

SUPPLEMENT TO THE WANLESS/WHITTAM REVIEW

1. Since our Review two matters have been brought to our attention, one by the Cabinet Office, the other by the Home Office. Our response has to be considered in the context of the approach we took to our work, including:
 - 1.1. "Our terms of reference, which we were not involved in drafting, concentrate specifically on what the Home Office knew or did during a fixed period of time, drawing upon information held in registered files." [Review 2.3].
 - 1.2. "We were asked to complete the work in 8-10 weeks. This was not a statutory inquiry. We did not take evidence from witnesses in a formal sense but were open to receiving and reading information from anyone who sought to contact us. Through the Home Office we have made many requests of others across Government and wider public services where filing and record keeping methods are inconsistent. On occasion the replies we received required clarification or prompted further inquiry. Whilst that necessarily prolonged the process we sought to conduct our review expeditiously. In the time available we have had to rely on the efficiency and integrity of those who have sought material on our behalf." [Review 2.8].
 - 1.3. "Whilst we have remained true to our terms of reference we have not been unnecessarily constrained by them, as evidenced by our decision to look beyond what is recorded at the Home Office to see whether we could uncover any material that could throw some light on the apparent discrepancies between what it is publicly thought did exist [or may have existed] and what is recorded as having existed. We have sought to discover whether material was not recorded and what may have been removed or destroyed without legitimate justification." [Review 2.12]

CABINET OFFICE

2. The response by the Cabinet Office is set out in our Review at 6.32-34.
3. A Written Statement made by the Minister for Cabinet and Paymaster General on 4 February 2015 [Annex A] announced that the response from his Department was flawed. As a result we were invited to examine further material at the Cabinet Office on 16 February and 24 March this year. We asked that what we had been shown and why we had not been shown it before should be set out in writing. That was done by Richard Heaton CB, Permanent Secretary and First Parliamentary Counsel in a letter to us dated 5 May 2015 [Annex B].

- 20
4. The Permanent Secretary accepted there was a flaw in the way in which the Cabinet Office initially responded to our call for a search of departmental papers and set out three categories of papers that had not previously been identified. We are concerned and disappointed that the Cabinet Office was aware of the separate Cabinet Office store of assorted and unstructured papers yet informed us that the searches covered all records and files held.
 5. In our examination of the further material, which is set out in the two lists appended to the letter of 5 May we found nothing to cause us to alter the conclusions drawn or recommendations made in our Review. In particular, the specific file about Sir Peter Hayman which triggered the Cabinet Office to look again at what they held, while including some additional papers unseen by the Home Office, did not suggest Home Office papers relating to him had been destroyed or removed. That said, it is essential that the public have confidence in the searches that were undertaken, not least because we had to rely on the efficiency and integrity of those who sought material on our behalf. The emergence of these papers only after our Review had completed is not helpful in that regard.
 6. More broadly, there were a number of references across the papers we saw that reinforced the observation we made in our Review [Review 2.5] 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. [Sir Antony Duff to Sir Robert Armstrong 4/11/86]

HOME OFFICE

7. Jeremy Oppenheim, the now Director of Safeguarding at the Home Office wrote to us in identical terms on 1 May 2015 [Annex C]. As a result of correspondence and an enquiry from a national newspaper some additional searches were carried out of unregistered Home Office Papers held at The National Archives. Those files are summarised in his letter and he extended an offer to us to review those papers.
8. We were asked to conduct a review in a limited period of time focused on papers within the registered filing system. We offered a careful caveat that we could not comment on what might have been recorded [and subsequently held or destroyed] outside the system though we did seek assurance from very senior officials at the

Home Office in the early 1980s as to what papers might have been held off system and were told very few [Review 6.9]. Whilst it is important that these files have been identified, as they fell outside our terms of reference, it is not for us to examine them now. Their discovery reflects the known restricted nature of our Review. Both this letter and the papers kept off system at the Cabinet Office, illustrate the merit of a broader search of potentially relevant material both on and off the system, unconstrained by what the Home Office in particular might or might not have known, with Departments paying particular attention to relevant material that is not registered. We anticipate that the Independent Inquiry into Child Sexual Abuse chaired by Justice Goddard will expect no less.

Peter Wanless and Richard Whittam QC

3 June 2015

Child Sexual Abuse (Independent Panel Inquiry)

12.36 pm

The Secretary of State for the Home Department (Mrs Theresa May): With permission, Mr Speaker, I would like to make a statement on the independent panel inquiry into child sexual abuse.

As the House knows, the Government established this inquiry so that we could get to the bottom of whether important institutions—public sector bodies as well as non-state organisations—have taken seriously their duty of care to protect children from sexual abuse.

In November, in my last statement to the House about the inquiry, I said that in appointing two chairmen who had failed to win the trust of survivors, we had got things wrong. I said, as we worked out how to move forward, that we would listen to survivors and their representatives, and that if we stay patient and work together we have a once-in-a-generation opportunity to find out what has happened in the past and what is still happening now, and to stop it happening in the future.

Since my last statement, I have held meetings with young survivors, adult survivors and groups that represent thousands of survivors in total. During those meetings, many people shared their experiences no matter how painful or how difficult it was to speak out. In doing so, the young survivors displayed immense courage, as did the older survivors who showed me how abuse that has taken place decades ago can feel like it took place yesterday, and how they have had to live with the consequences of that abuse for the whole of their adult lives. I am grateful to all of them.

Throughout those meetings, for every person who told their story, there was one common goal: to save others from the abuse that they had suffered. So let me be clear: I am now more determined than ever to expose the people behind these despicable crimes; the people and institutions that knew about the abuse but did not act and that failed to help when it was their duty—sometimes their very purpose—to do so; and the people and institutions that, in some cases, positively covered up evidence of abuse.

Other common themes emerged from those meetings and from the wider feedback that survivors have given me. Although there is no single point of view for the many thousands who have suffered—and that means that not every survivor will agree with everything that I announce today—there is a remarkable degree of consensus on what is needed for this inquiry as it goes about its important work.

Survivors have been clear about the type of chairman who would command their confidence. They have said that they want to see powers of compulsion to make sure all witnesses give evidence, and that we need to revise the inquiry's terms of reference. They have raised the importance of help and support as this inquiry triggers memories that cause great pain, and, finally, they have emphasised the importance of prosecuting the perpetrators of these terrible crimes where evidence emerges.

I will turn first to the matter of the chairman. After my previous statement, the Home Office received more than 150 nominations from survivors, their representatives,

4 Feb 2015 : Column 276

MPs and members of the public. The Home Office also contacted Commonwealth countries, via the Foreign Office, to identify any suitable candidates. Each and every name was assessed against a set of criteria, incorporating the views of survivors on the most important factors. The criteria included: the appropriate skills to carry out this complex task; experience of the subject matter; and the absence of any direct links to any individual about whom people might have concerns, or any institution or organisation that might fall under the scope of the inquiry. A copy of the criteria will today be placed in the House Library and published in full on the gov.uk website.

Following an initial sift, due diligence checks were carried out on all the remaining names, which included academics, social workers, people from the charitable sector and a significant number of judges and members of the legal profession. The list was narrowed down to a shortlist of those who matched the set of criteria and were most suited to taking on the undoubtedly challenging role. I then took the views of a small group of survivors, all members of larger groups, who represent more than 100,000 individual survivors.

As the House will remember, during the debate on 22 January I said that I would reach my decision by the end of January and update the House shortly thereafter. Based on the clear feedback from survivors, and the assessment of the nominations against the agreed criteria, I can tell the House that I plan to appoint Justice Lowell Goddard as the new chairman of the independent panel inquiry into child sexual abuse.

Justice Goddard is a judge of the High Court of New Zealand. She is a highly respected member of the judiciary who has been at the forefront of criminal law and procedure. As chairman of New Zealand's Independent Police Conduct Authority, she conducted an inquiry into the policing of child abuse in New Zealand, and she is also a member of the United Nations sub-committee on prevention of torture. She will bring a wealth of expertise to the role of chairman and, crucially, will be as removed as possible from the organisations and institutions that might become the focus of the inquiry.

I can confirm that I have discussed Justice Goddard's appointment with the shadow Home Secretary, and I am grateful to the right hon. Lady for her constructive comments and bipartisan approach. The House will also remember that I agreed with the right hon. Member for Leicester East (Keith Vaz) that the nominated panel chairman would attend a pre-appointment hearing before the Home Affairs Committee, which will bring further transparency to the appointment process. I can confirm that the right hon. Gentleman, who chairs the Committee, has agreed that this will take place on 11 February. I have asked the Committee to publish its report as soon as possible.

I will now turn to the form of the inquiry. As I told the Home Affairs Committee on 15 December, I am clear that the inquiry should have the power to compel witnesses to give evidence. I also said there were three ways to do that: first, by establishing a royal commission; secondly, by converting the current inquiry into a statutory inquiry under the Inquiries Act 2005, subject to consultation with the chairman once appointed; or, thirdly, by setting up a new statutory inquiry under the 2005 Act.

Having taken in-depth legal advice and discussed the options with survivors, I have concluded that a royal commission would not have the same robustness in law

4 Feb 2015 : Column 277

as a statutory inquiry. In particular, it would not have the same clarity over its powers to compel witnesses to give evidence. I have decided not to convert the current inquiry, because doing so would not address the concerns of survivors about the degree of transparency in the original appointments process. I have therefore decided upon the third option of establishing a new statutory inquiry with a panel.

I want to make it clear that that is by no means a criticism of the current panel members, who were selected on the basis of their expertise and commitment to getting to the truth about child abuse in this country. The fact that the panel is being dissolved has nothing to do with their ability or integrity, and I want to place on the record my gratitude to them for the work they have done so far. I have asked the panel to produce a report on their work so far, which I am sure will provide valuable assistance to the incoming chairman.

In order to make sure that the appointment of the new panel is as transparent as possible, I will publish in full the criteria by which each new member will be selected and place a copy in the House Library and on gov.uk. I hope that the original members and the expert adviser to the panel, Professor Alexis Jay, will put themselves forward to be considered against those criteria if they so wish. I can confirm that Ben Emmerson QC will remain as counsel to the inquiry. I will wish to discuss the make-up of the new panel with Justice Goddard, but I am clear that each member must have the right skills and expertise to do the job, satisfy the statutory requirements of impartiality, and command the confidence of survivors.

So the process is being reset, and that means that I will also revisit the terms of reference. In accordance with the Inquiries Act, these will need to be discussed with Justice Goddard, but I want to assure survivors and the House that I have heard the strong call that the inquiry's remit should go back further than the current time limit of 1970. There are, however, good reasons for confining the inquiry's scope to England and Wales. The Hart inquiry in Northern Ireland and the Oldham inquiry in Jersey are already under way, while the Scottish Government have announced their own inquiry into child abuse—but I shall discuss this with the new chairman. In the event that the geographical scope remains the same, I propose that a clear protocol is agreed to make sure that no information falls through the cracks and that no people or institutions escape scrutiny, censure or justice.

I wish once more to reassure the House that the Official Secrets Act will not be a bar to giving evidence to this inquiry. I am clear that the inquiry will have the full co-operation of Government and access to all relevant information, including secret information where appropriate. I shall be writing to Secretaries of State to ask for their full co-operation, and I will ask the Cabinet Secretary to write to all Departments and agencies, and to public sector organisations, including local authorities, setting out the need for full transparency and co-operation with the inquiry.

I should now like to turn to the important issue of support. Survivors have fought hard for this inquiry, and they have done so knowing the intense emotional toll it will take. Charities have already reported a huge

4 Feb 2015 : Column 278

increase in demand for their services as more and more people come forward, many for the first time. That is why, in December, I announced a £2 million fund available to non-statutory organisations that had seen an increase in demand as a direct result of the announcement of the child abuse inquiry. A further £2.85 million fund for non-statutory organisations providing support across England and Wales was also announced. I am pleased to announce that these funds are now available and organisations can now bid for them. Going forward, further support will be needed for those who wish to give evidence to the inquiry and the many thousands of people who may be affected by its work. It is essential that these people are given the help they need, and I expect appropriate Government funding to be made available at the next spending review.

The final issue survivors have raised with me is the need to do everything we can to ensure that the perpetrators of child sexual abuse are prosecuted wherever possible, and of course I share that aim. I can confirm that a co-ordinated national policing response will link directly into the inquiry and will be able to follow up any lead the inquiry uncovers that requires a policing response. This will be led by Simon Bailey, the national policing lead for child protection and abuse investigations as part of Operation Hydrant, which will co-ordinate all child abuse investigations concerning people of public prominence or those offences that took place in institutional settings. The Hydrant team will be responsible for the recording of all referrals from the inquiry that relate to potentially criminal abuse and failures to act. It will also oversee the quality of responses from police forces to any requests for information from the panel. It is also important that there is a central point of contact within the Crown Prosecution Service for any referrals resulting from the inquiry. I can confirm that the Director of Public Prosecutions has appointed her legal adviser, Neil Moore, to this vital role.

There is one separate but related matter on which I promised to update the House. As part of the review that the Home Office commissioned of Peter Wanless and Richard Whittam QC last July, we asked a number of other Government Departments, as well as the Security Service and the police, to undertake a careful search of their records. Following reports in the press last month about a Cabinet Office file title listed in the national archives, the Cabinet Office has undertaken urgent work to establish why this file was not identified as part of its original search for the Wanless and Whittam review, and whether it was a duplicate of a file that was held at the Home Office and seen by Wanless and Whittam during their review. This work has established that it was not an exact duplicate; the two files are different, but contain much of the same material. The Cabinet Office file has additional material that the Home Office file does not, and vice versa. Some of this additional Cabinet Office material falls within in the scope of the Wanless and Whittam review. My officials have since spoken to Peter Wanless and summarised the additional information it contains, and he has confirmed that it would not have changed the conclusions of his review.

None the less, the file should have been identified when the Home Office first asked the Cabinet Office to conduct searches in connection with the Wanless and Whittam review. My right hon. Friend Minister for the Cabinet Office will today table a written ministerial

4 Feb 2015 : Column 279

statement explaining that as a result of the discovery of the file the Cabinet Office has undertaken additional searches of its papers and files. As a result, Cabinet Office officials

have identified a small number of additional files that should also have been identified and passed to Peter Wanless and Richard Whittam last summer. I have said that they must be shared with Wanless and Whittam immediately, with the Goddard inquiry and Hart inquiry, should they wish to see them, and with the police. My right hon. Friend has agreed.

It is imperative that the whole Government co-operate fully with the independent panel inquiry into child sexual abuse and provide full access to any information that is requested. I have of course asked for these files, in common with all other relevant documents held by Government, to be made available to the inquiry so that it leaves no stone unturned in its bid to get the truth.

That brings me to my final point. I have said before and I shall say again that what we have seen so far in Rotherham, Oxford, Greater Manchester and elsewhere is only the tip of the iceberg. This afternoon, my right hon. Friend the Secretary of State for Communities and Local Government will give a statement on Louise Casey's report on Rotherham borough council, which will contain further evidence of its failure to protect vulnerable children. With every passing day and every new revelation, it is clear that the sexual abuse of children has taken place and is still taking place on a scale that we still cannot fully comprehend.

What we do know is that the authorities have in different ways let down too many children and adult survivors. In many cases, people in positions of authority have abused their power. Now, those of us in privileged positions of public service must show that we have listened, we have heard, we have learned and we will come together not to avoid difficult questions but to expose hard truths. Most importantly, we will keep in mind the people on whose behalf we seek justice, the survivors of these appalling crimes.

On that note, I end by thanking survivors for their patience, their determination and their willingness to help us get this right. I commend the statement to the House.



Cabinet Office

Richard Heaton CB
Permanent Secretary and First Parliamentary Counsel

1 Horse Guards Road
London SW1A 2HQ


www.cabinetoffice.gov.uk

Peter Wanless CB and Richard Whittam QC
Home Office
2 Marsham Street
London
SW1P 4DF

5 May 2015
By email only

Dear Peter and Richard

As you know, there was a flaw in the way in which the Cabinet Office initially responded to your call for a search of departmental papers. I am writing with an explanation for that error, and an apology.

The additional papers that Roger Smethurst showed you when you visited the Cabinet Office on 16 February and 24 March, and which had not been earlier identified, fall into three categories.

The first is the PREM file about Sir Peter Hayman. This file was held by the Cabinet Office, and it should have been identified as relevant to your review. It was overlooked, and that may have been because it appeared in The National Archives catalogue. In any event, on behalf of the Cabinet Office, I am very sorry for the oversight and for our failure to identify this file earlier.

Second, a PREM file about Sir William van Straubenzee was identified in late January 2015. This file did not meet your search criteria and was part of a batch of files that had been selected for destruction in 2013, before your inquiry began, as part of our routine records management process. To guard against the destruction of historically important records, The National Archives team checks files selected for destruction. As a consequence, on 22 January The National Archives referred the file to the Cabinet Office to be reviewed. On review, my team noted that the file contained references to the Kincora Boys' Home; Roger Smethurst promptly drew this to your attention.

The final group of papers about Peter Morrison, Leon Brittan, Peter Hayman, William van Straubenzee and Colin Wallace's allegations about Kincora were found in a separate Cabinet Office store of assorted and unstructured papers. This collection, colloquially known as the Cabinet Secretary's miscellaneous papers, has accumulated over several decades and was closed in 2007. It was largely uncatalogued and unregistered.

We have been aware for some time that this is an unsatisfactory position. In 2013, we sought approval from the Lord Chancellor for retention of these papers, under the Public Records Act, so that they could be properly reviewed and prepared for transfer and public release as appropriate. In 2014 the Lord Chancellor, advised by his Council on National Records and

Archives, gave the Cabinet Office until 2020 to complete this task. A programme to review the collection was then immediately started. But we are now accelerating that work.

When you issued your search criteria last year, we had no proper catalogue for the Cabinet Secretary's miscellaneous papers. Following the discovery of the Hayman file I have referred to, we manually searched the collection to see if it contained associated papers about Hayman. In finding some other papers about Hayman we also found papers about van Straubenzee, Brittan and Morrison. You saw these papers on 16 February and they have also been shown to the police.

During February and March, we created a full catalogue of the collection, deploying a special team for this task. As a result, Roger was able to show you some other papers that largely related to Morrison, Brittan, Hayman, and Maurice Oldfield.

I deeply regret that the Cabinet Office failed to identify the papers in question when you first asked for them. The uncatalogued collection was a vulnerability; I am glad to say that the cataloguing work means that we are much better placed to assist Justice Lowell Goddard's Inquiry into historic child abuse (and any other inquiries). I can also confirm that relevant papers have been drawn to the attention of the Historic Institutional Abuse Inquiry led by Sir Anthony Hart; Sir Anthony has already started to review these.

As you requested, I have attached to this letter a list of the documents I have shown you since the conclusion of your review at the Home Office.

Once again, I am very sorry for this oversight.

*Yours ever,
Richard*

Richard Heaton

cc.



Sue Gray
Roger Smethurst

Information referred to in Written Ministerial Statement 4 February 2015

Description	Date range	Subject
Loose documents	23 October 1980 - 18 March 1981	Correspondence on Peter Hayman
Loose documents	27 June 1984 - 18 July 1984	Correspondence with Harry Cohen MP about Leon Brittan
Prime Minister's Office File	2 April 1982 - 9 February 1987	Sir William van Straubenzee MP
Loose documents	4 November 1986 - 7 August 1990	Correspondence on Peter Morrison MP
Prime Minister's Office file (now open at The National Archives)	27 October 1980 - 20 March 1981	SECURITY. Sir Peter Hayman: allegations against former public official of unnatural sexual proclivities; security aspects

Information found following cataloguing exercise

Description	Date range	Subject
Loose documents	11 January 1990 - 2 March 1990	Correspondence on Parliamentary Questions on Kincora etc.
Letter	15 November 1983	Vanessa the Undresser
Loose documents	28 March 1980 - 6 April 1981	Correspondence about Sir Maurice Oldfield
File	4 December 1986 - 20 March 1992	Correspondence on Frederick Holroyd and Colin Wallace
File	11 November 1986 - 26 March 1997	Mr Colin Wallace and Mr Frederick Holroyd



Home Office

Jeremy Oppenheim
Director, Safeguarding
5th Floor Fry SW Quarter
2 Marsham Street
London
SW1P 4DF

Peter Wanless
NSPCC
Arnold House
21-33 Great Eastern Street
London
EC2A 3EJ

Tel [REDACTED]
Fax [REDACTED]
E-mail [REDACTED]
Web www.gov.uk

1 May 2015

Dear Peter,

I am writing to inform you that, following correspondence from John Hemming and a subsequent enquiry from the Mail on Sunday, we have conducted some additional searches that were the subject of these enquiries. These searches have identified some unregistered Home Office papers held at The National Archives. We would not have expected these papers to have been discovered as part of the searches that you commissioned, because their file titles do not include any of the search terms you agreed and they are unregistered papers so did not appear on our record management system. You will recall that the searches we conducted on your behalf were limited to registered file titles only (rather than file contents) and that file titles are often imperfect.

The papers cover Home Secretary Meeting Diaries from 1965 to 1983, Home Secretary Meetings 1984-87 and Home Secretary Morning Meetings 1985-1992. For completeness, we undertook a review of the rest of these unregistered papers, even though this went further than the searches you asked for last year. There are references in this material that match some of your search terms. However, much of the information relating to the search terms is referenced in passing rather than being specific in detail and content.

I have listed below a synopsis of the information found.

File	Date	Commentary
317/79	6/2/84	Paper on statistics about sexual assaults on children
317/83	21/2/85	Minutes of a meeting to discuss Cults and 'New Religions', including children being lured away from their parents
317/86	11/11/85	Meeting with Mary Whitehouse to discuss concerns on law of obscenity
317/87	11/3/86	Note of meeting to discuss anonymity of rape defendants

317/87	10/3/86	Note of meeting to discuss Family Law Bill, including child bride
317/94	24/11/87	Note on Standing conference on Crime Prevention – Working Group on Child Abuse Matters , mention of Middlesbrough, Butler Schloss Report
317/97	18/3/86	Reference to sexual abuses and anonymity of abusers
317/97	30/10/86	HS had asked for a note on action taken on prosecutions in Child abuse cases and convictions since 1979
317/98	12/1/87	Brief reference to Geoffrey Dickens, in relation to his Capital Punishment Bill and the votes of Home Office ministers
317/98	23/6/87	Reference to a report to be prepared from the Home Secretary to the Prime Minister, to be issued before a Childline reception at no. 10
317/98	24/6/87	Brief reference regarding holding the announcement of increased penalties for child abuse until publication of the Criminal Justice Bill
317/98	29/6/87	Brief note regarding access of police surgeons to alleged victims and the procedures involved in mounting prosecutions for child abuse
317/99	2/3/88	Brief reference about speaking to the papers about provisions in the Criminal Justice Bill in the light of a case in Exeter
317/99	28/4/88	Reference to an adjournment debate on witchcraft , stating that Geoffrey Dickens would be submitting a dossier to HO in 2-3 weeks
317/99	8/6/88	Reference to potential pressure to curb powers of social workers and police to put pressure on families during abuse investigations and draft guidance on that subject
317/99	12/12/88	Reference to Geoffrey Dickens' motion on Child Abuse
317/101	5/12/89	Minutes of meeting with Esther Rantzen
317/102	22/5/90	Reference to anonymous MI5 officer convicted of sex offences
317/12	4/10/90	Satanism - HS decision not to meet with Dafydd Wigley MP re claims by constituent
317/103	9/5/91	Satanism – concerns raised by Lord Ferrers that HO was unaware of level of satanic activity
317/104	28/1/92	15 year olds in custody

I would like to extend an offer to you that you can come and review any of these papers at any time. Please contact [REDACTED] whose contact details you already have, if you would like to do so and he will make the necessary arrangements.

I am writing in similar terms to Richard Whittam.

Yours sincerely

Jeremy Oppenheim

Jeremy Oppenheim