of two girls aged six and nine who were being groomed to commit sexual acts. A number of offenders were watching and contributing to the grooming. The Metropolitan Police Service asked the service provider to remove the streaming and requested information which would identify the offenders. Commander Smith said that although the content was removed and the offenders' accounts closed, the service provider:

> "*refused to provide any information regarding the offenders. While those offenders could no longer use their previous accounts to access the platform, there was nothing to stop them creating new accounts and to continue their previous offending. Without the police having access to data which might lead to the identification of offenders*, [the Metropolitan Police Service are] *unable to safeguard the children to whom offenders may have access.*"[468]

Industry response: detection

15. When asked if Facebook knew the scale of live streaming on its platform, Ms Julie de Bailliencourt, Facebook's Senior Manager for the Global Operations Team, explained that Facebook:

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[466] IWF000010_015
[467] Simon Bailey 20 May 2019 121/15-24
[468] Richard Smith 20 May 2019 163/14-164/4

> "*don't tend to look at prevalence of abuse across the content types but, rather, across the platform … whether it is a comment, a video or a photo, rather than specifically looking at live* [streaming]".[469]

She said that Facebook did not encounter "*child safety specific streaming … on the platform too often*".[470]

16. Ms de Bailliencourt explained that concerns about the content of a live stream can be reported via Facebook's reporting tools and that reports can be made as they are happening so that the reporter does not need to wait until the live broadcast is over. Facebook has a team of reviewers available 24 hours a day, seven days a week. She explained that, since late 2017, Facebook has been using machine learning to detect posts and live streams where someone might be expressing suicidal thoughts. When asked if such technology could be adapted to detect child sexual abuse, Ms de Bailliencourt said:

> "*this could offer really interesting opportunities on the child safety side. Although, again, as I have mentioned, because live streaming of child abuse is not a very common undertaking, thankfully, you know, this may provide limits to the learning that we may get from such reports.*"[471]

17. Microsoft does not record figures about the number of specific live streaming offences reported to the National Center for Missing & Exploited Children (NCMEC)[472] but said that live streaming most commonly took place on Skype. Mr Hugh Milward, Senior Director for Corporate, Legal and External Affairs for Microsoft UK, said that this, in part, was the motivation behind Microsoft's decision to fund the IWF research. He explained that based on the research:

> "*we quickly realised that, if you have one single live stream of abuse, that live stream is then captured and then shared on multiple times. And while it was – it is incredibly … difficult to stop that one instance of the live stream, that there must be a way … of developing technology that tries to address the way in which that live stream is then shared on multiple times.*"[473]

It was this finding that "*prompted us to focus more attention on to the development of PhotoDNA for video*".[474]

18. The collaboration between the IWF and Microsoft resulted in the development of PhotoDNA for Video. It is an example of the positive results that such cooperation can bring.

19. Google told us that, of all its products and services, YouTube was the platform most commonly used for the live streaming of child sexual abuse.[475] Users of YouTube can watch videos and upload their own videos to the platform. They can create a live stream via a webcam and other users can post comments or live chat as they watch the live stream. Google deploys its comments classifier to detect potentially inappropriate comments.[476] Those comments are then captured and removed and, if necessary, reported to NCMEC.

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[469] Julie de Bailliencourt 14 May 2019 102/3-8
[470] Julie de Bailliencourt 14 May 2019 103/11-13
[471] Julie de Bailliencourt 14 May 2019 104/14-19
[472] MIC000026_010
[473] Hugh Milward 15 May 2019 98/15-24
[474] Hugh Milward 15 May 2019 99/4-5
[475] Kristie Canegallo 16 May 2019 56/15-18
[476] Kristie Canegallo 16 May 2019 62/11-17

20. In relation to detecting child sexual abuse within the live stream itself, Ms Kristie Canegallo, Vice President and Global Lead for Trust and Safety at Google, told us that Google has "*invested in technology that would allow us to monitor live streams and flag any potential inappropriate behaviour as well as flag whether minors are engaging in a live stream*".[477] In such cases, the live stream would be queued in a list pending review by a moderator.

> "*We have a dedicated team of human reviewers, that reply within minutes, to look at any live streams that are flagged and, to the extent that we saw CSAM there, we would terminate … that live stream … and then report it to NCMEC.*"[478]

21. The live streaming of child sexual abuse is one of the most harmful forms of abuse that is affecting children today. Although it may be difficult to detect, the internet companies must demonstrate that they understand fully the scale of this abuse and are deploying sufficient resources to detecting this type of online-facilitated harm.

E.3: Media reporting

22. Ms Canegallo was asked about an article in *The Times* in December 2018.[479] The article suggested that perpetrators were posting comments on the live chat section of a live stream which encouraged children to take off their clothes or pose in sexualised positions and that YouTube failed to remove live streamed videos that showed the sexual abuse of children. The article said:

> "*YouTube acknowledged that paedophiles had found a way to target children on the platform and 'it recognised there's still more to do'.*"[480]

23. Ms Canegallo told us that Google had investigated the matters raised in the article prior to its publication. As a result, 22 of the 37 videos (the videos had originally been live streams) were removed for violating Google's child safety policies. Google also analysed the comments and live chats associated with the 37 videos which resulted in 75 accounts being terminated and some referrals made to NCMEC.[481] Ms Canegallo said that Google had "*dramatically improved*"[482] its comments classifier and that "*the improvements in our comment classifier was not in response to this article*"[483] but had been work that was ongoing throughout 2018.

24. In light of this response, Ms Canegallo was asked about a second newspaper article that appeared in *The Guardian* on 21 February 2019.[484] The article raised concerns about the comments section on YouTube. As the article explained, the YouTube videos themselves did not contain child sexual abuse material and were in fact videos of young girls playing, exercising and doing gymnastics. However, comments posted alongside those videos included sexual comments about children and "*shared tips on when to pause the videos to take*

[477] Kristie Canegallo 16 May 2019 63/8-11
[478] Kristie Canegallo 16 May 2019 63/16-21
[479] INQ004188
[480] INQ004188_003
[481] Kristie Canegallo 16 May 2019 70/2-10
[482] Kristie Canegallo 16 May 2019 70/14-15
[483] Kristie Canegallo 16 May 2019 71/15-17
[484] INQ004184

compromising still images of the children".[485] The videos were accompanied by advertisements placed by companies such as Fortnite[486] and Disney, causing those companies to remove their adverts from YouTube.

25. The article also alleged that YouTube's 'Watch Next' feature recommended more videos of children with similar comments.

> "*After watching a few such videos on a new YouTube account … the site's algorithm – designed to provide users with content they might like, to keep them watching – would serve up endless videos of apparently underage children where the comments section contained inappropriate comments.*"[487]

26. In the article, YouTube commented that the company had taken:

> "*immediate action by deleting accounts and channels, reporting illegal activity to authorities and disabling comments on tens of millions of videos that include minors. There's more to be done, and we continue to work to improve and catch abuse more quickly.*"[488]

Ms Canegallo explained to us that Google turned off the comments section because "[*w*]*e saw that the comments classifier was not working as well as we wanted it to*".[489] She told us that Google is continuing to try and improve the comments classifier and is working on the 'Watch Next' algorithm to try and mitigate the risk of recommending inappropriate content.

27. Google reviewed the videos referenced in *The Guardian* article (including any comments). As a result, 360 accounts were terminated for violation of Google's policies including "*in large part*"[490] violations related to child sexual abuse material. Ms Canegallo said that she would have thought that the withdrawal of advertisements by the companies would have led to a loss of revenue to Google. When asked if she thought that the financial loss was the motivation behind Google's efforts to combat the problems highlighted by the article she said:

> "*the work that the YouTube team has been doing throughout 2018, some of which has come to fruition recently, is the result of continued effort on the part of the team that was not prompted by any one article or news inquiry*".[491]

28. In summer 2018, BT invested £100,000 to fund research into how machine learning techniques could help combat live streaming. Mr Kevin Brown, Managing Director of BT Security, told us that this investment arose following a meeting between BT's Chief Executive and the NCA, where the NCA explained the trends that were emerging in respect of live streaming. The NCA asked if, and how, BT could help from a technological perspective. Mr Brown explained that in a typical live stream of child sexual abuse and exploitation, the perpetrator:

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[485] INQ004184_001
[486] Fortnite is a multi-player video game with a 12+ age rating. There is no age verification when signing up to the game.
[487] INQ004184_001
[488] INQ004184_002
[489] Kristie Canegallo 16 May 2019 83/16-20
[490] Kristie Canegallo 16 May 2019 84/22
[491] Kristie Canegallo 16 May 2019 84/7-11

> "*would join a video to the end destination where the abuse was actually taking place and, therefore, you focus in on the traffic behaviour, which … wouldn't be consistent with a normal conversation as if myself and you were over a Skype conversation … the characteristics would be significantly different*".[492]

29. Mr Brown said that this technology was still at the testing stage but was due to be discussed at a round table meeting with the Home Secretary focussed on the issue of live streaming.[493] That meeting took place on 21 May 2019. Mr Christian Papaleontiou, Head of the Home Office's Tackling Exploitation and Abuse Unit, gave an update on this meeting when he gave evidence at the public hearing the following day. He explained that the Home Office had established the Joint Security and Resilience Centre (JSaRC) to work "*with industry to respond to emerging security challenges*".[494] Through JSaRC, the Home Office had a £250,000 fund available and invited bids from technology companies that were looking "*to develop technical, technological solutions to tackle live streaming*".[495]

30. Five projects were successful in bidding for the fund.[496] They include:

- a project that takes existing techniques used in processing still imagery and applies those techniques to live streaming;
- technology that can analyse video streams and automatically link content depicting the same individuals or locations to assist in identifying victims and offenders;
- development of a tool that identifies, disrupts and prevents child sexual abuse and exploitation by analysing viewers' comments around the live streams; and
- using machine learning to analyse video streams and automatically detect child sexual abuse and exploitation content.

31. The Home Secretary announced a further £300,000 to help these projects develop. As Mr Papaleontiou said:

> "*this is government trying to take a lead and show leadership in terms of identifying solutions … we want to work with and pick up with industry in terms of how we can … deploy some of those companies' technical capabilities and technological capabilities to build on that and advance those projects or, indeed, other projects*".[497]

32. In terms of how law enforcement and industry work together, Mr Robert Jones, Director of Threat Leadership for the NCA, gave a number of examples where a collaborative approach was beneficial in tackling live streaming. In particular, he identified Yubo as being a company that took positive steps to make the platform safer for children. Yubo (formerly called Yellow) is a social media app created in France that allows users to create live videos. It reportedly has approximately 20 million users. Mr Jones told us that Yubo was initially criticised for having no age verification or privacy controls. As a result, the app provided perpetrators with the opportunity to masquerade as a child and thereby groom children and live stream the abuse.

[492] Kevin Brown 17 May 2019 29/23-30/6
[493] Kevin Brown 17 May 2019 30/15-16
[494] Christian Papaleontiou 22 May 2019 75/12-13
[495] Christian Papaleontiou 22 May 2019 75/22-23
[496] Christian Papaleontiou 22 May 2019 76/5-77/12
[497] Christian Papaleontiou 22 May 2019 77/25-78/8

33. One of the ways in which Yubo enhanced its child safety measures was to live moderate live streaming. Yubo used algorithms to help detect child nudity. Where detected a moderator will:

> "*drop into live streams … and tell underage users to effectively cease and desist, to put their clothes back on, to stop. If that doesn't happen, they will potentially lock that account.*"[498]

34. Mr Jones said that Yubo's approach to moderation was shared by the NCA with other industry companies. He said:

> "*there is nothing in this which other industry providers don't know about. The issue is scale and, you know, that is something that can be solved with investment.*"[499]

35. Mr Jones also told us about a live streaming platform that, following feedback from the NCA, changed its reporting systems to NCMEC to provide additional information that would assist in identifying the perpetrator's account or accounts.[500]

36. In the context of online-facilitated child sexual abuse, live streaming is a relatively new phenomenon and, as such, the law enforcement and industry response is not as well developed as it is in respect of grooming and the viewing of indecent images. It is important for companies to understand the scale of the problem on their platforms and ensure they have sufficient numbers of moderators to monitor and review suspected live streaming of child sexual abuse and exploitation. Although it is difficult to technologically detect and prevent the live streaming of child sexual abuse, the methods adopted by Yubo are a good example of what can be achieved by combining technology and human moderation.

[498] Robert Jones 20 May 2019 69/19-23
[499] Robert Jones 20 May 2019 70/21-24
[500] NCA000363_014-015

Part F

Future developments

Future developments

F.1: Background

1. In October 2017, the Department for Digital, Culture, Media & Sport (DCMS) published its *Internet Safety Strategy Green Paper*.[501] The Green Paper considered proposals to tackle a wide range of online harms including, for example, hate crime and cyber bullying, and set out three key principles:[502]

- what is unacceptable offline should be unacceptable online;
- all users should be empowered to manage online risks and stay safe; and
- technology companies have a responsibility to their users.

The Green Paper explained that the Home Office led the government's response to online child sexual exploitation and abuse, so the Internet Safety Strategy would only make "*appropriate links … where the Strategy offers additional solutions to these problems*".[503]

2. The government invited responses to the Green Paper and in May 2018 published its own response.[504] Its response set out plans for a social media code of practice and a requirement for companies to produce transparency reports providing data about the scale of harmful content on their platforms. The government also announced its intention to publish a joint DCMS and Home Office White Paper[505] which specifically included reference to both harmful and illegal online content.

3. In April 2019, the *Online Harms White Paper* was published.[506] Having set out its proposals (considered below), the government posed a number of consultation questions. The consultation period ran from 8 April 2019 to 1 July 2019 and thus spanned the second public hearing in this investigation. The initial consultation response was published in 2020.[507]

F.2: *Online Harms White Paper*

The proposals

4. The aim of the White Paper is to "*tackle content or activity that harms individual users, particularly children*".[508] It outlines plans to "*make companies take more responsibility for the safety of their users and tackle harm caused by content or activity on their services*".[509]

[501] HOM003270; A Green Paper is a consultation document produced by the government which sets out proposals for consideration by people and organisations who work both in government and outside it.
[502] HOM003270_007
[503] HOM003270_008
[504] HOM003271
[505] A White Paper sets out the government's proposals for future legislation.
[506] INQ004232
[507] *Online Harms White Paper – initial consultation response*
[508] INQ004232_009
[509] INQ004232_010

5. In support of this, the government proposes a new regulatory framework for online safety on the open web[510] with a statutory (or legal) duty of care.

6. The proposed duty of care will require companies[511] "*to take reasonable steps to keep users safe, and prevent other persons coming to harm as a direct consequence of activity on their services*".[512] This will include the company preventing known child sexual abuse and exploitation content from being made available to users, taking action following a report of such content and supporting law enforcement investigations into criminal conduct.

7. Compliance with this duty of care will be overseen and enforced by an independent regulator.

8. In order to comply with the legal duty, the regulator will draft codes of practice. In relation to both child sexual abuse and exploitation and terrorism,[513] the government will have the power to direct the regulator in relation to the codes of practice and the codes must be approved by the Home Secretary. The regulator will not normally agree to companies adopting proposals which diverge from these codes.

9. In relation to child sexual abuse and exploitation, it is envisaged that the code of practice will include:[514]

- the reasonable steps companies should take proactively to prevent known and new indecent images of children (and links to such material) being made available and to identify and act in respect of grooming and live streaming;
- the reasonable steps companies should take to prevent searches linking to child sexual abuse and exploitation activity and content;
- the reasonable steps companies should take to ensure services are 'safer by design' and to implement effective measures to identify which users are children and adopt enhanced safety measures for child users;
- the reasonable steps companies should take to promptly inform law enforcement about a child sexual abuse and exploitation offence, including provision of sufficient information to enable victims and perpetrators to be identified;
- the steps companies should take to ensure they continually review their efforts to tackle child sexual abuse and exploitation and remain 'up to date' with the scale and nature of the threat and adapt their procedures and technology in accordance with that threat; and
- steps to ensure that users who are affected by child sexual abuse and exploitation are directed to and able to access support.

[510] INQ004232_035; The government's response to tackling harm on the dark web is set out in the *Serious and Organised Crime Strategy*.
[511] INQ004232_008
[512] INQ004232_045
[513] In relation to child sexual abuse and exploitation and terrorism, the White Paper prioritises action in respect of both of these online harms. For the purposes of this Part of the report, the Inquiry will only refer to child sexual abuse and exploitation.
[514] INQ004232_068-069

10. The White Paper stated that the government would publish interim codes of practice on child sexual abuse and exploitation by the end of 2019. This did not happen. In January 2020, the Home Office informed the Inquiry that the interim codes will be published "*later this year*".[515]

11. The regulator will have enforcement powers. The potential powers include issuing an enforcement notice (requiring the company to respond to a breach of the code and provide an action plan to resolve the problem), civil fines, and publishing public notices where a company fails to comply with the regulations or the regulator.

12. The White Paper also asked consultees for their views on whether the enforcement powers should include the ability to block the companies' platforms from being accessible in the UK and whether senior managers should be personally liable for a major breach of the statutory duty. As Mr Christian Papaleontiou (Head of the Home Office's Tackling Exploitation and Abuse Unit) said, the power to block access to services or platforms is "*very controversial*".[516] He said this would only be considered as a final step in the enforcement regime but "*if there is to be a regulator, the regulator needs to have teeth. These are potentially big companies that it's working with.*"[517]

Responses

13. The National Crime Agency (NCA) considered that the White Paper was right to tackle "*The piece in the middle, which is industry and the platform where all of the offending has taken place*".[518] The NCA wanted to see "*a regime where it actually matters to industry*".[519]

14. Facebook said that they "*welcome*"[520] both input from the government in relation to online harm and the proposal for there to be codes of practice and a regulator. The Internet Watch Foundation (IWF) adopted a similar stance, adding:

> "*We very much hope that the legislation will be flexible enough to allow growth within the internet and the changes within the internet, but also allow for different companies of different sizes to be able to engage with and take advantage of the technologies around.*"[521]

15. Apple said "*we are generally in favour of additional regulation, but I think it depends on what that looks like, and the devil really is in the details*".[522] Microsoft considered that a regulatory framework was important to help "*re-establish trust between the general public and technology … to give them the reassurance that they're not just relying on technology companies to do what they say they're going to do*".[523]

[515] HOM003317
[516] Christian Papaleontiou 22 May 2019 61/17-18
[517] Christian Papaleontiou 22 May 2019 64/2-5
[518] Robert Jones 20 May 2019 83/21-23
[519] Robert Jones 20 May 2019 84/5-6
[520] Julie de Baillencourt 14 May 2019 111/18 and 25
[521] Susie Hargreaves 17 May 2019 138/8-13
[522] Melissa Polinksy 15 May 2019 69/8-11
[523] Hugh Milward 16 May 2019 31/9-12

16. Google was still in the process of considering the White Paper and said it would be responding to the consultation.[524] BT was also in the process of formulating its response and considered the issue was "*one of making sure … that there are clear legal frameworks that will enable us to enact perhaps further blocking or further content examination*".[525]

17. Chief Constable Simon Bailey, the National Police Chiefs' Council (NPCC) Lead for Child Protection and Abuse Investigations, told us that the NPCC was still drafting its response. His personal view was that any legislation needed to be "*extra-territorial*"[526] given that so many of the technology companies were based outside the UK. He supported the need for sanctions to include the ability for internet service providers to block service for non-compliant companies and thought "*a liability for executives is absolutely right*".[527] He added:

> "*the White Paper will only deliver something meaningful if the powers are given to a regulator, whereby the companies recognise that actually they have now got to do something over and above what they are currently doing*".[528]

18. The Inquiry also heard from Mr John Carr OBE, who has been working in and advising on online safety for over 20 years and is a former board member of the IWF.[529] He considers that the time has come for an end to self-regulation because, as he put it:

> "*everything seemed to take forever … unless there was a catastrophe, and then suddenly everything could happen very quickly, and there was no visible means of ever confirming that what the industry said they were doing they were actually doing*".[530]

19. The children spoken to as part of the 'Learning about online sexual harm' research "*identified a clear role for the online industry to play in protecting children and young people from online sexual harm*".[531] As one 15-year-old interviewee put it:

> "*I think they* [online companies] *have a major responsibility, and they don't do it, they don't think about it at all. On Instagram, I've seen no posts about safety.*"[532]

20. When the participants were asked about the steps that companies could take, five common actions were suggested:

- embedded warnings and advice for users to read when signing up to an online platform;
- improved enforcement of age restrictions;
- improved privacy settings including the use of default privacy settings when setting up an account;
- more obvious and accessible reporting options and stronger action when reports are made; and

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[524] Kristie Canegallo 16 May 2019 130/5-10
[525] Kevin Brown 17 May 2019 42/3-6
[526] Simon Bailey 20 May 2019 147/5
[527] Simon Bailey 20 May 2019 147/8
[528] Simon Bailey 20 May 2019 148/6-10
[529] Mr Carr is also the secretary of the Children's Charities' Coalition on Internet Safety (CHIS), a UK-based charity focussed on child safety policy, and a member of the executive board of the UK Council for Internet Safety (UKCIS, formerly the UK Council for Child Internet Safety, UKCCIS), which is a forum that enables government, technology companies and the third sector to promote a safer online experience.
[530] John Carr 22 May 2019 100/20-25
[531] *Learning about online sexual harm* p10
[532] *Learning about online sexual harm* p81

- enhanced moderation of online activity by apps and platforms.[533]

21. Industry, government and law enforcement should take note of these five key actions. Steps to give effect to them within the current institutional response and as part of the proposed online harms regulatory framework should be taken as soon as possible.

F.3: Transparency reports

The content of transparency reports

22. The White Paper also proposes that the regulator will have the power to require companies to provide annual transparency reports *"outlining the prevalence of harmful content on their platforms and what countermeasures they are taking to address these"*.[534] It envisages that the transparency reports will include details about the procedures the company has in place for reporting illegal (and harmful) content, including the number of reports received and how many of those reports led to action being taken. The reports will also include information about what proactive steps or tools the company uses to prevent and detect illegal content and detail about its cooperation with UK law enforcement.

23. The publication of transparency reports is not a concept that is new to the internet industry. Google has been publishing such reports since 2010 and Facebook, Apple and Microsoft since 2013.

24. There is, however, no consistency in the content of the reports. For example, Apple's reports focus upon the number of government requests it receives for information about emergency cases (where there is a risk of death or serious injury), accounts or devices, or 'financial identifiers' (to assist in cases of suspected fraud). Microsoft's reports look at the number of law enforcement requests and whether the request is for content or non-content data from a Microsoft account. Google's and Facebook's reports include some details about the amount of content that is removed from their services and the reasons for that removal.

25. Facebook was asked about its transparency report in respect of 'Child Nudity and Sexual Exploitation of Children', published in November 2018.[535]

> **25.1.** In response to a question in the transparency report 'How prevalent were child nudity and sexual exploitation violations on Facebook?', Facebook replied *"we can't reliably estimate it"*.[536] The report says Facebook took action on 8.7 million pieces of content (in the quarter July to September 2018) and that 99.2 percent of this content was flagged and removed before users reported it to the company. What is not set out though is any real context to these figures. For example, these figures include both illegal images of child sexual abuse and lawful images of child nudity – it is therefore not possible to ascertain how much illegal content was found on Facebook. Second, while the removal of millions of pieces of content is significant, the report does not state how much general content was uploaded to Facebook in this period. It is difficult to assess therefore whether these figures represent a 'success story' or are being used to mask an underlying problem in the way Facebook tackles child sexual abuse material.

[533] *Learning about online sexual harm* pp81–82
[534] INQ004232_010
[535] INQ004287_001
[536] INQ004287_001

25.2. We were told that Facebook could not express "*the prevalence related to child sexual exploitation in a way that is accurate yet*".[537] Ms Julie de Bailliencourt, Facebook's Senior Manager for the Global Operations Team, explained that Facebook was working with the Data Transparency Advisory Group (based at Yale University) to ensure that Facebook was approaching its data collection in the "*right way*".[538] She said that "*Adult nudity is more prevalent on the platform than child sexual exploitation*".[539] When asked how Facebook could make such an assertion if the amount of child sexual abuse and exploitation content was not known, she said:

> "*the amount of time our team may encounter child sexual exploitation versus other types of violating content is minimal*".[540]

26. Google's transparency report for April to June 2018[541] records that YouTube removed nearly 7.8 million videos for breach of its Community Guidelines in the quarter. Of those, 88 percent were identified as a result of automated flagging. In the same quarter, YouTube removed over 9.6 million videos that had been reported by human flaggers (including trusted flaggers[542]). The report states that where a human flagger reports a video, the human flagger can select a reason for their report and that 27.4 percent of reviewers selected 'sexual' as the reason.

27. It would be wrong to assume that 27.4 percent of content removed from YouTube related to sexual offending. The data only records the reason the reporter gave for flagging the video and does not inform the reader if the video did in fact breach the Community Guidelines and, if so, whether the content was illegal and/or related to child sexual abuse and exploitation. Ms Kristie Canegallo, Vice President and Global Lead for Trust and Safety at Google, explained that Google "*continually update the transparency report to provide more information*"[543] and that "*there would be more information around child safety in subsequent reports*".[544]

28. In relation to the transparency reports, Mr Carr was of the view that Google and Facebook "*tell us what they think they want to be transparent about*".[545] He said:

> "*And they're very reluctant to disclose, as you can imagine, exactly what scale of illegal activity is taking place on their platform, but I think we have a right to know*".[546]

29. Mr Tony Stower, Head of Child Safety Online at the National Society for the Prevention of Cruelty to Children (NSPCC), was equally critical of the reports.

> "*The crucial point is, here, that they are deciding what to be transparent about … and that makes it completely impossible for any parent, or indeed any child, to compare the services and make an informed choice.*"[547]

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[537] Julie de Bailliencourt 14 May 2019 70/24-25
[538] Julie de Bailliencourt 14 May 2019 71/7
[539] Julie de Bailliencourt 14 May 2019 70/22-23
[540] Julie de Bailliencourt 14 May 2019 72/5-8
[541] GOO000024
[542] Trusted flaggers are individuals, governmental agencies and non-governmental organisations that are particularly effective at notifying YouTube of content that violates its Community Guidelines.
[543] Kristie Canegallo 16 May 2019 101/7-8
[544] Kristie Canegallo 16 May 2019 101/14-15
[545] John Carr 22 May 2019 111/6-7
[546] John Carr 22 May 2019 111/18-21
[547] Tony Stower 22 May 2019 153/20-24

30. Transparency reports are important to the public's ability to scrutinise industry's efforts to combat online-facilitated child sexual abuse. The Inquiry heard repeatedly from industry witnesses that their respective companies were doing all they could to detect and prevent their platforms from being used to facilitate child sexual abuse. It is difficult at present to assess the accuracy or otherwise of those assertions. There needs to be consistency in respect of the information a company provides about the amount of child sexual abuse content on their platforms or services. This could include, for example, data about the number of reports made to the National Center for Missing & Exploited Children (NCMEC), how many accounts were closed for child sexual abuse and exploitation violations, how many requests the company receives from law enforcement for detail in respect of child sexual abuse and exploitation investigations, and how much illegal content was found as a result of proactive detection technology and/or because of human reporting.

'Naming and shaming'

31. One of the proposals of the White Paper is to publish public notices setting out where a company fails to comply with the regulations/regulator. Mr Carr said that in his experience "*the threat of naming and shaming is one of the few weapons that seems to work reliably with internet companies*".[548]

32. Earlier parts of this report have considered the ways in which the industry responded in 2018/19 to reports in the media of child sexual abuse content being found on their platforms. Invariably, once alerted to the problem, the companies were quick to take action.

33. Mr Robert Jones, Director of Threat Leadership for the NCA, was asked why the NCA does not routinely 'name and shame' those companies that law enforcement considers are failing to respond to the growing online threat. Mr Jones said that when dealing with the companies individually there was "*good and regular dialogue*"[549] and that, generally speaking, when the NCA made a request for intelligence or evidence, that information was provided. He considered that the companies' responses were reactive but that the "*proactivity of going on the front foot to … meet this threat, isn't what we would like it to be*".[550]

34. Mr Jones explained that the NCA did hold joint forums with industry but that it was "*very, very difficult to get the level of openness and transparency amongst all of the companies at the same time*".[551] He thought that it would be "*unfair*" to name and shame a company without providing "*operational context*".[552] From the NCA's perspective:

> "*the challenge for us is that calling out one company doesn't help, because the internet is a global phenomenon and we need everybody to get behind the objective of reducing access to these images*".[553]

35. Chief Constable Bailey was asked about a May 2019 press release[554] in which he advocated a public boycott of social media. He told us that whilst he was "*proud*" of the work done by law enforcement to protect children, he did not consider that efforts to raise the public profile in respect of online child sexual abuse had received "*the public impact in*

[548] John Carr 22 May 2019 134/1-3
[549] Robert Jones 20 May 2019 27/16
[550] Robert Jones 20 May 2019 29/3-5
[551] Robert Jones 20 May 2019 27/19-21
[552] Robert Jones 20 May 2019 29/17-18
[553] Robert Jones 20 May 2019 29/5-9
[554] INQ004303

terms of outrage at what has actually taken place".[555] He said that the power of the regulator to impose fines would be an appropriate and effective sanction for some companies but that "*for some of these companies, who are worth billions, then actually a fine is a drop in the ocean*".[556] It was for this reason that he advocated a boycott because, as he said in the press release:

> "*Ultimately … the only thing they will genuinely respond to is when their brand is damaged.*"[557]

36. In the event of a failure to comply with the regulations or the regulator, the power to name and shame is an important tool for the regulator.

F.4: Compensation

37. IN-A1 and IN-A2's mother (IN-H1) told us that the Criminal Injuries Compensation Authority (CICA) refused both her children's claims for compensation. IN-H1 said that the reason given for the refusal was that online grooming and child sexual abuse and exploitation was not 'a crime of violence' because the offences did not take place in physical proximity.[558]

38. The CICA has responsibility for making awards of compensation to those who have been injured by 'a crime of violence'. There is no legal definition of the term 'a crime of violence' but Annex B to the CICA Scheme lists what is and what is not 'a crime of violence' for the purposes of the scheme.[559]

39. In September 2018, the Ministry of Justice announced a review of the CICA Scheme which includes consideration of whether the definition of 'a crime of violence' should be broadened to include sexually exploitative crimes such as grooming. As Mr Papaleontiou told us, the review would be considering:

> "*how the scheme does or doesn't appropriately capture injury, in its widest sense … and, again, looking at … the definitions around harm … in terms of what we now understand more richly in terms of the impact of child sexual abuse and exploitation*".[560]

40. The government needs to ensure that the CICA Scheme is fit for the internet age and takes account of the fact that online-facilitated abuse is often a feature of sexual offending against children.

41. In IN-H1's opinion, the internet companies should pay compensation to victims of online-facilitated child sexual abuse:

> "*it's their responsibility to look after it, it should be their responsibility to pay compensation for anything that goes wrong, and not only that, it should be their responsibility to get my kids the help and support they need to get through this because, if they created the problem, they should fix it*".[561]

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[555] Simon Bailey 20 May 2019 150/20 and 151/1-2
[556] Simon Bailey 20 May 2019 153/18-20
[557] Simon Bailey 20 May 2019 152/2-3; INQ004303
[558] INQ003770_005
[559] Criminal Injuries Compensation Scheme 2012 (amended)
[560] Christian Papaleontiou 22 May 2019 67/13-21
[561] IN-H1 14 May 2019 17/8-14

42. Mr Papaleontiou was asked whether the government had considered whether monies raised by any fines imposed by the regulator should be used in whole or in part to compensate victims of online harm. He said that the government had not yet gone as far as considering how the money from fines should be allocated but that those discussions "*will rightly need to take place*".[562]

F.5: Education

43. A number of witnesses highlighted the importance of education in the fight against online-facilitated child sexual abuse. As one witness said:

> "*We have to educate, empower and protect our children, and those who are working with them, with the right information.*"[563]

Children

44. The Inquiry heard a range of evidence about how children are taught about online safety.

44.1. Sixty-seven percent of children aged 12 and under and 46 percent of 13 to 18-year-olds would welcome more education in schools about online safety.[564]

44.2. The 'Learning about online sexual harm' research[565] asked participants if they thought the age at which they first received school-based education about online sexual harm was appropriate:

- 95 percent of those who first received school-based online sexual harm education in primary school (years 4 to 6) thought this was the right age;[566]
- 67 percent of those who first received such education in years 7 to 9 (secondary school) thought it was the right age; 29 percent thought it was too late.[567] One 16-year-old girl said:

  > "*Younger students are using social media and are online from a younger age than secondary school, so they need to be informed on this serious matter.*"[568]

- 80 percent of those who first received it in year 10 or later said this had been too late.[569]

44.3. IN-A3 told us:

> "*I really do believe you can't just give them one – one lesson, like we did really about online safety … have more lessons, maybe once a month, about it. Give them scenarios … show them real-life things that can happen online. It's not just a simple thing of someone just popping up to you who's an old man, it's not like that … so many people can lie about who they are, that there needs to be education for that.*"[570]

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[562] Christian Papaleontiou 22 May 2019 65/25-66/1
[563] Jim Gamble 23 January 2018 32/23-25
[564] INQ004232_090
[565] *Learning about online sexual harm*
[566] *Learning about online sexual harm* p57
[567] *Learning about online sexual harm* p57
[568] *Learning about online sexual harm* p59
[569] *Learning about online sexual harm* p57
[570] IN-A3 13 May 2019 87/24-88/8

Similar comments were made by the children in the 'Learning about online sexual harm' research which found "*there was a strong consensus among participants that such education needed to be provided on an ongoing, rather than one-off, basis*".[571]

44.4. In October 2017, Google conducted a survey of just over 200 teachers who had taught for an average of 10 years to learn about the teachers' perspectives. Teachers thought that online safety (not limited to online sexual harm) should be taught from the age of seven and "*82 per cent of the teachers did not think they had all of the resources they needed*" to teach online safety to their students.[572]

45. There are a number of initiatives and training programmes designed to try and raise children's awareness of the dangers of being sexually exploited online. In addition to the NCA's 'Thinkuknow' programme, a number of local police forces also provide similar projects. For example, West Midlands Police worked with local councils on the 'See Me, Hear Me' campaign designed to raise awareness of child sexual exploitation.[573] Kent Police and Norfolk Constabulary deliver online safety presentations to secondary schools.

46. A number of internet companies have also established educational programmes and have dedicated web pages which the public can access to learn about staying safe online. For example, Facebook has a 'Safety Centre' on its website. In the UK, Google runs two educational programmes – 'Be Internet Legends' developed for seven to 11-year-olds and 'Be Internet Citizens' aimed at 13 to 15-year-olds. Google also established the 'Google for Education Teacher Center'.[574]

47. For a number of years now, the UK Safer Internet Centre has run the 'Safer Internet Day' in schools. The Safer Internet Day is a global event held in February each year designed to help teachers, children, parents, law enforcement, social workers and internet companies promote safer use of digital technology.

48. The Department for Education not only plays the lead role in prescribing what children are taught in schools but it is also the government department with responsibility for safeguarding children and child protection. From September 2020 in England it will be compulsory for primary schools to teach 'Relationships Education' and for secondary schools to teach 'Relationships and Sex Education'. Schools are encouraged to start teaching these topics from 2019 and the government has announced a budget of £6 million to help schools receive support and training in preparation for the introduction of these subjects in 2020.[575]

49. At primary school level this includes teaching children that sometimes people behave differently online, including by pretending to be someone they are not, and of the significance of keeping personal information private. The importance of these topics cannot be overstated. During the course of her messages with 'Susan' (ie Anthony O'Connor), IN-A1 told 'Susan' her address. In due course, 'Susan' set up an account which referenced IN-A1's address. Later, towards the end of the abuse, IN-A1 received a letter including a photograph of herself which described all the sexual things 'Susan' was going to do to her. IN-A1 told us that what happened to her caused her mental health to deteriorate such that she even attempted suicide.[576]

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[571] *Learning about online sexual harm* p60
[572] GOO000008_001
[573] OHY003315_043
[574] GOO000001_025-026
[575] Christian Papaleontiou 22 May 2019 79/20-24
[576] IN-A1 13 May 2019 101/16-19

50. By the time children leave secondary school, the draft statutory guidance states that they should know, for example, about the risks of material being shared online, the impact of viewing harmful content and that the sharing and viewing of indecent images of children is a criminal offence. The difficulty in stemming the tide of self-generated indecent imagery is encapsulated by this comment made by a 14 to 16-year-old child who participated in the 'Learning about online sexual harm' research:

> "*I think educating about things like nudes and stuff is hard because yeah, people are taught that it's illegal and everyone understands that but it doesn't stop people being, like wanting to explore. And like, yeah, it is illegal and everyone knows that but* [you] *still do it because you may be attracted to that person or you're just generally just intrigued.*"[577]

51. The participants in this research were asked for their views about the way in which staying safe online was/should be taught. Many felt that there was a disproportionate emphasis on the negative aspects of spending time online.

> "*If you* [teachers] *sort of just come with the approach – this is bad – then you just think – 'you don't understand so why should I listen?' (16-year-old female)*"[578]

52. Nearly two-thirds of students thought that online education should be taught, not by a teacher, but by someone from an external organisation as they would have specialist knowledge.

> "*Because it is coming from someone who knows what they are talking about. (14-year-old male)*"[579]

Particular mention was made of the potential benefits of hearing directly from young people who had experienced online sexual harm.

> "*By talking to people who have had those experiences it makes it a lot more real. (16-year-old female)*"[580]

53. Participants indicated a strong preference for education to be less vague. They want to learn about the details of what online sexual harm looks like and the circumstances where they might encounter this (with some suggesting use of real-life cases or scenarios). Several participants said that the main focus of their education was 'stranger danger' when in fact they wanted a broader focus.

> "*I knew about passwords and blocking people, and stranger danger type things, but I didn't know that you can get groomed, or sexual abuse online, or something like that, I didn't know anything about that. (16-year-old female)*"[581]

[577] *Learning about online sexual harm* p71
[578] *Learning about online sexual harm* p72
[579] *Learning about online sexual harm* p61
[580] *Learning about online sexual harm* p62
[581] *Learning about online sexual harm* p45

Parents

54. IN-H1 told us that when IN-A1 and IN-A2 got their laptops, she tried to limit their usage before bedtime, would not allow them to have the laptops in their bedroom overnight and that her partner would monitor their internet history. She said she did not know what her son and daughter had been taught about online safety at school and she had not had any education herself on this subject.[582]

55. Ms Lorin LaFave (Breck's mother) told us:

> "*There were so many people in the story that had they known a little bit more, been better educated, myself included … all of us would have done what we could have, had we been taught where to go.*"[583]

56. The children spoken to in the 'Learning about online sexual harm' research said that their parents did not properly understand children's use of the internet. They noted that many parents grew up without the internet and, even those who did use it, did so under very different conditions to young people.

> "*My parents have Instagram and Facebook, whatever, but the experience that they have on it as adults, even if they try and put that experience into the mind of a young person, it's not the same as actually being a young person being brought up around this sort of social media culture. (14–16-year-old female)*"[584]

57. Educating children about the need to stay safe online is an important part of the response to tackling online-facilitated child sexual abuse and exploitation. There is a balance to be struck between the need to educate children about the potential dangers of online sexual harm and the desire by children to use the internet as part of their normal, everyday lives. As one 16-year-old interviewee said:

> "*With school and stuff, people say, 'Have your account on private', but then, it's all about likes and followers and views nowadays … if your account's on private, then only the people that follow you can like your things … people don't really follow the privacy rules because then it don't really benefit them in lots of ways.*"[585]

58. Children need to understand how the internet is misused by those intent on sexually abusing children, including by adults masquerading as children. The 'Learning about online sexual harm' research highlights the need for teachers and parents to convey messages about staying safe online in different ways. The 'Relationships Education' and 'Relationships and Sex Education' lessons are therefore important parts of the curriculum that will help prevent children being harmed online.

[582] IN-H1 14 May 2019 4/5-5/25
[583] Lorin LaFave 22 January 2018 107/16-21
[584] *Learning about online sexual harm* p36
[585] *Learning about online sexual harm* p9

Part G

Conclusions and recommendations

Conclusions and recommendations

G.1: Conclusions

1. The number of indecent images of children worldwide is in the many millions. The National Society for the Prevention of Cruelty to Children (NSPCC) has estimated that approximately half a million men in the UK may have viewed indecent images of children. In 2018, the Internet Watch Foundation (IWF) received nearly 230,000 reports of suspected online child sexual abuse. UK law enforcement record more than 10 grooming offences per day and arrest between 400 and 450 people per month for offences of online-facilitated child sexual abuse and exploitation.

2. The last five years have seen improvements in the response of law enforcement, industry and government to online-facilitated child sexual abuse. There have been many technological advances designed to prevent and detect online child sexual abuse, particularly in response to the volume of indecent images of children now available on the internet. More recently, attention has turned to the response to online grooming and live streaming.

3. Despite this, there has been an explosion in online-facilitated child sexual abuse. Law enforcement is struggling to keep pace.

4. There was no evidence to suggest that the number of offenders who use the internet to facilitate their abuse of children is diminishing. It is unclear whether the increase in reporting of online-facilitated child sexual abuse is indicative of an increase in offending or an increase in detection, or both.

5. It is difficult to assess the efficacy of the industry's response to online-facilitated child sexual abuse if the companies do not know the scale of the problem on their platforms and services. The internet companies must do more to identify the true scale of the different types of offending. Such information should be publicly available.

6. It is also difficult to gauge whether the myriad of responses across all sectors are adequate if the offender's underlying motivations and drivers are unknown. We therefore welcome the Home Office's decision to fund the Centre of Expertise on Child Sexual Abuse and its work into the reasons why perpetrators commit child sexual abuse.

7. Most online-facilitated child sexual abuse is committed on the open web and the vast majority of sites that host indecent images of children are available on the open web.[586] By contrast, the dark web can only be accessed by means of specialist software. The abuse found on the dark web is often of the most depraved and deviant kind. While it is not illegal to access the dark web, the dark web is also used by those who have a sexual interest in children, particularly by more sophisticated offenders.

[586] Keith Niven 24 January 2018 4/9-12

Detection and prevention

8. Since the development of PhotoDNA technology in 2009 (and PhotoDNA for Video in 2018), the detection of known child sexual abuse imagery on the internet has improved greatly. As one witness said, PhotoDNA is the "*industry standard*".[587] In addition to this, internet companies have also developed their own technology – such as crawlers to identify large volumes of child sexual abuse imagery and software that can identify child nudity – to detect newly created or previously unseen indecent images.

9. Such developments are invaluable but preventing access to this imagery at the outset is what is required.

10. The National Crime Agency (NCA) has asked industry to pre-screen or pre-filter material before it is uploaded to their platforms and systems to prevent a user from gaining access to child sexual abuse images. While there may be challenges before pre-screening can be implemented, no industry witness said that such a step was technologically impossible. Any argument that pre-screening at the point of upload is unnecessary (given the speed with which known child sexual abuse material can be detected) misses the point. Industry has failed to do all it can to prevent access to such imagery.

11. Indecent images of children can be accessed all too easily. Every time a child sexual abuse image is viewed, the victim is re-victimised, and the offender is potentially drawn into a search for increasingly depraved material. The time has come for the government to stop access to indecent images of children by requiring industry to pre-screen material.

12. The UK government must also continue to prompt change not just nationally but internationally. As a result of the IWF's work, the UK hosts a tiny proportion of child sexual abuse material (0.04 percent). The work of the IWF in removing significant amounts of child sexual abuse material is a genuine success story. The response of some other countries seemingly lags behind. It is beyond the remit of this Inquiry to make recommendations to other countries but it is clear that more needs to be done internationally to try and reduce the amount of child sexual abuse content that is available online and the government should do all it can through the WeProtect Global Alliance to help achieve this aim.

13. Encryption makes data unreadable to unauthorised parties and, in the case of end-to-end encrypted communications such as WhatsApp, iMessage and FaceTime, the content of the communication can only be seen by the sender and recipient. Many of the techniques used to detect online offending do not work where the communication is encrypted. One consequence of encryption, and in particular end-to-end encryption of messages, is that it will make it harder for law enforcement to detect and investigate offending of this kind and is likely to result in child sexual abuse offences going undetected. Encryption therefore represents a significant challenge to the detection of and response to online-facilitated child sexual abuse.

14. In late 2018, the Home Secretary convened a hackathon, where engineers from the leading internet companies developed a prototype that highlights conversations that might be indicative of grooming. That technology has now been launched. The progress made in the course of two days demonstrates what can be done when government, industry and law

[587] Kristie Canegallo 16 May 2019 88/22

enforcement work together. This proactive approach is to be commended and, as the *Online Harms White Paper* itself acknowledges, "*more of these innovative and collaborative efforts are needed*".[588]

15. While developments in technology play an important role in trying to detect such offending, they are not a substitute for the internet companies investing in live moderation. The internet companies need to ensure that there are sufficient numbers of human moderators with a specific focus on online child sexual abuse and exploitation. The value of human moderation is evident from the success achieved by the social network Yubo, whose moderators interrupt live streams to tell underage users to put their clothes on.

Age verification

16. The online abuse of children continues to grow. In the first three months of 2019, the IWF found that 81 percent of self-generated imagery they took action on showed children between 11 and 13 years old, predominantly girls. NSPCC research in 2017/18 recorded that children aged 11 and under were victims in one-quarter of offences where a child had been sent a sexual communication.

17. The majority of children own a smartphone from around the time they start secondary school. Although industry companies either prohibit or discourage children under 13 years old from accessing their platforms or services,[589] the age verification process can be often easily subverted – simply by inputting a false date of birth.

18. While some of the internet companies know how many users have failed the current age verification requirements and how many accounts have been terminated because the user is under 13 years old, such information is not contained within transparency reports and so the true scale of underage use is not public knowledge. Increased transparency about the extent and scale of underage use is required. Transparency reports are now commonplace but, in the absence of independent and consistent reporting standards, the reports only tell the public what the organisation wants and thinks the public should know.

19. Many social media platforms and online services have parental controls. Whilst these can be set so that parents can monitor who their children communicate with and how much time they spend online, the Inquiry heard no evidence of a comprehensive plan from industry and government to address the problem of underage use.

20. Children aged under 13 years old need additional protection. The industry must do more than rely on children to supply their true age when signing up to a platform. There must be better means of ensuring compliance with the current age restrictions.

Education and awareness

21. As the 'Learning about online sexual harm' research revealed, education about online safety at primary school is necessary. The Inquiry welcomes the Department for Education's decision to make 'Relationships Education' in primary schools compulsory from September 2020. Coupled with the introduction of compulsory 'Relationships and Sex Education' in secondary schools, it is anticipated that these lessons will make children more aware of the ways the internet can be misused by those intent on sexually abusing children. Teaching

[588] INQ004232_012
[589] Other than those specifically designed for children under 13 years old.

children about the harm caused by the taking and sharing of self-generated imagery will help to raise awareness of how quickly a child can lose control over who has access to such material.

22. Educating children about the need to stay safe online is an important part of the response to tackling online-facilitated child sexual abuse and exploitation. We heard evidence from parents and children that even those parents who were regular users of social media did not necessarily understand the realities of children's online lives. The 'Learning about online sexual harm' research highlights the need for teachers and parents to convey messages about staying safe online in a variety of ways. The introduction of the new compulsory 'Relationships Education' and 'Relationships and Sex Education' is an essential step in helping to prevent children from being harmed online.

Future reform

23. While we heard evidence of the positive intentions by industry to tackle online-facilitated child sexual abuse and exploitation, there is a lack of a coherent long-term strategy on how this is to be achieved. Responses by industry were varied and sometimes appeared to be reactive rather than proactive. One of the motivating factors that prompted some companies to take action seemed to be the reputational damage caused by adverse media reporting, rather than seeking to ensure the protection of children is given a high priority within their business models.

24. The children who participated in the 'Learning about online sexual harm' research identified five key areas which they thought would enhance their safety online:

- users should be given warnings and advice about online harm when they first set up a device or open a social media account;
- improved enforcement of age restrictions when accessing social media accounts and other online content;
- improved use of privacy settings and, in particular, the use of default privacy functions when setting up an account;
- more obvious and accessible reporting options and stronger action taken when concerns are reported; and
- greater moderation of online activity by apps and platforms.[590]

Industry, government and law enforcement should take note of what children have suggested and take steps to give effect to them.

25. Regulation of the internet industry is now required. No witness who gave evidence to the Inquiry has argued otherwise. The December 2019 Queen's Speech included the government's commitment to progressing the Online Harms Bill, a matter to which the Inquiry will return in its final report.

26. The *Online Harms White Paper* stated that an interim code of practice for child sexual abuse and exploitation would be published by the end of 2019. This did not happen. The interim code will require companies to take reasonable steps across a wide range of areas, all of which are designed to protect children from online-facilitated sexual harm. The code is therefore invaluable and should be published without further delay.

[590] *Learning about online sexual harm* pp89–90

27. The volume of online child sexual abuse and exploitation offences undoubtedly "*represents a broader societal failure to protect vulnerable children*".[591] Continued and increased collaboration across all three sectors, coupled with education of children about the need to stay safe online, is what is required to protect children.

G.2: Matters to be explored further by the Inquiry

28. The Inquiry will take into account a number of issues which emerged during this investigation, including but not limited to:

- regulation;
- age verification controls and other proposals contained within the *Online Harms White Paper*; and
- the progress of the Ministry of Justice's Criminal Injuries Compensation Authority review.

We anticipate these issues will be addressed in our final report.

G.3: Recommendations

The Chair and Panel make the following recommendations, which arise directly from this investigation.

Those referred to in these recommendations should publish their response to each recommendation, including the timetable involved, within six months of the publication of this report.

Recommendation 1: Pre-screening of images before uploading

The government should require industry to pre-screen material before it is uploaded to the internet to prevent access to known indecent images of children.

Recommendation 2: Removal of images

The government should press the WeProtect Global Alliance to take more action internationally to ensure that those countries hosting indecent images of children implement legislation and procedures to prevent access to such imagery.

Recommendation 3: Age verification

The government should introduce legislation requiring providers of online services and social media platforms to implement more stringent age verification techniques on all relevant devices.

Recommendation 4: Draft child sexual abuse and exploitation code of practice

The government should publish, without further delay, the interim code of practice in respect of child sexual abuse and exploitation as proposed by the *Online Harms White Paper* (published April 2019).

[591] OHY002229_004-005

Annexes

Annex 1

Overview of process and evidence obtained by the Inquiry

1. Definition of scope

The Internet investigation is an inquiry into institutional responses to child sexual abuse and exploitation facilitated by the internet.

The scope of this investigation is as follows:

> *"1. The Inquiry will investigate the nature and extent of the use of the internet and other digital communications technology (collectively 'the internet') to facilitate child sexual abuse, including by way of sharing indecent images of children; viewing or directing the abuse of children via online streaming or video conferencing; grooming or otherwise coordinating contact offences against children; or by any other means. The investigation shall incorporate case specific investigations and a review of existing information available from published and unpublished reports and reviews, court cases, and previous investigations.*
>
> *2. In doing so, the Inquiry will consider the experiences of victims and survivors of child sexual abuse facilitated by the internet, and investigate the adequacy of:*
>
> *2.1. government policy relevant to the protection of children from sexual abuse facilitated by the internet;*
>
> *2.2. the relevant statutory and regulatory framework applicable to internet service providers, providers of online platforms, and other relevant software companies;*
>
> *2.3. the response of internet service providers, providers of online platforms, and other relevant software companies to child sexual abuse facilitated by the internet;*
>
> *2.4. the response of law enforcement agencies to child sexual abuse facilitated by the internet;*
>
> *2.5. the response of the criminal justice system to child sexual abuse facilitated by the internet."*[592]

2. Core participants and legal representatives

Counsel to this investigation:

Jacqueline Carey
Eesvan Krishnan

[592] Definition of Scope: The Internet and Child Sexual Abuse

Complainant core participants:

IN-A1, IN-A2, IN-A3 (Phase two)	
Counsel	William Chapman
Solicitor	David Greenwood and Kieran Chatterton (Switalskis)

Institutional core participants:

National Crime Agency (NCA) (Phase one and phase two)	
Counsel	Neil Sheldon QC
Solicitor	Sarah Pritchard and Karen Park (NCA)
National Police Chiefs' Council (NPCC) (Phase one and phase two)	
Counsel	Debra Powell QC and James Berry
Solicitor	Craig Sutherland and Ian Coleman (East Midlands Police Legal Services)
Commissioner of Police of the Metropolis (Metropolitan Police Service) (Phase one and phase two)	
Counsel	Jason Beer QC (Phase one) Christopher Butterfield (Phase two)
Solicitor	Metropolitan Police Service's Directorate of Legal Services
Home Office (Phase one and phase two)	
Counsel	Tom Kark QC (Phase one) Nicholas Griffin QC (Phase two)
Solicitor	Daniel Rapport (Government Legal Department)
Internet Watch Foundation (IWF) (Phase two)	
Counsel	Peter Alcock
Solicitor	Charles Arrand and Joanne Sear (Shoosmiths)

3. Evidence received by the Inquiry

Number of witness statements obtained:
96
Organisations and individuals to which requests for documentation or witness statements were sent:
Apple
Avon and Somerset Constabulary
BT
Child Redress International (CRI)
Coadec
College of Policing
Cumbria Constabulary
Eastern Region Specialist Operation Unit (ERSOU)
Facebook
Google

4. Disclosure of documents

Total number of pages disclosed: 17,347

5. Public hearings including preliminary hearings

Preliminary hearings	
1	19 September 2017
2	1 November 2018
Public hearings: Phase one	
Days 1–5	22–26 January 2018
Public hearings: Phase two	
Days 1–5	13–17 May 2019
Days 6–8	20–22 May 2019
Day 9	24 May 2019

6. List of witnesses

Surname	Forename	Title	Called, read, summarised or adduced	Hearing day
LaFave	Lorin	Ms	Called	1 of phase one
Palmer	Gillian (Tink)	Ms	Called	1 of phase one
Gamble	James (Jim)	Mr	Called	2 of phase one
Niven	Keith	Mr	Called	2, 3 of phase one
Bailey	Simon	Chief Constable	Called	3 of phase one 6 of phase two
Murray	Alex	Temporary Assistant Chief Constable	Read	4 of phase one
Smith	Richard	Commander	Called Read	4 of phase one 6 of phase two
Blaker	Anthony	Assistant Chief Constable	Read	4 of phase one
White	William	Detective Superintendent	Called	4 of phase one
Ford	Debbie	Assistant Chief Constable	Read	4 of phase one
Webster	Mark	Assistant Chief Constable	Called	5 of phase one
Ackland	Emma	Acting Assistant Chief Constable	Read	5 of phase one
Kirk	Rhiannon	Acting Assistant Chief Constable	Read	5 of phase one
IN-A3			Called	1 of phase two
IN-A1			Read	1 of phase two
IN-A2			Read	1 of phase two
IN-H1			Called	2 of phase two
de Bailliencourt	Julie	Ms	Called	2 of phase two
Polinsky	Melissa	Ms	Called	3 of phase two
Milward	Hugh	Mr	Called	3, 4 of phase two
Canegallo	Kristie	Ms	Called	4 of phase two
Brown	Kevin	Mr	Called	5 of phase two
Roberts	Michael	Mr	Read	5 of phase two
Hargreaves	Susan (Susie)	Ms	Called	5 of phase two
Jones	Robert	Mr	Called	6 of phase two
IN-X1			Read	6 of phase two
IN-X2			Read	6 of phase two
Smith	Richard	Commander	Read	6 of phase two
Papaleontiou	Christian	Mr	Called	8 of phase two
Carr	John	Mr	Called	8 of phase two

Surname	Forename	Title	Called, read, summarised or adduced	Hearing day
Stower	Anthony (Tony)	Mr	Called	8 of phase two
Binford	W Warren H	Professor	Read	8 of phase two

7. Restriction orders

On 23 March 2018, the Chair issued an updated restriction order under section 19 of the Inquiries Act 2005 granting anonymity to all core participants who allege they are the victim and survivor of sexual offences (referred to as complainant core participants). The order prohibited:

(i) the disclosure or publication of any information that identifies, names or gives the address of a complainant who is a core participant; and

(ii) the disclosure or publication of any still or moving image of a complainant core participant.

This order meant that any complainant core participant within this investigation was granted anonymity, unless they did not wish to remain anonymous. That order was amended on 7 March 2019, but only to vary the circumstances in which a complainant core participant may themselves disclose their own core participant status.[593]

On 7 March 2019, the Chair issued a restriction order under section 19 of the Inquiries Act 2005 to protect the identity of IN-X1 and IN-X2 who established Dark Justice. The order prohibits the disclosure and publication of any information that identifies or tends to identify IN-X1 or IN-X2. The order does not prohibit disclosure of this information to the core participants in the Internet investigation, namely: the National Crime Agency (NCA), the National Police Chiefs' Council (NPCC), the Home Office, the Commissioner of Police of the Metropolis (Metropolitan Police Service), the Internet Watch Foundation (IWF), IN-A1, IN-A2 and IN-A3.[594]

In addition to the restriction orders granting anonymity to individuals whose identity has been redacted or ciphered by the Inquiry, the Chair issued a number of restriction orders to prohibit the disclosure and/or publication of evidence that was relevant to the proceedings but which had been assessed as being too sensitive to put into the public domain. The restriction orders relate predominantly to sensitive detection techniques deployed by law enforcement and industry.[595] Some of the evidence subject to these restriction orders was heard in private or 'closed' sessions.

8. Broadcasting

The Chair directed that the proceedings would be broadcast, as has occurred in respect of public hearings in other investigations.

[593] Restriction Order 23 March 2018
[594] Restriction Order 7 March 2019
[595] Restriction orders issued by the Chair in relation to the Internet investigation

9. Redactions and ciphering

The material obtained for this investigation was redacted and, where appropriate, ciphers were applied, in accordance with the Inquiry's Protocol on Redaction of Documents (the Protocol).[596] This meant that (in accordance with Annex A of the Protocol), for example, absent specific consent to the contrary, the identities of complainants and victims and survivors of child sexual abuse and other children were redacted. If the Inquiry considered that their identity appeared to be sufficiently relevant to the investigation, a cipher was applied.

Pursuant to the Protocol, the identities of individuals convicted of child sexual abuse (including those who have accepted a police caution for offences related to child sexual abuse) were not generally redacted unless the naming of the individual would risk the identification of their victim, in which case a cipher would be applied.

The Protocol also addresses the position in respect of individuals accused, but not convicted, of child sexual or other physical abuse against a child, and provides that their identities should be redacted and a cipher applied. However, where the allegations against an individual are so widely known that redaction would serve no meaningful purpose (for example where the individual's name has been published in the regulated media in connection with allegations of abuse), the Protocol provides that the Inquiry may decide not to redact their identity.

Finally, the Protocol recognises that, while the Inquiry will not distinguish as a matter of course between individuals who are known or believed to be deceased and those who are or are believed to be alive, the Inquiry may take the fact that an individual is deceased into account when considering whether or not to apply redactions in a particular instance.

The Protocol anticipates that it may be necessary for core participants to be aware of the identity of individuals whose identity has been redacted and in respect of whom a cipher has been applied, if the same is relevant to their interest in the investigation.

10. Warning letters

Rule 13 of the Inquiry Rules 2006 provides:

> *"(1) The chairman may send a warning letter to any person –*
>
> *a. he considers may be, or who has been, subject to criticism in the inquiry proceedings; or*
>
> *b. about whom criticism may be inferred from evidence that has been given during the inquiry proceedings; or*
>
> *c. who may be subject to criticism in the report, or any interim report.*
>
> *(2) The recipient of a warning letter may disclose it to his recognised legal representative.*

[596] Inquiry Protocol on Redaction of Documents

> *(3) The inquiry panel must not include any explicit or significant criticism of a person in the report, or in any interim report, unless –*
>
> *a. the chairman has sent that person a warning letter; and*
>
> *b. the person has been given a reasonable opportunity to respond to the warning letter.*"

In accordance with rule 13, warning letters were sent as appropriate to those who were covered by the provisions of rule 13, and the Chair and Panel considered the responses to those letters before finalising the report.

Annex 2

Glossary

Child Abuse Image Database (CAID)	A single secure database of illegal images of children.
Classifier	A computer programme that learns from data given to it, to then identify similar data.
Cloud	A network of remote servers hosted on the internet to store, manage and process data.
Criminal justice system	The system which investigates, prosecutes, sentences and monitors individuals who are suspected or convicted of committing a criminal offence. This also encompasses institutions responsible for imprisonment, probation and sentences served in the community.
CyberTipline	An online tool which enables the public and industry to report indecent images of children and incidents of grooming and child sex-trafficking found on the internet.
Dark web (or dark net)	Part of the world wide web that is only accessible by means of specialist software and cannot be accessed through well-known search engines.
Encryption	The process of converting information or data into a code that makes it unreadable to unauthorised parties.
End-to-end encryption	Where the content of the communication can only be seen by the sender and recipient, and not by any others – including the providers of the platforms themselves.
First-generation imagery	A child sexual abuse image taken by an adult that has not previously been recorded by law enforcement or industry as indecent.
Freedom of information requests	Under the Freedom of Information Act 2000, members of the public may request information from public authorities.
Geolocation	The process of identifying the location where the internet is being accessed, whether on a computer or a mobile device.
Green Paper	A consultation document that sets out the government's proposals for future policy or legislation.
Grooming	The process by which a perpetrator communicates with a child with the intention of committing sexual abuse or exploitation. Includes forcing, manipulating or enticing a child to engage in sexual activity, either with themselves or with other children.
Hash	A unique digital signature of an image.
Indecent images of children	A photograph or pseudo-photograph of a child under the age of 18 that is deemed to be indecent.
Industry	Includes internet service providers (ISPs); communication service providers (CSPs) such as BT; software companies such as Microsoft; social media platforms such as Facebook; providers of search engines such as Google; and providers of email and messaging services and cloud storage such as Apple.

INHOPE	A foundation that develops national hotlines to help deal with child sexual abuse material online.
Internet protocol (IP) address	A number assigned to a device connected to a computer network.
Internet Watch Foundation (IWF)	An independent, not-for-profit organisation which aims to remove child sexual abuse images and videos from the internet and to minimise the availability of such material.
Known images	An image of a child that law enforcement and/or industry has identified as an indecent image.
Law enforcement agencies	Statutory agencies with responsibility for policing and intelligence, including police forces, the intelligence services and the National Crime Agency.
Live streaming of child sexual abuse	The broadcasting of real-time, live footage of a child being sexually abused over the internet.
National Security Council	A weekly forum in which government ministers meet to discuss national security. The meeting is chaired by the Prime Minister.
Personal data	Information that relates to an identified or identifiable individual.
PhotoDNA	Technology developed by Microsoft which assists in finding and removing known images of child sexual abuse on the internet.
Project Arachnid	A web crawler designed to discover child sexual abuse material on sites that had previously been reported to the Canadian CyberTipline as hosting such material.
Pseudo-photograph	An image, often created on a computer, which looks like a real photograph.
Rapid Evidence Assessment (REA)	A review which gives an overview of the amount and quality of evidence on a particular topic as comprehensively as possible within a set timetable.
Self-generated imagery	A naked or partially naked image of a child taken by the child him or herself.
Trusted flaggers	Individuals, governmental agencies and non-governmental organisations that are particularly effective at notifying YouTube of content that violates its Community Guidelines.
Uniform resource locator (URL)	The network identification or address where a particular page or resource (eg images, sound files) can be found on the world wide web.
Unknown images	An image of a child that has not previously been recorded by law enforcement or industry to be an indecent image of a child.
US	United States of America.
Web crawler	A computer programme that automatically searches for documents, or in this case for indecent images, on the web.
White Paper	A document that sets out the government's proposals for future legislation.

Annex 3

Acronyms

CAID	Child Abuse Image Database
CEOP	Child Exploitation and Online Protection Centre
CHIS	Children's Charities' Coalition on Internet Safety
CICA	Criminal Injuries Compensation Authority
CRI	Child Redress International
CSA	child sexual abuse
CSAE	child sexual abuse and exploitation
CSAI	child sexual abuse imagery or images
CSAM	child sexual abuse material
CSEA	child sexual exploitation and abuse
CSP	communication service provider
DCMS	Department for Digital, Culture, Media & Sport
DEA	Digital Economy Act 2017
ERSOU	Eastern Region Specialist Operation Unit
ESP	electronic service provider
GCHQ	Government Communications Headquarters
GDPR	General Data Protection Regulation
ICAT	Internet Child Abuse Team
ICO	Information Commissioner's Office
IPCC	Independent Police Complaints Commission
ISP	internet service provider
IWF	Internet Watch Foundation
JSaRC	Joint Security and Resilience Centre
KIRAT	Kent Internet Risk Assessment Tool
MLAT	Mutual Legal Assistance Treaty
MPS	Metropolitan Police Service
NCA	National Crime Agency
NCMEC	National Center for Missing & Exploited Children
NGO	non-governmental organisation
NPCC	National Police Chiefs' Council
NSPCC	National Society for the Prevention of Cruelty to Children

NUWG	National Undercover Working Group
PTF	Police Transformation Fund
REA	Rapid Evidence Assessment
ROCUs	Regional Organised Crime Units
SOCA	Serious and Organised Crime Agency
UCOL	Undercover Online
UKCIS	UK Council for Child Internet Safety
URL	uniform resource locator

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