



Home Affairs Committee

Oral evidence: [Independent panel inquiry into child sexual abuse](#), HC 710

Tuesday 20 January 2015

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Members present: Keith Vaz (Chair); Michael Ellis, Paul Flynn, Dr Julian Huppert, Tim Loughton, Mr David Winnick.

Questions 192 – 277

Witnesses: **Drusilla Sharpling CBE**, Panel Member, Independent Panel Inquiry into Child Sexual Abuse, **Professor Jenny Pearce OBE**, Panel Member, Independent Panel Inquiry into Child Sexual Abuse, **Professor Alexis Jay OBE**, Expert Adviser, Independent Panel Inquiry into Child Sexual Abuse, and **Sharon Evans**, Panel Member, Independent Panel Inquiry into Child Sexual Abuse, gave evidence

Q1 Chair: This next session relates to the Committee's long-standing interest in the issue of the child abuse inquiry and our remit, which is to conduct confirmation hearings on the appointment of the new chair. Could I welcome Dru Sharpling, Professor Jay, Professor Pearce and Sharon Evans? Could I begin with this reminder: can I remind you all that the evidence that you give before this Committee today is protected by parliamentary privilege. It would be a prima facie contempt of the House for anybody to threaten you in respect of that evidence or to interfere in any way with the evidence that you give to this Committee. Similarly, it would be a prima facie contempt for any witness knowingly to give false or misleading evidence to a Committee of this House.

Perhaps I can start with you, Professor Pearce. Did you attend a briefing meeting this morning with the counsel to the inquiry, Ben Emmerson, and others?

Professor Pearce: No, I did not.

Chair: You did not. Did you, Dru Sharpling?

Drusilla Sharpling: No, I did not.

Chair: Did you, Sharon Evans?

Sharon Evans: We attended a briefing meeting, but it was not with Ben Emmerson; it was with the Secretariat.

Q2 Chair: You attended a briefing meeting with the Secretariat, is that right?

Sharon Evans: That is correct.

Chair: Professor Pearce?

Professor Pearce: We did. I did.

Q3 Chair: Was it put to you in the discussion that you had with them, Professor Pearce, that there was one collective line and one piece of evidence that you would all give together, that you are bound by some kind of collective responsibility, or are you free to give us your own view as to the state of this independent panel?

Professor Pearce: As a panel member, I have signed and agreed to the protocol for collective responsibility, and that is to maintain the confidentiality of discussions within the panel to safeguard the potential future for victims and survivors giving evidence. That does not prohibit me from discussing material that the panel has made available publicly.

Q4 Chair: Indeed. We do not want to hear about details, but the process of the panel, if a Select Committee of this House asks you a question about the process, you are to answer the questions. You are not protected by confidentiality in that respect. We are not going to ask about individual cases, and that has always been the case since parliamentary privilege arose.

Sharon Evans, I understand you were concerned that you had been threatened by the counsel to the inquiry in respect of the evidence that you give today. Is that correct?

Sharon Evans: I do feel concerned, very concerned, yes.

Q5 Chair: What is your concern, Sharon Evans?

Sharon Evans: I believe that I have been called here today—I was appointed, I was told—as the media person for the independent panel and to help understand a survivor perspective. I was told today that we must speak with a collective voice and I feel that that would prevent me from answering some of your questions honestly.

Q6 Chair: I want you to be very clear that we do not accept a collective voice, because we have invited you here as individual members of the panel, and therefore you should feel free to answer this question unfettered. I will be contacting Mr Emmerson, the counsel to the inquiry, to tell him that he was wrong to instruct anyone not to do this. This is a Committee of the House, we have a responsibility to Parliament, and indeed, we are going to conduct confirmation hearings, so nobody can fetter witnesses who appear before us.

How would you describe, Sharon Evans, the state of the independent panel and the current state of the abuse inquiry?

Sharon Evans: I would describe the panel, the working of the panel members, as excellent, in my view, as a survivor. I believe that the panel members have worked very hard and have a real commitment to putting survivors' experiences at the heart of the inquiry.

However, I have a real concern, which I have written to the Home Office about, regarding the independence of the inquiry in relation to advice that we have been given from one adviser. I believe that letters have been rewritten and—

Q7 Chair: The panel letters have been rewritten?

Sharon Evans: We have been given advice. I wrote my own letter to the Home Secretary, which I chose to write. All I was asked to do was to send that letter and to copy it into my panel colleagues, which I did. Subsequently we were told by the adviser that letters would have to go through him and that he would advise. One panel member's letter was in fact rewritten before it was sent to the Home Secretary.

Q8 Chair: What, your own letter that you were writing, that you had been asked to write, the advice given to you was that it had to go through the counsel to the inquiry?

Sharon Evans: Not initially. After the Home Secretary's letter saying that she was considering different options about the future—

Q9 Chair: This is the December letter?

Sharon Evans: Yes. Six of us panel members wrote a letter saying that we were very concerned, we wanted to express our concern, because we have listened to the stories of many people who have been incredibly brave to come forward and engage with this inquiry, and I have engaged myself and given serious details of things that happened to me, because I feel you should not ask others to do what you have not done yourself. The idea that this panel might be disbanded I felt was extremely distressing, and I know that other panel members were concerned that we may be disbanded, so a letter was drafted that was discussed with the QC, and eventually panel members made a decision not to send that letter. I then wrote my own letter, because I felt that I had to. Part of our contracts are the Nolan principles, and I felt that this was a matter of public interest, that people needed to know that there was a possibility that this panel might be disbanded.

Q10 Chair: Of course we have not seen a copy of this letter as yet. Professor Pearce, it is a bit odd, isn't it, that someone of your distinction sitting on a panel, invited by the Home Secretary to sit on this panel, should expect to take advice on the way in that they write their letters? It recalls the circumstances of the resignation of Fiona Woolf, where several drafts were sent backwards and forwards between Fiona Woolf and the legal adviser. Do you not feel that if you are sitting on a panel with your background and your expertise that you should be able to write your own letter about a letter that you received from the Home Secretary?

Professor Pearce: With all due respect, I think that the collective responsibility protocol that we have is a terribly important protocol to underpin the work of the panel. I think the panel as a group, as an entity in its own, has to be accountable for its actions and has to be able to decide collectively, with the majority decision, what information is put into the public arena. The reasons for that, as you quite kindly respect, is in previous work that a number of us have done we have learnt that it is terribly important for survivors and victims of child sexual abuse and child sexual exploitation to be able to come to give evidence or to give their information. We are not taking

evidence yet, but at the point that we will do, we need to be able to reassure those people that the information they give us will be secure.

Q11 Chair: Of course. Professor Pearce, I think you misunderstand the question. You are talking about confidentiality of individual people coming before you and giving evidence. We are talking about the process. We are talking about a letter that is in the public domain, written by the Home Secretary. We are not talking about anything confidential, because the whole world knows about it, apart from Lynne Featherstone, who nobody has bothered to send a copy, but everyone else seems to know about it. Now, we are talking that letter.

You are a professor of a university and you are a very distinguished individual. You are not a member of the Cabinet and therefore on the issue of collective responsibility, you are not holding up the Government, are you? You are dealing with an area where the whole of the public are concerned about a lack of transparency, and people like you, and indeed us in Westminster, representing the establishment, who are preventing the public from knowing what is going on. This is not about what happened in a particular incident. This is about process, transparency of process. Do you understand the difference?

Professor Pearce: I do, and I think you are absolutely right to stress the importance of process. I would challenge that the whole of the general public out there do not have confidence that we are managing the process well, because I do not think that evidence is there. The process is terribly important and what we have to make sure—

Q12 Chair: How do you gauge that process? You are not elected, you are appointed by the Home Secretary.

Professor Pearce: Yes.

Chair: You are telling me the public support what you are doing. How do you gauge that? I am very interested.

Professor Pearce: I have not said that the whole of the public is supporting what we are doing, because I know that is not the case, but I also know that not all of the public are against what we are doing.

Chair: No.

Professor Pearce: As a panel, we have a collective responsibility to make sure that this process, as you rightly call it, starts off from the foundation, that the material that is going out into the public domain is agreed by the majority of the panel.

Q13 Chair: No, Professor Pearce, you are going on about this material. I am talking about the process. Maybe we can do better with Dru Sharpling. Given your history, you must be regarded as being very much—as we are here sitting on this side of the dais—part of the establishment, as a former inspector of constabulary and all the very great offices you have held.

Drusilla Sharpling: Not a former inspector; I still am.

Chair: You are still there?

Drusilla Sharpling: Yes, indeed.

Chair: I am not giving you new news then.

Drusilla Sharpling: No.

Q14 Chair: What about this view from the public that the panel should be reconvened, it should all start again; it has all been one big mess; two chairs that have gone; a panel that has now cancelled its next meeting in Birmingham; the Home Secretary giving you three options, two of which is to have you all disbanded? Do you think the public have confidence, that you share Jenny Pearce's view that the public out there have confidence in what you are doing? If you do, how do you gauge this confidence?

Professor Pearce: Can I just correct that? I said some of the public.

Q15 Chair: Okay. How do you gauge, how do you know what percentage of the public? How do you know which part of the public support what you are doing, because—

Drusilla Sharpling: There is not an easy or universal way to discover how far the public support the work of this panel. We do of course have listening meetings with survivors and we do of course receive correspondence and we read the press articles and so on. However, in order to gauge that confidence, we need to design a methodology that is inclusive, and that methodology must ensure that the survivors' voices are heard, not only the survivors who write in, not only the survivors and their representatives who attend our listening meetings, but those perhaps who feel unable to speak out for a whole variety of reasons.

Q16 Chair: Yes, we know that. That is why you have been set up and that is what you all have been deliberating on since July.

Drusilla Sharpling: Indeed.

Chair: You are just repeating things that we know. I am interested to know in terms of the work that you are doing why there has been so little progress and why the Home Secretary lacks confidence in yourselves, in feeling that two out of her three options that she has written to you about refer to disbanding the very panel that she has created. Why do you think that is the case?

Drusilla Sharpling: I am afraid you must ask the Home Office or the Home Secretary as to the views that have been espoused. I can say that with my panel members I am carrying forward the work and the tasks that we were given in relation to our objectives and the terms of reference.

Q17 Chair: But are you aware of this letter?

Drusilla Sharpling: Yes, I am aware of the letter, Chairman.

Q18 Chair: Are you aware that two of three options talk about disbanding?

Drusilla Sharpling: I am aware of two of the three options. Yes, I am.

Q19 Chair: Why was the meeting in Birmingham cancelled?

Drusilla Sharpling: There were concerns, because as far as the panel were concerned, there were many media and other discussions going on. Part of the difficulty, if I am frank, of attending a listening meeting is that it tends to be, or could be, overwhelmed with questions that we are unable to answer. We did not cancel the meeting, we postponed it, so it is rescheduled.

Q20 Chair: When is the date?

Drusilla Sharpling: 13 March, I think. I do stand to be corrected, but I speak from recollection.

Q21 Chair: That is the whole point. The reason why the public are concerned about the lack of transparency is that nobody is telling them what is happening, not about individual cases, because we can read about those in the newspapers. To be honest, you are the last people to hear about it. You are dealing with historical cases primarily, so by the time they get to you, it has been through every tabloid in the country. What we are concerned about is the process that has been adopted, a process that has meant that two chairs have gone. Presumably none of you were consulted on the chairs that were appointed.

Drusilla Sharpling: No, we were not.

Chair: Were you consulted, Jenny Pearce?

Professor Pearce: No, I was not.

Chair: Were you consulted, Sharon Evans?

Sharon Evans: No.

Q22 Chair: So in terms of the panel as a whole, with its great affection for collective responsibility, the Home Secretary did not feel confident enough in asking you to suggest names, or have you been asked? Have you been asked to suggest a name?

Drusilla Sharpling: No, I have not.

Chair: Jenny Pearce?

Professor Pearce: No, I have not.

Chair: Sharon Evans?

Sharon Evans: No.

Q23 Chair: Even though you are sitting on a panel, that you are all bound by collective responsibility—or feel you are bound by it—nobody has bothered to say to you, “Who do you think should chair the proceedings?”

Drusilla Sharpling: Nobody has asked me that question.

Q24 Chair: Do you think you should have been asked?

Drusilla Sharpling: I do not have a view on that. I do not think that necessarily I should be asked. It is a matter for the Home Secretary.

Q25 Chair: You do not think the panel should be asked who should chair it?

Drusilla Sharpling: I do not think the panel necessarily should be asked. It is a matter for the Home Secretary.

Q26 Chair: Professor Pearce, you do not think your opinion counts for much?

Professor Pearce: The appointment of the chair is a matter for the Home Secretary. I was appointed on to the panel, as were my colleagues, to get on with the creation of the groundwork ready for when the chair is appointed. I would challenge your assumption that nothing has been done. We have met a number of times.

Q27 Chair: How many times?

Professor Pearce: We have met seven times. Our first panel meeting was 7 November—with due respect, it was not very long ago—and in the amount of time that we have had as a panel, we have started to create the foundations for some methodology, which is a terribly difficult issue if you think of the numbers and the known unknowns and unknown invisible cases that we need to get to across all institutions. It is a very large task.

Chair: Sure.

Professor Pearce: Not only have we worked on the methodology, but we have started the safeguarding processes. That is a substantial amount of work, alongside the listening meetings, and starting to look at the stakeholder involvement.

Q28 Chair: Indeed, very helpful. Sharon Evans, should you have been consulted?

Sharon Evans: I believe that I was appointed as an adviser and a survivor, and I believe that particularly Graham Wilmer and myself and other panel members should be consulted. Obviously the final decision is that of the Home Secretary, but the fact that we were not consulted about the chair, we were not consulted before we had the letter. That was our first meeting at the Home Office, and I understand that there is a need for independence, and obviously the Home Secretary had been talking to survivors, and I felt that the survivors on the panel and other panel members should be consulted in terms of giving our advice at least.

Q29 Chair: Professor Jay, let me ask you this question before we move to other members of the Committee. Is this what you expected?

Professor Jay: The panel?

Chair: Yes. You produced this stunningly important report, which has not only been considered by Home Affairs now but also by the Communities and Local Government Committee as we speak, which has been welcomed by everybody. It all seems rather sad. We have a panel that has no chair, a Home Secretary writing to the existing panel members saying, “There is a one in three chance you are going to have to go”, a consultation meeting has been cancelled and members of the panel thinking that they cannot tell the public about process. Is this satisfactory?

Professor Jay: No, it is not satisfactory. I can only say there have been seven meetings, of course, but I am not a panel member and I personally have only been invited to one of them, so it is impossible for me to comment on the internal processes of the panel, but clearly, in the way you have described it, it is not satisfactory.

Q30 Tim Loughton: Can I start by saying that given the two chairs who were forced to stand down were the subject of much criticism by the greater world outside, it is particularly unfortunate that in the vacuum that we have at the moment, it has then become the panel members, who were relatively uncontroversial to start with, who have become the target of criticism. Having said that, do you think you have been treated fairly?

Drusilla Sharpling: May I answer that, Mr Loughton? I do not think I have been treated badly. I am very concerned, however, that public confidence is maintained in the panel and its business and we maintain our listening events to give reassurance to the survivors and victims. I am concerned about continuing with that work, building up public confidence and building the foundations for the inquiry itself.

Q31 Tim Loughton: A very good point, but do you think that public confidence has taken such a knock—as I think most people would agree, justifiably or not—that you could conceivably continue your work in its current format with or without a new chairman, who may or may not then become the target of criticism from goodness knows whom?

Drusilla Sharpling: It is of course difficult, Mr Loughton, without a chair of the inquiry and we recognise that absolutely. The panel members, however, decided that we would continue with the work, as we have been asked to do. Whether there is sufficient public confidence at the end of the day is not a decision for us. We have been given a task to undertake, we hope we have done so diligently and together in order to build that public confidence.

Q32 Tim Loughton: I understand that, but you must have a view. Perhaps other panel members might like to come in. You have been subject to such criticism and the way that you have been appointed in all sorts of clandestine means, it is alleged, do you seriously think that you can get back on to an even keel and carry on the work—and there has been extensive work already in the current format—or do you think that you are too damaged and some changes are going to have to take place to the format, the team of people that are on the panel or whatever? Is it realistic? Sharon.

Sharon Evans: I was appointed as the media person for the independent panel and I believe that the voice of some has been heard in the press, and I believe that we need to be able to speak openly and have more of a presence and answer questions. We have not been able to answer the questions and allegations that have been put about individual panel members. No response has been allowed for that. It was part of the reason that I spoke out and I went to my MP—I have his

letter here supporting the reason for me speaking out—because I felt that we have heard in the press from some people. I would not like to estimate how many people are out there, and in fact in recent press, since the interview that I have given, people have had the confidence to come forward and start to give their other opinions. The listening meetings are very important, having the opportunity to go out and listen to more people.

Q33 Tim Loughton: They have gone very well, by all accounts. People have engaged.

Sharon Evans: People have engaged. The thing that sticks in my head is somebody saying that they will never be able to trust because of what has happened to them, but they do have faith and confidence in the panel, having met the panel members and survivors like myself and Graham.

Q34 Tim Loughton: Professor Pearce, can I just ask then, given that you have no say and perhaps should not have a say on the chairman of the panel, are you content with the nature of the panel, the mix of people you have there, without naming one or two you think are not up to scratch or whatever? Do you think that the format is about right? Should it be bigger? Are there other disciplines who are not there, or as far as you are concerned is it working well and do you think have the right resource and the right mix of people, Professor Pearce?

Professor Pearce: Within the remit that we have been given, our experience so far is that the panel have worked very constructively together on the tasks that we have identified that we can do prior to a chair being appointed. My experience, and I think the experience of the majority of the panel, is that the tasks that we have set the listening meetings, the working group on the methodology, the working group on stakeholders have moved ahead very well and very constructively.

Q35 Chair: Thank you. Sharon Evans, before I bring in Mr Ellis, do you want to answer the point put by Mr Loughton to other members of the panel: do you feel that you have been badly treated? You have mentioned the fact that you have gone to your Member of Parliament. We understand that he has written to the Home Secretary. We understand this is a private and confidential letter. This is a very serious step that you, a member of panel, should have to go to your own MP to complain about your treatment on that panel.

Sharon Evans: Yes.

Chair: Even though you have confidence in your colleagues, you seem to feel that you were not well-treated on this panel, which is a concern to this Committee.

Sharon Evans: I have absolute confidence in my colleagues and I would like to say in reply to that question that I do believe the panel itself is working well. I went to my MP because I believe that I have been—I feel bullied and I have felt intimidated by an adviser to the panel.

Q36 Chair: Who is that adviser? Is this—

Sharon Evans: He is the QC to the panel.

Chair: Ben Emmerson?

Sharon Evans: Yes. I made a complaint about the fact that I felt he was overstepping his mark in terms of advice and rewriting of letters, because I feel the independence of the panel is important. I said I would speak out if I felt that it was threatened, and I am aware I come from a different background from other panel colleagues, but I feel as a survivor that I have felt very bullied, because I have said that I do not feel that it is right for letters to be written. I have been told by the Home Office about certain information that I may not give today about the outcome of the complaint.

Chair: The Committee will want to hear from Mr Emmerson at a future hearing as a result of what you have just said to us today. Michael Ellis.

Q37 Michael Ellis: Thank you very much. Can I just ask you, please, Sharon Evans, if I can, there have been seven meetings of the panel so far. You have not had a chair during those seven meetings. Has that been a particular problem? Have you found that the meetings have been disorderly or in some way dysfunctional because of them?

Sharon Evans: I believe that I have facilitated two of the meetings. We agreed in the beginning that the QC, Ben Emmerson, could facilitate meetings. I have felt that our meetings have been, up until a recent point, until we were told by the QC that the panel was going to be disbanded, very productive. But I raised a concern after I felt that we were being directed by him, as opposed to being advised. There is a big difference. There is choice involved in advice, and there was a point at which I felt, as an independent panel member, I was not being given choice. That concerned me.

Q38 Michael Ellis: You felt that you were being directed in matters other than the law?

Sharon Evans: Yes, I feel we were.

Q39 Michael Ellis: Because clearly, as a QC, one would expect him to give advice as to the law, but you are saying it went beyond that?

Sharon Evans: If you are given advice about presumably a letter that is written, the content of the letter should still be finally your decision. You may choose to accept or not have that advice. I do not believe that we were given that choice.

Q40 Michael Ellis: If I can ask any member, how difficult do you think it will be to find a chair of the panel that will fit the bill for the demands that have been made? Do you think the demands that have been espoused in the media and in the political arena are reasonable? Do you think it is going to be feasible, realistic, to find someone who is “non-establishment” but also sufficiently expert? Isn’t it possibly a contradiction in terms? Professor Jay, do you have anything to say about that in particular? Is that going to be difficult?

Professor Jay: It has already proved quite difficult, and I would hope—

Q41 Michael Ellis: Are the expectations unrealistic?

Professor Jay: I would personally hope that there would be someone who is not firmly embedded in the establishment who was able to provide the panel with the skills and leadership it requires.

Michael Ellis: Professor Pearce?

Professor Pearce: May I just say, all of the panel are absolutely committed to this inquiry moving forward. We have already noted that to become a statutory inquiry or a Royal Commission would be to its advantage. I do believe that it is possible to find a chair to work with the panel, to engage with this process, to create some boundaries around terms of reference and to start the process. I think it is really important that this terribly significant piece of work gets underway as soon as possible.

Michael Ellis: Thank you.

Drusilla Sharpling: Can I also chip in there?

Michael Ellis: Yes, please.

Drusilla Sharpling: Of course there will be challenges in finding the chair. One of the jobs of this panel is to anticipate that challenge for the chair when he or she comes in. This is a huge inquiry. There may be hundreds of institutions to examine; there may be thousands of survivors who want to come and give their evidence or come and talk to panel members about their experiences. We have to create a methodology and an environment that is safe for that to happen. That cannot be done overnight. Look at the example of the Australian Royal Commission, for example, who have started to look into a variety of areas with not dissimilar terms of reference to the ones that we are grappling with now. In fact I read before this meeting today the opening remarks of Justice McClellan in March 2013, in which he espoused the view that it was going to take some time to do and would be likely to last at least five years.

Q42 Michael Ellis: He said it would last five years. Do you anticipate a similar sort of length of time?

Drusilla Sharpling: It entirely depends on the methodology if form is to follow function.

Q43 Michael Ellis: Just finally from me, do you feel, any or all of you, that the characterisation of your work has been inaccurate up to this point? In other words, do you feel that you are able to function correctly and adequately and that you are already, in these early stages, producing effective results in terms of getting people to come to speak to you and be full and frank to you? Do you think there has been any politics in this that has caused ructions? Sharon Evans, could I ask you that first?

Sharon Evans: I believe that the panel has achieved an enormous amount and we have not been able to say that we have. We have not been able to put in the public domain what we have done. The QC to the inquiry has made decisions about who may and may not speak to the press—not the press officer, we have a press officer—and he has decided whether we may rebut allegations, whether we may say things. The public need to have confidence in our openness. We need to be able to talk about the processes that we do, otherwise how are they going to know?

Chair: Indeed. That is why the Committee called you to give evidence today, not to give a view on collective responsibility but to tell us what you felt.

Q44 Michael Ellis: If I could just finish; has politics clouded this issue? Do you think it has become a football, Professor Pearce?

Professor Pearce: I think it is naive of us to ever expect that politics will not hit at some point into an inquiry into child sexual abuse, particularly if we are engaging with all institutions. Politics are inevitably going to hit in. I do think that the task of the inquiry is to engage in those processes, and if we look at the Australian Royal Commission, that took place by engaging in case studies; they are aiming for 50 case studies. So far, they are aiming to engage with over 5,000 people. That is just the beginning, and if we start to look at that, if we are engaging with people who are in significantly prestigious positions within the establishment as well as people who have never had an opportunity to talk before, then politics are going to come into the arena.

Q45 Chair: Thank you very much. None of you have been offered the chairship of this inquiry?

Drusilla Sharpling: No, I have not.

Chair: Professor Jay?

Professor Jay: No.

Q46 Chair: If you were approached, would any of you be interested in doing it?

Sharon Evans: I would.

Chair: You would. We will take that as an opening bid. David Winnick.

Q47 Mr Winnick: Through no fault of your own, be it any member who is before us now or other members of the panel, the general impression is that this has become a mess. Would you agree that is the view of outsiders, Professor Jay, Sharon Evans?

Professor Jay: Yes, I think there is a strong perception of a process that is not well-focused or well-led.

Mr Winnick: Do you agree with that?

Sharon Evans: I think that a lot has been reported in the press, and because there has been silence from us that there has been allowed to be this myth that the panel is not working well. But I believe, as a survivor on the panel, from what I have seen that the panel itself is working well, but we have to be very cautious about the role of advisers.

Q48 Mr Winnick: If the person appointed, or two people, as the Chair has reminded you and everyone knows, who were appointed by the Home Secretary resign for reasons that again are very well-known, do you feel that if the right person had been appointed as chair that the whole thing would now be moving in the right direction?

Drusilla Sharpling: It would mean certainly that if a chair was appointed, that chair, under a statutory inquiry or an inquiry set up as if it was a statutory inquiry, would be able to take decisive

decisions around methodology. That is something that we cannot do as a panel, but we want to prepare for the incoming chair to allow them to make those decisions quickly.

Sharon Evans: I believe that we were promised that this panel was here for the duration, which is why I put myself on the line and went out publicly and spoke to survivors. We were told that the Home Secretary was going to appoint a chair and then we would be able to convert to statutory status. That is what people want, so that is what I wrote to the Home Secretary about.

Chair: I think Professor Pearce wants to come in.

Professor Pearce: I will be very quick. I have absolute confidence that a competent and robust chair could take this forward. The point I wanted to make is that as politics will come into the nature of the inquiry, so too will different voices of different groups of survivors and victims who have been abused or harmed. Those different voices may well be in conflict with each other and may well be using different channels, including the media, to try to advance different perspectives. What the panel and inquiry has to do is to develop a methodology that is robust enough to make sure that all voices are heard and that the different pressures of fighting or debate outside the work of the panel is accounted for and embraced, rather than challenged. The point I am making is that I think that there will constantly be conflict whatever the work of the panel, but the work of the Secretariat has been extremely high quality, and a lot of the other support systems that we have had, including, in my view, the advice that we have been given, is good.

Q49 Mr Winnick: This may be considered a leading question, but people may well say outside of Parliament it is a mess. It is recognised by the panel this is a very, very serious matter, to say the least, and justice should be done to the survivors. Why not start again, a new chair, which must come, perhaps new members of the panel, with all due respect to you? First and foremost, the survivors should have the confidence that the process will start in a way that will bring them justice.

Sharon Evans: Those survivors who have engaged with this panel, who have attended the listening meetings and who have been evaluated have said that they do have confidence. I feel very passionately that we cannot throw away the stories and experiences of those people that have already engaged with this panel and I feel it would be a very wrong message to them, to say that what they have done and the courage that they have shown in engaging with this panel should not be of importance, which is what the message would be.

Drusilla Sharpling: I am going to agree with Professor Pearce. We must deal with criticism along the way, and it is an inevitable consequence of dealing with really difficult and complex issues with a lot of people involved and wanting to come and give their account of what has happened to them. Inevitably, that will be the case. The job of the panel is to find its way through that, hopefully with the guidance and the decision-making of the chair, as quickly as possible, but we should address those criticisms in due course and build public confidence as we go along. I think either set up as a statutory inquiry or mirroring a statutory inquiry gives us the framework and opportunity to do it.

Q50 Mr Winnick: But the statutory inquiry is the one that you would all wish, am I right?

Drusilla Sharpling: Yes, we have all given that indication.

Mr Winnick: Are you unanimous in that?

Drusilla Sharpling: Yes.

Chair: That is also the view of this Committee. We wrote to the Home Secretary and told her that that was our view.

Q51 Dr Huppert: It is very interesting to see in an organisation that does not have a chair how de facto chairing seems to happen. It certainly seems as though there is somebody who is acting in that role and making decisions in that way.

You talk quite a lot about the Secretariat and their role, and certainly the protocols, which I have read, have a whole lot of rules about, “The Secretariat will decide the following things”. Who runs the Secretariat? Who is in charge of it?

Drusilla Sharpling: Angela Kyle is in charge of it.

Q52 Dr Huppert: So she has complete freedom to make decisions about everything that happens within that?

Drusilla Sharpling: Yes. She is in charge of administration.

Q53 Dr Huppert: Because there is one side, which is hiring people, doing the line management, and there is the other, which is making the policy decisions about the Secretariat. Somebody is deciding whether people can respond to criticisms, whether they cannot, whether people are allowed to do interviews, whether they are not. Who is in charge of that?

Drusilla Sharpling: There are two things here. The Secretariat have been very good at keeping the panel engaged in their work at all times, with a very high-quality service, with individual panel members taking on different roles, whether it is in relation to correspondence, methodology, those sorts of things, so actively engaging panel members. The adviser to the panel, the QC, would normally be appointed if it was a statutory inquiry, I believe, but as it has been set up in the same way we have a QC who gives legal advice to panel members and the Secretariat about their functions as if it were a statutory inquiry.

Q54 Dr Huppert: That does not quite get across who is in charge of making decisions about things, but Professor Pearce, do you—

Professor Pearce: May I? Thank you. The administrative management of the Secretariat is organised through Angela Kyle. The reason that we decided to have weekly panel meetings was so that reports and feedback could come to those panel meetings so that the panel make collective decisions through a majority on the stages and the progress. The panel also agreed with the Secretariat through those processes that we would create different workstreams that different representatives from the Secretariat and different representatives from the panel would work on and bring reports back to the weekly panel meetings. It has been time-consuming having weekly panel meetings, but the purpose of those weekly meetings has been to maintain a control, a perspective and a majority decision on all of the major decisions that are made.

Sharon Evans: I believe, and this is why I wrote to the Home Office, that we have examples where the Secretariat have worked very well, but when it comes to certain decisions, for example, whether we should speak to a newspaper, those decisions have been taken by the QC to the inquiry and not by the head of the Secretariat. I was there when I saw that happen and I do not believe, as an independent panel member, that that should happen.

Q55 Dr Huppert: What is going on here? Who makes the final decisions on who speaks to the newspaper? Is it—

Sharon Evans: It is the majority of the panel. We have not decided what a majority is though. We have not, as a panel, decided what a majority is.

Chair: Just a second. Sorry, have you finished?

Sharon Evans: As a panel, we have not decided. We have had the protocol that has been put forward and that has been enforced by the QC, but we have not, as panel members, yet decided what constitutes a majority, so I cannot see how that collective responsibility works. Decisions about whether we talk to the press or not, on some occasions I have witnessed, have been taken by the QC.

Q56 Dr Huppert: Sorry, I am just trying to understand, because I understand from Ms Sharpling and Professor Pearce that there is a decision at the weekly panel meetings. The protocol says that any comment on social media, any response, anything has to be approved before it can happen. Are you saying that every meeting gets bogged down with discussions as to whether there can be a response to every single interview request? Are those decided at your weekly meetings? What else are you doing?

Drusilla Sharpling: No, that is not the main subject area of our weekly meetings. The main subject area has been hearing, for example, presentations from a number of people on methodology, which is our biggest issue.

Q57 Dr Huppert: Yes, which is what I would hope you would be able to focus on, but then I thought a moment ago you were saying it was the panel that decided whether people could respond to anything and not any of the officials and not the adviser. Now you are saying you do not.

Drusilla Sharpling: No, I am not saying that. I am saying that the time spent on those issues is considerably less than the time spent on the big issues.

Chair: Indeed.

Q58 Dr Huppert: But you, as a panel, decide on every response to every media request?

Sharon Evans: We do not. We have been told that in general we are not to respond. That has been the decision that has been made, so there is not a lot of time taken up in the panel meetings. We are genuinely listening, for example, to presentations by Professor Jay and focusing on methodology.

Q59 Chair: Thank you. You, Dru Sharpling, in your position as HMI were appointed by the Home Secretary?

Drusilla Sharpling: Yes.

Q60 Chair: You do not see any conflict of interest between the fact that the Home Secretary has appointed you, that you are part of her Inspectorate of Constabulary—though it is called “Her Majesty” and the Home Secretary is not of course Her Majesty yet—but it is the Home Office that appoints you?

Drusilla Sharpling: I am very clear indeed about—

Chair: But there is a potential conflict of interest, because—

Drusilla Sharpling: No, there is not a potential conflict of interest.

Q61 Chair: You were appointed by the Home Secretary, who can presumably remove you.

Drusilla Sharpling: Of course, as all panel members.

Q62 Chair: Yes, and you are also a member of the panel.

Drusilla Sharpling: Sorry, I answered the question. Yes, the Home Secretary can remove any panel member. As I understand it, I am a Crown appointment and therefore entirely independent. I value that independence very deeply.

Q63 Chair: As HMI?

Drusilla Sharpling: As an HMI, and I bring that independence to the panel.

Q64 Chair: Excellent. How many people are here from the Secretariat sitting behind you? Hands up if you are from the Secretariat. All of you on the back rows, the row behind you. That is five of them. The Secretariat, Professor Pearce, are they all Home Office employees or seconded to the Home Office, civil servants, or have you appointed any of these members or did you just get them sent to you?

Professor Pearce: We have not been responsible for the individual selection and appointment of the Secretariat.

Q65 Chair: So they are all Home Office appointees?

Professor Pearce: They are a selection of Home Office secondments or appointees and will be other secondments from different departments.

Q66 Chair: You do not see any problem with the fact that they are civil servants who may work for the Home Office, being the Secretariat, for what is supposed to be an independent panel?

Professor Pearce: The selection of the Secretariat has been undertaken with the independence in mind, the capabilities of the people appointed so that they will maintain the independence.

Q67 Chair: But not by you or your panel?

Professor Pearce: Not by the panel.

Q68 Chair: It has all been done independently, but they are from the Home Office?

Drusilla Sharpling: I do beg your pardon. They have demonstrated that independence on a daily basis.

Q69 Chair: How would you see a demonstration of independence?

Drusilla Sharpling: Very clear about dealing with the panel and the decisions made, very clear to us that they are acting independently. I have witnessed them myself and I simply would say that I can see that they are.

Q70 Chair: Give me an example of some great act of independence and defiance where you see that they are standing with you rather than with the Home Office.

Drusilla Sharpling: I can see from the telephone calls that are often made that they are clearly reflecting the panel's views in what they say and what they do, and that seems to me to be the principal answer.

Q71 Chair: So on the basis of what you have heard. Sharon Evans, what about you? There are two survivors on this panel. The rest are social workers, barristers, professors, HMI. You defend the panel and your colleagues and you say very clearly that this is a panel that has a future. Is that right?

Sharon Evans: I do believe that, yes.

Q72 Chair: That seems to be the view of all you. Professor Jay is quite separate; I mean the other members of the panel. You like the work you are doing and you believe this is important work and you want to continue with that work?

Sharon Evans: Yes. We are all very committed to making sure that work is ongoing.

Q73 Chair: The Home Secretary's option to say, "Thank you very much for what you have done. We have to start again" is not on for any of you?

Drusilla Sharpling: It is a decision of the Home Secretary.

Q74 Chair: Yes, we know that. We know it is a decision of the Home Secretary, but I am asking about your view.

What is your view, Jenny Pearce? Not the Home Secretary's view, not Ben Emmerson's, but your own view?

Professor Pearce: I understand that with the appointment of a new chair, it will become an independent panel and the work that we—

Q75 Chair: No. Do you want the work to carry on?

Professor Pearce: The work must carry on. It is a very important inquiry.

Chair: Of the panel?

Professor Pearce: The work of the panel must carry on.

Q76 Chair: Yes. Dru Sharpling, of the three options that were put forward, you again, like Sharon Evans and Professor Pearce, are of the view that you are doing valuable work and you want the work of the panel to continue, so you reject the option that talks about the disbanding of the panel?

Drusilla Sharpling: I do not reject that option. What I want is the best result for the public in all of this, so that survivors are properly dealt with.

Q77 Chair: But what is your view? Do you think the panel's work should carry on or do you think not, or are you saying it is up to the Home Secretary?

Drusilla Sharpling: I say it is a matter for the Home Secretary, but of course we want the panel work to continue. We do not want to see a disruption to the process. I think that is the key for me, not stopping something that has been started.

Q78 Chair: Professor Jay, you have heard these deliberations, you have been to one of the meetings. Having produced the definitive report that everyone is quoting about what you have done, you have told this Committee that you do not think it is satisfactory. If you were ensuring that the good work of the panel was retained, the views of this Committee that it should be statutory, and indeed, the views of some of these other members of the panel is that it should be statutory, what is the way forward? Is it that there should be a pause until a new chair is appointed or should they continue with their work in what you have said to this Committee is one that is not led at the moment?

Professor Jay: Obviously the key to moving forward is the appointment of a chair who can lead the panel members effectively. That is the most important aspect, and of course that it should convert—I agree with the panel members and this panel—to a statutory inquiry. I think there needs to be a minimisation of the distractions that have so far occurred in whatever form that are not about the basic work in ensuring that children and young people are properly protected.

Q79 Chair: Sharon, your main concern is you joined this as an independent member and you think that the biggest amount of transparency possible ought to be available, that when there is criticism in the press, they should be answered—

Sharon Evans: Yes.

Chair: —because this view of this collective responsibility, everything being kept very quiet, means that people are jumping to the wrong conclusions, and that you do not believe that the legal adviser should be running the show.

Sharon Evans: Absolutely.

Q80 Chair: Do you think he is at the moment?

Sharon Evans: Yes, I do.

Q81 Chair: You would like to see that stopped?

Sharon Evans: Yes.

Q82 Chair: But you would like to see the work of the Committee continue?

Sharon Evans: Absolutely. I would like to make a point, we did not sign the protocol. It was something that was put forward and discussed. I said I would speak as a survivor, and I have been truly impressed by the skills of my colleagues on the panel. I know that we have been chosen, we were told, for different areas of expertise and I think in terms of the areas of expertise we represent, we have what we need to do the job, but what we need is what was promised, a chair and conversion to statutory status.

Q83 Chair: You would like to be left alone to get on with your job, because looking down the list of members of the panel, there are some pretty impressive people, including yourselves, on that list. You just want to get on with the job as quickly as you can?

Sharon Evans: Yes, and that is, I think—

Q84 Chair: Free from interference?

Sharon Evans: Free from interference and with a choice. When we have advice, we, as the panel, should decide what our choices are and what we would like to do going forward. I think it is really important that we are very clear about the advice and where we get it from.

Chair: Mr Winnick has a final question.

Q85 Mr Winnick: Recognising the work that you have put in, the input, which is appreciated—all of us on the Committee certainly appreciate that—if it was a question of disbanding the present panel, you would not make a point, would you, that it should not be done in these circumstances? Surely the essence of the matter, and I am sure Ms Evans would agree, is to have the confidence of the survivors. You have admitted the present situation is a mess, through no fault of your own—in no way are you responsible—but if it is necessary to start afresh with a new panel, you would not wish to stand in the way. Am I right?

Professor Pearce: When I said that the work of the panel should go forward, I mean that the work of the inquiry should go forward. If it is decided that the work of the inquiry can be better achieved by looking at the composition of this particular panel, my aim is that the inquiry takes place and the core of the inquiry is the experience of survivors and victims.

Mr Winnick: That is the answer I expected.

Q86 Chair: Sharon Evans, should you have any more reason to contact your Member of Parliament or this Committee about any intimidation of yourself in speaking to this Committee or in writing to this Committee, you must contact me immediately.

Sharon Evans: Thank you.

Chair: Thank you very much for coming.

