

Home Affairs Committee

Oral evidence: [The work of the Independent Inquiry into Child Sexual Abuse](#), HC 636

Tuesday 18 October 2016

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Members present: Tim Loughton (Chair); James Berry; Mr David Burrowes; Nusrat Ghani; Mr Ranil Jayawardena; Stuart C. McDonald; Mr Chuka Umunna; Mr David Winnick.

Questions 1-219

Witnesses

[I](#): Professor Alexis Jay OBE, Chair, Ivor Frank, Panel Member, and Drusilla Sharpling CBE, Panel Member, Independent Inquiry into Child Sexual Abuse.

[II](#): Mark Sedwill, Permanent Secretary, Home Office.

Examination of witnesses

Witnesses: Professor Alexis Jay OBE, Ivor Frank and Drusilla Sharpling CBE.

Chair: Welcome to our witnesses. We thought we had lost you; there were a lot of people outside, and there is obviously a lot of interest in today's proceedings. First, can I ask for any declarations by Members?

James Berry: I have practised as a barrister or studied with a number of barristers who either have been, or are currently, involved in this case, as well as some of the solicitors. However, I have not spoken to any of them about this inquiry, or indeed spoken to them recently at all.

Mr Umunna: As a constituency MP I represent a large number of the members—those who are constituents of mine—of the Shirley Oaks Survivors Association, which is a core participant in the child abuse inquiry.

Q1 **Chair:** I have a general declaration. Before, during and after being children's Minister I have had various deliberations and associations with all the panel members in front of us. I hope that declaration covers me for everything.

First, I thank all three of you for coming today. We have got three for the price of one, Professor Jay; you have brought two of your panel members with you, and we are very grateful for that. Let me set out a general point, which I made clear when we had the Home Secretary and the permanent secretary from the Home Office in front of us a few weeks ago. It is important to put on record that your inquiry is an independent inquiry established under statute, and it is not the job of the Home Secretary or this Committee to interfere with, or steer, its deliberations and how you carry out your inquiries. That is not what we are seeking to do; I will leave it to the Home Secretary to confirm that, and I did mention that point to her.

I think that where there is a legitimate role and interest for the Home Office, and us as the scrutinising Select Committee of the Home Office, is in making sure that the inquiry is following its terms of reference, is fit for purpose to carry out the task for which it was set up and is continuing to spend public money in the best interests of the public and to achieve the ends to which it was set up. It is on that basis that we have asked you to come before us today to answer questions about the conduct, historically, currently and in the future, of the inquiry itself. I am sure you will appreciate the mechanics of that.

Professor Jay: Thank you, Mr Chairman. I am very grateful to you for setting out the position clearly. Just to reiterate, we are particularly sensitive to the boundaries because, as you know, both the Government and Parliament are expressly included within the inquiry's remit and terms of reference.

Q2 **Chair:** The questioning in today's session will be quite wide-ranging. We



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are keen to get as much information out of you as possible, and I think you will be keen, given the intense amount of speculation and coverage, of varying degrees of accuracy, that there has been about the work of the inquiry in recent days and weeks, to put as much on the record as possible.

I think we will split this into three areas, which will be helpful to proceed, and then we will go into questions. First, obviously the Committee would like to know what on earth has been going on with all these reports and the departure of the previous chair and other key players in the inquiry. The second is your synopsis, Professor Jay, of where we are now, in terms of the good work that I am sure the committee has been getting on with, notwithstanding the headlines about various individuals and their activities. The third is where the inquiry goes from here. Will you build on the short statement you gave yesterday and talk about the progress of the review that you instituted? Those are the general parameters in which we would like to ask questions today, if that is all right.

Professor Jay: Yes, of course.

Chair: In general terms, I will kick off by saying that you have obviously seen that we have put on the record all the correspondence between this Committee, the previous Chairman and Dame Lowell Goddard, including some very recent correspondence between me and Dame Lowell Goddard, which will hopefully lead to her being interviewed by this Committee. She wrote to the previous Chair—in the absence of appearing in front of us, as originally requested—a nine-page letter, in which she effectively gave us her side of the story and talked about why she left the inquiry and what was wrong with it. In general terms, do you think that was a fair assessment of the state of the inquiry and what problems there may be? Was it elaborated? Are there some things that need to be challenged within it?

Professor Jay: We did agree with some of the comments she made about some of the start-up problems that were involved for the inquiry. You can't set up an inquiry of this scale from scratch without there being some of these issues. Indeed, since her departure, we have managed to address one of two of the important ones. We did not agree with her suggestion of any curtailment of the terms of reference or the scope of the inquiry. There were other circumstances concerning her departure and the panel's position that were not referred to.

Q3 **Chair:** Let me point out some specific things. I took up one of the issues with the Home Secretary before. Dame Lowell Goddard said that one of the weaknesses of the inquiry was that it was not properly resourced, but it later turned out—as confirmed again by the Home Secretary yesterday—that last year just under £3 million was returned by the inquiry to the Home Office because of an underspend.

Professor Jay: Yes.

Chair: So that was factually incorrect.

Professor Jay: It was factually incorrect.



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- Q4 **Chair:** She refers to not being given a free hand to recruit staff of the type that she thought essential, and said that “the panel and I”—that is Lowell Goddard—“have had little or no input into either the composition of the senior management team or the recruitment of secretariat staff”. Is that correct?

Professor Jay: Not to my knowledge. It is true that there were some staff recruited from the Home Office, as she referred to. I have no knowledge personally about how people were recruited at the beginning of the inquiry, because we were not engaged in that. That would have been a matter for the secretary to the inquiry, and possibly for Lowell Goddard herself.

- Q5 **Chair:** She said that the result was that “the skills and qualifications of many recruits did not fit the tasks which they were called upon to perform”. Do you think that that is a fair description of many people presumably working within the inquiry?

Professor Jay: I’m not aware of that.

- Q6 **Chair:** Also, she complained that a tremendous amount of hard work had not been sufficiently visible or communicated widely enough in those 16 months. Is that true? If it is, was it not her job to make sure that that was rectified?

Professor Jay: I certainly believe that we did not fully communicate what we were doing widely enough.

- Q7 **Chair:** So whose responsibility was it to resolve that?

Professor Jay: I would suggest that it was the chair’s responsibility, with the relevant staff and managers.

- Q8 **Chair:** The specific criticism about the lack of an evidence management system, which she said held back your being able to hold these public inquiries—is that a fair criticism? Again, who is responsible for this?

Professor Jay: That took a long time to put in place. I may say that within two weeks of my appointment we rectified that. It is now in place. Large numbers of documents, many thousands of them, have now been uploaded to the system. That is no longer an issue.

- Q9 **Chair:** So overall, a lot of the problems that are mentioned in Dame Lowell’s letter should really have been the responsibility of the chair to seek to resolve and to take some responsibility herself, if they had not actually been resolved in her 16-month tenure. Would that be a fair assertion?

Professor Jay: I would agree with that.

- Q10 **Chair:** Could I ask all of you what your relationship, your working conditions and your work relationship was like with Dame Lowell in her 16 months there that coincided with your tenures? I will start with Professor Jay.

Professor Jay: I will start, and the others can make their own contributions. It was clear from the beginning that Lowell Goddard really would have preferred to sit on her own without the assistance of a panel.

Q11 **Chair:** So you were redundant, in her view?

Professor Jay: We were not redundant. There are specific legal requirements that the chair and the panel make certain decisions, but many are for the chair on their own. As a consequence of this view that was conveyed to us, we did feel that we were kept at a distance from a lot of the activities of the inquiry.

Q12 **Chair:** And is that something that manifested itself quite early on?

Professor Jay: Yes. I am sure that we will return to this, but we did make every effort to make the arrangements work from the beginning.

Q13 **Chair:** Mr Frank, what is your assessment of your relationship with the chair and how easy she was to work with?

Ivor Frank: It is fair to say—I have said this before—that there were challenges.

Q14 **Chair:** That is usually a very all-encompassing word, “challenges.”

Ivor Frank: And indeed there were some fairly all-encompassing challenges, too. All I will say is that the chair was not always present in the United Kingdom for that entire 16-month period, so we were able to continue with our work for extensive periods without very much contact with the chair. There were times when things were perfectly amicable and perfectly professional; there were other times when that was less the case.

Q15 **Chair:** What does that mean?

Ivor Frank: Well, there are different working methods that people have, and different experiences and backgrounds that they bring. It may be that, as a judge perhaps working mostly on her own, it was not easy for her to adapt to a situation where she was necessarily having to work in a more collegiate way. There were times when it was obvious that that was not a comfortable situation for her, and that led to challenges.

Q16 **Chair:** Was the office a rather calmer place when she was abroad than it was when she was in residence?

Ivor Frank: On the times I was there myself, which was quite a lot, I would say that was probably the case.

Q17 **Chair:** Was she a nightmare to work with, as some papers have suggested?

Ivor Frank: I would not use that language.

Q18 **Chair:** What language would you use?

Ivor Frank: I would prefer to say that there were challenges.

- Q19 **Chair:** This has been a circular exchange. Drusilla Sharpling, what is your view? These reports about her being abusive to staff to a bullying extent, is that an accurate reflection?

Drusilla Sharpling: I am not going to engage in the sort of character issues that have been published across the press. It seems to me to be entirely inappropriate. These matters are not something that ought to be played out in the public domain. However, having said all of that, the panel had concerns about the qualities of leadership being evidenced in the course of the inquiry. That was our principal concern, and that was the reason we wanted to work with the inquiry to ensure that that was overcome. Regrettably, that was not the case in the end.

- Q20 **Chair:** How early on did those questions about qualities of leadership, as you put it, manifest themselves?

Drusilla Sharpling: I wouldn't say immediately. That is not the case. To say that there was a single moment when this become evident would be wrong. It was the accumulation of matters that concerned the panel. As I said, we tried to do everything to manage that. It was our job to try to manage that, for the benefit of the inquiry going forward.

- Q21 **Chair:** But would you say that those questions about qualities of leadership manifested themselves on an accumulative basis within the first half of her tenure—in other words, in 2015, rather than having to wait until 29 July 2016?

Drusilla Sharpling: I cannot say there was a particular cut-off date. That would be entirely wrong, but it was a growing concern with panel members about the quality of her leadership that caused us to take various actions at various times.

- Q22 **Chair:** Finally, before I ask colleagues to come in, to whom did these concerns about qualities of leadership get reported, if at all? What was your reporting structure, if there were issues around the person at the top?

Drusilla Sharpling: As I understand it, there would have been informal meetings with the secretary of the inquiry. I am not familiar with those, because they were under the former chair's purview. However, I have something to say about what I did with the consent and knowledge of the panel.

At the end of April—I think 26 April—I reported my concerns, with the panel's knowledge, about the leadership of the inquiry to the then director general of the Home Office, Mary Calam. I want to take the opportunity to make absolutely clear that I did not give anyone permission to spread those concerns among anybody else. I did not, and neither did the panel, require any action to be taken. As I have said—this remains the case—the panel wanted to manage the inquiry in the most effective and efficient way possible, acting in its best interests.

- Q23 **Chair:** And that happened when?



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Drusilla Sharpling: April of this year.

Chair: April 2016. Thank you.

- Q24 **Mr Burrowes:** Can I clarify something? We have read in *The Times*—“multiple senior sources” are referred to—that the recruitment of Judge Goddard was done in blind panic after the resignation of Fiona Woolf in November 2014. There was then a process in which the Home Secretary had a number of meetings and discussions, leading to Judge Goddard’s appointment on 4 February. That has been described by some as a blind panic. Your appointment occurred seven days after the resignation of Judge Goddard on 4 August. How would you describe your appointment, if others describe the longer process of Judge Goddard’s recruitment as a blind panic?

Professor Jay: I don’t know whether the first of your reported assertions is correct, because I have no information about how the Home Office conducted the recruitment of Lowell Goddard. When it comes to my appointment, I understand that the Home Secretary consulted several people, including panel members, about what should happen next. They considered continuity to be extremely important.

- Q25 **Mr Burrowes:** Were you offered the role of chair before August 2016?

Professor Jay: No.

- Q26 **Mr Burrowes:** In terms of achievements, Judge Goddard has stated: “I am confident there have been achievements and some very real gains for victims and survivors of institutional child sexual abuse”. Would you say that that is an accurate verdict on her time? If so, what precisely would you say those achievements are?

Professor Jay: I would say certainly the work on the Truth Project is very significant. It was complex to set up. We carried out a pilot in November–December last year, in which all the panel members here were involved. We followed that through and very recently—only in the past couple of weeks—the hundredth person had a private session within the Truth Project. I am assuming that people understand what I am referring to here.

Indeed, we have also dealt with another 100 through other means of contacts—through written statements and so on. That would be our principal achievement, although that was a shared achievement, of course. Much of this was a continuation in the past few weeks of what previously had been overseen.

After that, the barristers on the inquiry worked very well in the initial stages to review the existing literature around child sexual abuse and case law. They produced very significant reports internally for us as a first step for moving on, and that has proved to be very valuable. And, of course, preliminary hearings were conducted.

- Q27 **Mr Burrowes:** Is there anything else that you would suggest were achievements?



Ivor Frank: Yes. There are achievements that are collectively the achievements of the inquiry. You know that it was our specific remit to ensure that victims and survivors were at the heart of the inquiry. We promised that we would do that and we have delivered on that promise, because victims and survivors are enabled to participate in the inquiry in five separate ways.

First, if we have a public hearing, you know that a number of them—12—have already been identified; they are able to give evidence as witnesses. Some do not want to do that, so they have the opportunity to give evidence in a private session, which is the Truth Project. In addition to that, we have the victims and survivors consultative panel, who weekly give us really helpful assistance to ensure that we do not lose sight of the importance of victims and survivors in this inquiry.

In addition to that, we have set up the victims and survivors forum to enable those who wish to contribute to policy development in any way they wish to. We are constantly reviewing that. That is a project that is not finished; we are constantly reviewing ways in which victims and survivors can contribute. For that reason, that is one of the collective achievements of the inquiry to date.

Q28 **Mr Burrowes:** It is hard to put a price on justice but, in terms of the value of those achievements—£14.73 million in the last financial year—is that acceptable, when looking back, as an achievement?

Ivor Frank: Can I answer that one? We said before that reducing the level of child sexual abuse in this country is not a choice between competing priorities. It is an imperative. Every child has the right to be brought up without the threat of being subjected to child sexual abuse. It is our job to ensure that we hold institutions to account for past failures and put in place policies to stop it happening in the future.

Q29 **Mr Burrowes:** Yes, but at the same time, justice delayed can be justice denied. It is about ensuring that it happens at appropriate progress, so it is surely a legitimate question whether over the past year, given the amount of outlay, there has been sufficient justice and achievements for those very victims.

Drusilla Sharpling: Can I add that there are three strands to our work? We have mentioned the Truth Project and the public hearings. There is also a substantial research strand. These take time to set up if we are to really do the job properly and get to the entrenched issues that have inhibited institutions in the past from fully protecting children as they have deserved.

That will take some time. I'm afraid I am not apologetic about that at all. However, we know that as we gather the information from those projects and strands of work we will be able to bring our reports together in what I would call an holistic way, drawing from research and truth in the appropriate way because, of course, they are anonymised summaries of participants and also from the public hearings.



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That is the core of what we are doing, and that has already started with the Truth Project. We are very far advanced as far as research is concerned, and we will be starting our public hearings in relation to child migrants in February of next year.

- Q30 **Mr Winnick:** It goes without saying that we are not interested in gossip or anything of that kind. What we are concerned about, and what the House is certainly concerned about, is how effective is the work of the inquiry. It has taken up a great deal of time and a great deal of money, all of which is justified for the very reasons that you, Mr Frank, set out a moment ago. Would we not be right to say that almost from the beginning of the inquiry, when it started in July last year, it has been a rather unhappy ship, to say the least?

Professor Jay: No, I would not say that. I would say that a great deal of work has been done, and the inquiry has always been open for business. It is not true to say that it was ever in crisis, in terms of the number of staff who work there, and in a highly committed fashion. They are there because they want the inquiry to succeed, and they are doing their very best. We collectively, along with the fourth panel member, have tried to ensure that the inquiry has been kept on its tracks from the beginning.

- Q31 **Mr Winnick:** Ms Sharpling, you joined the inquiry in July last year—am I right?

Drusilla Sharpling: Yes, at the same time as everyone else.

- Q32 **Mr Winnick:** And by April this year you had told the appropriate Home Office officials of your disquiet over various aspects.

Drusilla Sharpling: Yes.

- Q33 **Mr Winnick:** And in my view, if you had such disquiet, which you had, over various matters, you were absolutely right. So clearly, in a very short period of time, the tensions in the inquiry were coming very much to the fore. Would you wish to challenge that, Professor Jay?

Professor Jay: They came to the fore early on, but of course we were all committed to making the inquiry work, and we worked very hard with the former chair to try and succeed with that. It was not as if there were a moment, as my colleague said, when it suddenly became clear that this was not going to work; over time it became evident, when we tried to press for a clearer direction for the inquiry, an understanding of how we would reach the end point to deliver the objectives, and how we would get there. As time went on, this was not evident to us in our working with the chair.

- Q34 **Mr Winnick:** Let me put this to you: if Judge Lowell Goddard had not resigned, what would have been the position? Is it not the case that, despite the difficulties and tensions—which are not being denied, when you are being absolutely frank with us, as we would expect and respect—it would have been very difficult for the inquiry to continue? May I put that to you, Ms Sharpling?



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Drusilla Sharpling: That is a difficult one, if I may say so, because the chair did in fact resign. However, we would have continued to work with the inquiry to do whatever we could to ensure its survival—

- Q35 **Mr Winnick:** If I may interrupt, I do not doubt the commitment of the three of you—that goes without saying—but my question is, would it have been difficult for the inquiry to continue if Judge Lowell Goddard had not resigned?

Drusilla Sharpling: I think that is too difficult to answer, and entirely speculative. I do understand the nature of the question—

Mr Winnick: Despite all your reservations, which you expressed to the Home Office.

Drusilla Sharpling: I understand the reservations. With the greatest respect, I do not have a crystal ball to make that kind of speculation.

Mr Winnick: Mr Frank?

Ivor Frank: What I can tell you is that the relationship between the panel and the chair evolved over time, and steps were taken over time to try to resolve differences. One step included bringing in professional assistance to see if a better rapport could be established. I can tell you that that process was not completed before the chair in fact resigned, so it is at least possible that had that been completed, the matter could have been resolved satisfactorily.

- Q36 **Chair:** Can you qualify what “professional assistance” actually is?

Ivor Frank: Yes, I can. The inquiry staff asked for the assistance of a facilitator—I think that is the expression—who has a professional role in engaging parties with difficulties in understanding a common purpose. So there is a discussion about progress and the role of the chair and the panel.

- Q37 **Chair:** So are you saying that the inquiry had to bring in a mediator, effectively, to communicate between the panel and the chair?

Ivor Frank: No. I understand the word “mediator” is wrong in this context. I am not an expert on that subject, but I understand it is the wrong expression. I dare say that if you want more information about that, that can be made available.

- Q38 **Chair:** What did this person actually do, then?

Ivor Frank: Facilitated a discussion.

- Q39 **Chair:** Why couldn't you do that on your own? You are all grown-ups.

Drusilla Sharpling: We had many discussions on our own. It is not uncommon in organisations to bring in facilitators to lead discussions going forward, and that is what the intention was in this particular case. It is no more complex than that.

Professor Jay: It was simply an afternoon workshop-type discussion.



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- Q40 **Mr Winnick:** Professor Jay, this is my last question to you. Would it not be reasonable on the part of my colleagues and myself to come to the conclusion that had Judge Goddard not resigned, it would have been very difficult in all the circumstances, given the tensions and other aspects that have come to light, for the work of the inquiry to be carried out as Parliament wishes?

Professor Jay: Of course I am sure it would have been very difficult, as you suggest, but let me say that this inquiry has always been bigger than any single person, and we would have worked—as we did—tirelessly for the sake of our common purpose and in serving the victims and survivors of childhood sexual abuse.

- Q41 **Mr Winnick:** Commendable, to say the least, but it would have been difficult, wouldn't it?

Professor Jay: Yes, it would have been difficult.

Mr Winnick: Thank you very much.

Chair: You will be relieved to hear that this Committee has always been able to operate, even under previous Chairs, without the need for a facilitator to communicate between the Chair and its members.

- Q42 **James Berry:** The relationship between the sponsoring Department and an inquiry is necessarily arm's length, and there are very specific rules—with which you are of course familiar, because you are subject to those rules—for the appointment and removal of the chair and the panel. Those reasons do not include the chair not getting on with the panel, the chair not getting on with the interested parties or the chair not getting on with the barristers and solicitors. It seems to me that under section 12 of the Inquiries Act, the only subsections that could possibly have applied to Justice Goddard were that she had failed to comply with a duty imposed on her under the Act or that she had been guilty of misconduct that made her unsuitable for membership of the inquiry panel.

What I want to ask is whether, Mr Sharpling, your complaint of April, or indeed the complaints that we understand were made to the Home Office on 29 June, were framed as complaints that you knew would engage that section of the Act and require the Home Office to take action under the Act, or whether they were just more general concerns.

Drusilla Sharpling: I am going to use the word "concerns", not "complaints", because they were concerns about the leadership and progress of the inquiry. I did not go into any detail, because I thought it was inappropriate at the time, and I did not ask for any action to be taken. In direct answer to your question, was section 12 engaged? No, it wasn't.

- Q43 **James Berry:** Thank you very much. Does the same apply to you, Mr Frank and Professor Jay?

Professor Jay *indicated assent.*

Ivor Frank: Yes, it is worth pointing out that under section 12, any member of the inquiry may resign their appointment by notice to the



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Minister. They are not required to do anything more than that. That is what happened in this case.

James Berry: Indeed. Thank you very much.

- Q44 **Mr Umunna:** May I just pick up with you, Ms Sharpling, the way in which your concerns—not complaints—were raised and to whom you raised the concerns? You said that you reported the concerns to the director general of the Home Office in April 2016, but you were not requesting that they do anything in particular with that information.

Drusilla Sharpling: I was alerting them. We as a panel felt they had the right to be informed—not consulted, not for action to be taken, but the right to be informed. That was the purpose of it.

- Q45 **Mr Umunna:** Right. You were appointed in July 2015. Have I understood that—

Drusilla Sharpling: Yes, I think that's about right.

- Q46 **Mr Umunna:** And then it was in April that you raised the concerns on behalf of the panel. You said that over time, concerns aggregated, which led to you doing that in April. Why did you not do so sooner? I forget how long it was, but some time passed between you joining the panel, or any of the panel having concerns and them being raised. Why did you wait so long?

Drusilla Sharpling: Well, because it wasn't our job to go backwards and forwards to the Home Office raising concerns. There were issues that arose which had—I won't say culminated, but to such an extent that we felt it was appropriate to raise them at that time. Why not sooner? Perhaps it could have been a month sooner; perhaps it could have been a month later.

- Q47 **Mr Umunna:** You have described the nature of those concerns in quite general terms as being around leadership. Presumably, one of the principal reasons that she was appointed was because of her legal expertise. Among some of the survivors there was a desire to have a judge-led inquiry. To what extent did the concerns about her leadership relate to her legal knowledge and what she brought to the table in terms of her legal expertise?

Drusilla Sharpling: I understand, from one of the preliminary hearings we had, there was some criticism in the press about that. That was, of course, after I raised concerns with the Home Office. I am not going into detail about it because these were private conversations and I don't indulge in gossip. These were the concerns that we had over the leadership and the progress of the inquiry. It is as simple as that.

- Q48 **Mr Umunna:** In relation to who was informed at the Home Office, the director general was informed.

Drusilla Sharpling: Yes.

- Q49 **Mr Umunna:** But did you have any contact with or express any of these



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concerns to any other civil servant or Minister at the Home Office? I address that question to all three of you.

Drusilla Sharpling: No, I did not.

Professor Jay: No. I must reinforce the point that was made earlier: we understood that the secretary to the inquiry had regular liaison meetings with the appropriate person within the Home Office. These occurred very regularly, I think. I now know what the arrangement is since I took over: it is once a quarter. They meet the relevant director general. I don't know what the arrangements were then, because he wasn't accountable to me, but he certainly may have raised these issues on his own behalf at that stage.

Q50 **Chair:** You are talking about John O'Brien?

Professor Jay: Yes, indeed; the secretary to the inquiry. Because we were an independent inquiry, we had no formal contact with officials of the Home Office.

Q51 **Mr Umunna:** Since you raise that point, there is a second issue that I wanted to pursue with you, if the Chair will allow me. The appointment of the chair necessarily is going to involve the Home Office but, as you have indicated, beyond that the independence of the inquiry is paramount. You would agree that that actual and perceived independence, particularly in the eyes of the survivors, is particularly important?

Professor Jay: It is.

Q52 **Mr Umunna:** How many of your secretariat—well, how many do you have? And how many of those—you may have anticipated this question before coming—are current or former employees or officials of the Home Office, just for the record?

Professor Jay: I believe we have 166 employees, and just over 20% are from the Home Office.

Q53 **Mr Umunna:** When you say "from the Home Office", can you define what that means? Are 20% employees of the Home Office?

Professor Jay: They are former employees of the Home Office, although actually I think the Home Office may employ everybody, because we need a technical employer. They are people who previously worked in the Home Office.

Q54 **Mr Umunna:** Right. And there are no current Home Office workers, apart from the fact that, technically speaking, you are all employees of the Home Office—there are no current Home Office officials seconded into the inquiry.

Professor Jay: I would need to clarify that.

Q55 **Mr Umunna:** Well, you said that 20% are people who are former officials. Are there any people who have been seconded in who are current officials of the Home Office?



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Professor Jay: Not that I am aware of, but I don't know the technicalities of their contract when they moved across. I can get someone to clarify that.

- Q56 **Mr Umunna:** If you could write to us, that would be helpful. Can you confirm—he has already been referred to—that the secretary to the inquiry and the head of the secretariat at present is a former senior Home Office official?

Professor Jay: That's correct. He is also the accountable officer for the inquiry.

- Q57 **Mr Umunna:** That's right. And is it right that the deputy secretary to the inquiry is also a former Home Office official?

Professor Jay: Yes.

- Q58 **Mr Umunna:** And the head of communications and engagement is also a former Home Office official.

Professor Jay: I believe so, but I'm afraid I would have to check.

Chair: We won't go through every member of staff.

- Q59 **Mr Umunna:** The reason I raise the issue, Chair, is that it is not just a question of the percentage of the personnel—I will explain for the benefit of the record why this is important to survivors—but also of the controlling mind. You are the chair. You are not a former Home Office official, as I understand it, but many of those who are part of the leadership team and who are in senior positions in the secretariat are. Can you understand why, among some survivors, there is a perception that although nominally the inquiry is supposed to be independent, it is somewhat under the influence of people who have been associated with the Home Office?

Professor Jay: I understand their perception, but in reality I can say with absolute assurance that so many of these people are there precisely because they are knowledgeable, interested and committed to the objectives of this inquiry.

- Q60 **Mr Umunna:** I'm not calling into question any of what you have just said in terms of how committed they are, or knowledgeable. But, going back to the beginning of my questioning on this particular issue, independence is very important, not least because the Home Office itself may be found to be culpable.

I have just named three officials there, two of whom I believe advised the Prime Minister when she was the Home Secretary. You can understand why there will be a concern about the influence of the Home Office which may be culpable here given that, in the leadership positions, the controlling mind of this organisation certainly does seem to have a lot of Home Office background, if I may put it like that.

Ivor Frank: I wonder if could assist?



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Mr Umunna: Please. I am happy for anyone to come in on this.

Ivor Frank: I think there is Cabinet Office guidance that you might like to look at, which specifies that it is normal for the secretary to any inquiry to come from the sponsoring Department. I believe that that is the standard across all inquiries, so it would not be a surprise that the secretary to our inquiry had been a Home Office employee at some time.

Q61 **Mr Umunna:** I am not necessarily saying that it is surprising. All I am saying to you, as key figures in the inquiry, is that part of your challenge is to command the confidence of survivors and amongst a great number of survivors the Home Office is culpable here. Much of what happened in the past has been swept under the carpet; we have seen industrial-scale abuse and key establishment institutions and figures, including at the Home Office itself, involved in that. So you can quote whatever Cabinet Office guidance, bureaucratic book or whatever at the survivors but—

Ivor Frank: The law—I can quote the law.

Q62 **Mr Umunna:** You are quoting Cabinet Office guidance at me. There is a difference between guidance and an Act of Parliament. I am a lawyer; I know that.

The simple point I am making—I am not trying to attack anybody here—what I am simply trying to do is to get from you whether you understand why the relationship between the Home Office and your inquiry is a sensitive issue. All I am asking is for you to give some reassurance to the survivors, who are of primary concern to everyone in this room, that this is not going to compromise your ability to make adverse findings against the Home Office where that is deserved. That is all I am asking, Mr Frank.

Drusilla Sharpling: Can I come in here? First, may I just deal with one issue that you raised in the form of the question that you used? You talked about “controlling minds”. The chair and the panel are the controlling minds of this inquiry. I give the assurance to victims and survivors everywhere that we are in charge of this inquiry going forward, and we are determined to do our duty in respect of this inquiry and all its component parts. We are absolutely determined and committed to doing it.

Yes, there are former Home Office officials in there. We have many skills and talents drawn from a range of disciplines from across the entire inquiry. We want to make sure that, taken as a whole, the inquiry will have all of the relevant material, all the relevant skills, all the relevant people who can help us take this difficult and challenging task forward. Let me reiterate: it is the chair and panel who are the controlling minds of this inquiry.

Q63 **Mr Umunna:** Thank you. Professor Jay, do you want to say anything?

Professor Jay: Only to confirm my absolute agreement and reassurance on that point.

Q64 **Mr Jayawardena:** Dame Lowell informed us that the Australian Royal



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Commission of Inquiry into Institutional Child Sexual Abuse was funded at approximately twice the level of this inquiry at its initial stages, despite the project being of a, quote, “lesser scale”. In that context, do you believe that your inquiry has been allocated sufficient funding to function in an effective way, particularly at these initial stages with the volume of work that is necessarily incurred, and as a result to bring forward its work in a timely fashion?

Professor Jay: Yes, indeed. Comments already made about the budget underline that. Since we were underspent on the budget last year, going forward there is an increase in 2016-17. I am absolutely sure that we will be appropriately resourced. I have to say that the Home Office, through our accountable officer, has made it clear that were there any areas we were concerned about, we should raise it with them.

Q65 **Mr Jayawardena:** With the scale of that inquiry involving so many different investigations, covering decades and receiving thousands, if not millions, of documents, I understand that at this initial stage it might be difficult to progress work as fast as survivors might like, but are they not right to expect more action than we have seen to date? Hasn't the infighting that we have seen been a barrier?

Professor Jay: It absolutely has not been a barrier. What you describe as infighting was, if I may say, the panel members trying their very best to keep the inquiry on track and deliverable in a reasonable timescale. The former chair did not share clearly with us how that was to be achieved.

Q66 **Mr Jayawardena:** That is interesting. You talked earlier about the previous chair having sole control, or wanting to exercise sole control, over as much as she perhaps could, but she of course then said that she had no real input into management or secretariat staff. How many difficulties did she face in that respect?

Professor Jay: We clearly have a different view of what the role of the chair in this inquiry should be—indeed, that was the subject of many discussions with her. I reiterate what I said, that her general preference was expressed—it was no secret that she would have preferred to be sitting alone in charge of the inquiry, rather than with the assistance of the panel, and we were increasingly concerned about the lack of involvement in day-to-day governance of the inquiry. That became very significant to us because she had a different view of that. We believed that our role in this inquiry was to exercise governance oversight of every aspect of its activities. That is not to say that we wished to micromanage or manage on a daily basis, but we did wish to ensure that it was on track to deliver its objectives.

Q67 **Mr Jayawardena:** It would be very difficult to micromanage such a big inquiry. I understand that this is the largest public inquiry ever established in England and Wales, so it is very wide-ranging. You have stated that you do not intend to revisit or revise the terms of reference at all despite widespread concern—not necessarily mine—that the scope of the inquiry is too wide. On what basis have you concluded that the money that you have available is sufficient, that the progress that you



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have made is justified and that the current scope in that light is manageable and achievable?

Professor Jay: As you will know, I initiated a review immediately upon taking up post. We thought that was very necessary to precisely address the kind of issues you have just raised. That review is not complete and will not be complete for a few weeks, but we are in a position to announce what I did yesterday about taking a different approach as we go forward. I am not going to refer to the individual investigations because that is entirely a business for the inquiry and that will be clear in due course, but we believe that if we were to proceed on the same basis of treating every issue around institutional failure to respond to abuse as if they were mini-public inquiries, we would get nowhere. We would fail and we would not be able to deliver our objectives in a timely manner, and it would be very expensive.

Q68 **Mr Jayawardena:** Is the lack of progress at this stage partly due to the chairman's lack of power to delegate hearing responsibilities to panel members, as was highlighted by Dame Lowell?

Drusilla Sharpling: I do think that the inquiry has made progress. We have received an enormous amount of material already from institutions and inevitably this takes time to consider properly within the scope of the inquiry. While this preliminary work sometimes appears invisible—I understand that—there is plenty of purposeful work going on. We have an excellent team of lawyers, solicitors and barristers, who are working up these investigations. We have the truth project going forward, and we will publish a report about at the end of the month. Our research projects are continuing, building on the body of knowledge that the inquiry will need to take its work forward. Sometimes it is difficult when you are doing that research and preliminary work for everybody to understand that that is real activity going on in real time with real people working very hard, but let me assure you that that is the truth.

Q69 **Mr Jayawardena:** As a panel, do you feel that there is a risk that fabricated accusations of abuse undermine the serious abuses that have occurred in the past and the work that you are doing to try to ensure that, as Mr Frank said earlier, new processes are put in place so that those things never happen again? Do you feel that people who, for whatever reason, have chosen to fabricate accusations and have been found out have actually undermined your work to date?

Drusilla Sharpling: I do not think that that is the position at all. The inquiry will deal with everything that comes within its purview. There have been challenges along the way, and we have discussed that during the course of the afternoon. The issue that you mentioned has in fact been difficult, and I can understand why people might think that the inquiry has been undermined by it, but it has not been undermined by us doing our job.

Q70 **Mr Jayawardena:** Would you suggest changes to the criminal justice process? Will you look at that as part of the review of process?



Drusilla Sharpling: Nothing is off the agenda.

- Q71 **Stuart C. McDonald:** I have a couple of questions on what has already happened, and a couple on how fit for purpose the inquiry is. My colleague, Mr Berry, helpfully set out the limited circumstances in which a chair could be removed from her role through powers exercised by the Home Secretary. That is important in maintaining the inquiry's independence.

Equally important is that any allegations of misconduct are not ignored. So far you have characterised the challenges relating to the previous chair as challenges of leadership. Did any of you ever have concerns that went beyond that—anything that could have amounted to misconduct, making her unsuitable for her role?

Professor Jay: A number of statements have been made in the press, to which I suspect you are alluding. I can only say that we cannot talk about any aspect of HR or personnel experience within the inquiry. That is confidential and any individual employee has a right to privacy, as they would with any employing organisation.

- Q72 **Stuart C. McDonald:** I accept that, but equally the Committee is rightly concerned with ensuring that there are procedures in place so that any allegations of misconduct such that the person is unfit to carry out that role are not simply swept aside. People should not carry on regardless to make it work. We need to know that there are procedures in place for such allegations to be investigated.

Hypothetically speaking, let's say that you, Professor Jay, as the chair, made homophobic comments or had allegedly been bullying a member of staff on the inquiry. How would you expect your colleagues to deal with those allegations?

Professor Jay: I can give that reassurance absolutely because we have a dignity at work policy, which has been in place for most of the inquiry's lifespan. We have whistleblowing policies and processes whereby any incidents or alleged incidents of misconduct would be reported, usually through the secretary to the inquiry.

- Q73 **Stuart C. McDonald:** Just to clarify—they would be reported by the secretary to who?

Professor Jay: Reported to the secretary of the inquiry.

Ivor Frank: I just want to make clear that the dignity and respect at work policy applies to the chair and everybody in the inquiry.

- Q74 **Stuart C. McDonald:** We are talking about an allegation that goes to the very fitness of the person to carry on as the chair, and the only person with any powers to respond to such an allegation is the Home Secretary. Are there procedures in place to ensure that she gets to hear about such allegations?



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Professor Jay: The policy—I do not have it with me—takes account of any allegations about the chair and the panel. Clearly there would need to be some process external to the inquiry to deal with that.

- Q75 **Stuart C. McDonald:** I just want a little more clarity on how you would go about bringing this to the attention of the Home Office. Are you saying that if allegations were made that cast doubt on somebody's fitness for the role of chair, those allegations would definitely make it to the Home Office and the Home Secretary?

Professor Jay: I am not sure whether it would go to the sponsorship branch, or whether it would be for the secretary to commission an independent investigation of any such allegations, but I will certainly clarify that and let you know. It may not necessarily go straight there—our policy may not say that—but it would certainly take it outwith the inquiry itself, for some form of independent investigation or fact finding.

- Q76 **Stuart C. McDonald:** It would be very useful if you could write to clarify those points.

Professor Jay: Yes, I can do that.

- Q77 **Stuart C. McDonald:** There is one part of the evidence that I also want to clarify, Professor Jay. You referred to the meetings that John O'Brien has—quarterly, I think—with the Home Office. I think you said at one point that he may have raised issues at that stage. Could you clarify what issues you think he raised and what stage they were raised at?

Professor Jay: Well, you will appreciate that he was not responsible to the panel members at that time; obviously he was responsible to the former chair. Again, you would have to ask Mr O'Brien to respond to that.

- Q78 **Stuart C. McDonald:** Looking to the future, would you say that the Government has made available all the information and material that has been requested by the inquiry to support its investigations? Would you say that the inquiry now has access to all the skills and experience to ensure its effective operation?

Drusilla Sharpling: That is part of the business of the inquiry.

- Q79 **Stuart C. McDonald:** But are you confident that have what you need?

Drusilla Sharpling: That is part of the business of the inquiry.

- Q80 **Stuart C. McDonald:** Have you had any contact with the Director of Public Prosecutions about ensuring that all avenues for bringing successful prosecutions against abusers are kept open?

Drusilla Sharpling: We are not a prosecuting outfit. We do have procedures in place, particularly in our truth project, to refer matters to the police when criminal offences may have been committed. That is in our terms of reference. It is, of course, for the police to liaise with the Crown Prosecution Service to decide whether prosecution can take place in due course.



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- Q81 **Stuart C. McDonald:** Finally, are there any remaining logistical or infrastructure issues that you want to draw to the Committee's attention, or anything else that is required for the inquiry to function in the way you want it to?

Professor Jay: I am grateful to you for asking that question, because there is an outstanding issue that may be of interest. Ever since the inquiry started, we have been looking for suitable premises, in central London or wider, as a hearing centre. We have very specific requirements for that, because we need to be able to adapt it to suit us—to protect witnesses, et cetera, and for the public to be there, of course. Despite the best efforts of a number of staff who have been involved in the search, we are not there yet, though we are close to securing it. One of our concerns, which you may be interested in, is the extremely disappointing attitude of landlords to the inquiry. We look at somewhere; the premises are suitable; we go so far; and when they learn the nature of our work, they withdraw, because they simply do not wish to have anything to do with the issues of child sexual abuse.

Stuart C. McDonald: That is very helpful to know, and is something that we will obviously want to take forward.

- Q82 **Chair:** We want to spend some time now on bringing it more up to date, but there are just a couple of clarifications I would like to draw out, following on from Mr McDonald. It is unclear to me here where the lines of accountability are when you have a complaint that affects the chairman of the inquiry and you have the secretary to the inquiry. Are you saying, effectively, that if there is a complaint about the top woman, in this case, the panel members, as the second tier of responsibility within the inquiry, have no part to play in that?

Professor Jay: I am not entirely sure how that would work in practice, but I am clear that this would need to be dealt with independent of the inquiry itself.

- Q83 **Chair:** Okay, but whether or not it is dealt with independently, there is no responsibility or good practice even to inform you that there are complaints or procedures outstanding against the chair.

Professor Jay: Yes, indeed. This is hypothetical, but obviously if that fact-finding produced the conclusion that there was no case to answer, that would be recorded as an investigation or a complaint, and obviously if it did not—if it was considered substantiated—further action would need to be taken. We have not tested that, to my knowledge, but we do have a system in place for the reporting of any complaints to the panel.

- Q84 **Chair:** So are you aware of any of those complaints having happened against the previous chair?

Professor Jay: I'm afraid I could not possibly answer that. These are matters of a nature that I cannot discuss.

- Q85 **Chair:** Okay, I'm probably going to get the same answer, but notwithstanding the formal procedures, were any of you as panel



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members directly approached by other members of staff expressing their concerns about the quality of leadership or—however else you want to phrase it—of the chairman?

Drusilla Sharpling: That is something that we could not answer, for the same reasons already given.

Q86 **Chair:** I think we are having the equivalent of pleading the fifth here quite a lot, but I understand why.

Drusilla Sharpling: No, we have pleaded the fifth on two or three occasions and answered the questions where we can.

Chair: I am grateful.

Q87 **Nusrat Ghani:** Professor Jay, can I turn to a statement that was published on 17 October? At bullet point 6, you talk about the terms of reference for the inquiry and say that you will “present recommendations for improved identification, prevention and response to child sexual abuse.” There is some concern, especially among victims and survivors of child sexual abuse, over the timeframe for the inquiry, so what is your anticipated timeframe for concluding all strands of the inquiry?

Professor Jay: Yesterday, I did publish a statement outlining this. We hoped to make significant progress towards concluding the inquiry by the end of 2020.

Q88 **Nusrat Ghani:** Do you believe that progressing up to 2020 refers to what Mr Frank said about having at the heart of the inquiry victims and survivors of child sexual abuse? If they have to wait to 2020 for recommendations, identification, prevention and response to child sexual abuse—

Professor Jay: No, no. Of course, there would be an interim report. There is a commitment to make an interim report by 2018, but as we progress through this, we expect that as we conclude individual investigations or areas of activity, we will produce reports as we go along, including recommendations.

Q89 **Nusrat Ghani:** You mention an interim report by 2018—

Professor Jay: Yes.

Nusrat Ghani: And other reports coming into place before then. I believe that when Justice Goddard gave evidence to this Committee, it was put on the record that interim reports would be published on 13 separate investigations. Can you tell us in which order and what timeframe, apart from just saying there will be one report by 2018?

Professor Jay: No, I’m sorry but I cannot, because that is part of the review that I commissioned when I came into post. I will be able to say something about this in a few weeks’ time. I am not sure I can say something about the order in which it will happen. There are a lot of complex considerations, including, for example, whether there are ongoing



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police inquiries in different places. That is not to apply to any specific one, but these are the kinds of issues we need to take into account.

- Q90 **Nusrat Ghani:** Just to be absolutely accurate, 2020 is when the inquiry will conclude; there will be an interim report by 2018; and there will be some reports—

Professor Jay: Yes.

Nusrat Ghani: —paced up to 2018. So when Justice Goddard gave evidence to the Committee and said that there was an intention to publish interim reports on 13 separate investigations, on what authority were those statements made?

Ivor Frank: Can I try to assist you on that? I think I have already indicated that the thinking in relation to this inquiry has evolved over time. You will understand that if you look at the material that is published already on our website. You will see that in July 2015 there was an opening statement, which described a process. You will understand that in November 2015, there was another statement which finessed that statement and gave a different approach because our thinking had evolved. There is no doubt that we understand the obligation under our terms of reference to publish a report in 2018 and our obligation to try to complete our work by 2020, but it cannot be cast in stone.

I remind you of what has already been said. We cannot give a fixed timescale for the completion of all this work, but it is reasonable to assume that while some of the investigation may be completed in 18 months, other parts may take several years. What I can assure you is that all members of the panel look forward to a time when we will have a life beyond this inquiry. I assure you that if we are able to get on with our work—*[Interruption.]*

Chair: Order.

Ivor Frank: If we are able to complete our work, we will in fact have done it before your restoration committee allows you back into your building in five years' time.

- Q91 **Nusrat Ghani:** Professor Jay, in a few weeks' time do you think you will be able to share some more information about what the timelines or parameters might be for the interim reports up to 2018?

Professor Jay: We will consider that as part of the conclusion of the review.

- Q92 **Nusrat Ghani:** You mentioned earlier that your staff were trying to secure premises to be able to hold hearings—I assume so that victims and survivors of sexual abuse can come forward and give evidence. There was some concern about landlords enabling you to secure property, so the issue isn't the budget or finding vacant premises that you think are appropriate; it is that when you come into contact with a landlord and declare what you are trying to do, they are not allowing you to sign a deal to secure the premises. I am finding that very hard to believe. Could



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you open that up a bit more?

Professor Jay: I can certainly give you details of the number of premises we have looked at and where that has happened. I am not sure what you find hard to believe about it. I personally think it is appalling, but we have encountered that on several occasions. We believe we now have premises.

Nusrat Ghani: You do have premises now?

Professor Jay: Well, we have an interim arrangement and a longer-term one, but this will not preclude us starting our hearings. We will have a temporary hearing centre and then a permanent one, we hope. We have got to that point now and I am happy to share that with you once we have the confirmation. My point was that this has been a very disappointing experience. The public apparently support us in our intentions and this inquiry. Individual landlords, usually after consultation with their board, committee or whatever the overseeing body is, come back to us and say, "Sorry, no, we don't want that. We don't want to have any associated media attention or anything to do with this subject matter."

Nusrat Ghani: That is shameful on behalf of the landlords.

Q93 **James Berry:** I want to ask about Mr Emmerson. The counsel to the inquiry is someone who is appointed by the chair. He was not appointed by you, because you were not the chair at the time. Is he still instructed by you?

Professor Jay: There was a period of time—sorry; I am trying to remember. He was continuing to be instructed for a short period to conclude the work. I believe it was two months.

Q94 **James Berry:** And has that period now come to an end?

Professor Jay: It won't have yet, but it must be concluding shortly.

Q95 **James Berry:** So he is currently still instructed by the inquiry.

Professor Jay: Yes, indeed, but he does not work from the office.

Q96 **James Berry:** And he is still being paid for by the inquiry.

Professor Jay: Yes.

Q97 **James Berry:** And he is producing work in that period.

Professor Jay: Yes, of course, in relation to the handover.

Q98 **James Berry:** Why was Mr Emmerson suspended? I ask that question because I understand that he was never told why, or at least the public have never been told why he was suspended.

Professor Jay: I cannot discuss anything to do with Mr Emmerson's circumstances.

Q99 **James Berry:** Can you tell us if he was told why he was suspended?



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Professor Jay: I cannot discuss any aspect of the circumstances surrounding Mr Emmerson's resignation from the inquiry.

Q100 **James Berry:** Can I ask why?

Professor Jay: These are HR matters, similar to others we have discussed today, where the individual is entitled to privacy and confidentiality as any employee of any organisation would be.

Q101 **James Berry:** But they would also, I am sure you would agree, be entitled to know why they had been suspended.

Drusilla Sharpling: By giving out that information, we would breach the very confidentiality that we believe exists.

Q102 **James Berry:** I don't think that is right, with respect. You can explain whether their letter of suspension told them why they had been suspended, even if you don't give the reasons themselves.

Drusilla Sharpling: I am not sure I agree, but I understand your point.

Q103 **James Berry:** Did the letters of resignation of any of the other counsel in this inquiry include complaints or allegations about the conduct of anyone else involved in the inquiry?

Professor Jay: I cannot comment on that either, for the same reasons.

Q104 **James Berry:** We may have to follow this up in writing.

You have very competent solicitors to the inquiry and they have been there for a long time. There has been no break in continuity. How many counsel to the inquiry do you have?

Professor Jay: Twenty barristers, but they don't work full time of course. They work contracted hours and we need that flexibility so that we are not wasting public funds and utilising or paying people when they are not required.

Q105 **James Berry:** In terms of counsel to the inquiry and first junior counsel, how are you progressing with finding replacements?

Professor Jay: We had a number of expressions of interest in the role of counsel to the inquiry volunteered to us very quickly after Mr Emmerson's resignation and we are working through the process now. We do not anticipate appointing a first junior without the involvement of the designated counsel to the inquiry. We will progress that first and then move on to the junior.

Q106 **James Berry:** It is right, isn't it, that the chair decides, first, whether to appoint counsel to the inquiry—you decided to appoint one—and, secondly, exactly what their remit is because there can be a whole variety of things? In giving evidence to the post-legislative scrutiny on the Inquiries Act 2005, Sir Brian Leveson said: "The relationship between chairman and counsel to the inquiry is very close" and that it had to be someone, first, who he thought could do the job and, secondly, someone he could work with and get on with. Do you agree with that?



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Professor Jay: Yes.

Q107 **James Berry:** That is part of the job description you will be putting out and when you have appointed someone, you can very much decide how much or how little you use them. It struck me that in some of the comments by someone previously connected there were some criticisms of Mr Emmerson, but I don't intend to rehearse that. Do you think it might be helpful for you, as chair of the inquiry, to set out for everyone at the beginning when this new person is appointed exactly what their role is and how you have asked them to perform their role so that there can be no suggestion they are overstepping the mark or not doing what they are meant to be doing so that everyone knows how you have asked them to do the role.

Professor Jay: I can see no problem with doing that.

Q108 **Chair:** Professor Jay, could you tell us, without going into personal details, how many people have left the inquiry since its inception?

Professor Jay: I'm sorry, I don't have that information with me. I don't have an impression of significant numbers, but I don't have that information with me at this point.

Q109 **Chair:** It would be helpful if we could have that, but as far as you are concerned the turnover has not been any more than might be expected.

Professor Jay: I don't believe it is above average, if that is what you are asking, but I would have to confirm that in writing.

Chair: Whatever the average is for any such inquiry, which is certainly unique.

Q110 **Mr Burrowes:** I appreciate the different scale, but you led the independent inquiry into the Rotherham case. Did any lawyers or others leave or resign during your leadership there?

Professor Jay: Absolutely not. Of course not. I did not actually work with a lawyer on it. A QC was engaged to give an opinion on my report at the end, which they did and which was very favourable, but I did not work with a lawyer on it.

Q111 **Mr Burrowes:** We have discussed the issue of leadership, but since you became chair, three lawyers have stepped down. We have also obviously heard concerns in the press and elsewhere about abuse, bullying and other issues. You have been around as the expert adviser while that was happening. What assurance can you give to the public and survivors that we will not have any of that going on while you are chair? You said you were the continuity candidate, effectively. We obviously don't want what has gone on in the past to continue. There needs to be restoration of confidence that you are the best possible chair. What assurance can you give on that?

Professor Jay: I can only give you the assurances that I have never in my life been accused of tolerating any kind of offensive or bullying

behaviour of the sort you describe, and I certainly have no intention of tolerating anything in future within the inquiry.

Q112 **Mr Burrowes:** I am not going to ask you to go into the Emmerson issue, but other lawyers have stepped down—the deputy and the barrister working on the Lord Janner investigation, Abigail Bright. These people have made professional decisions—I am not sure they were necessarily just based on issues around allegations. Is there a question mark about these professionals who get involved in the investigation and make a professional judgment that they cannot be part of the inquiry any further?

Drusilla Sharpling: We have had no difficulty, with those who have left, in doing those day-to-day roles, working up investigations and replacing people. I have worked in the legal profession for much of my life, and people come and people go. That is the nature of the work, and we should expect that to happen in the future. We don't expect to be hanging on to exactly the same team in three years' time, because people have their practices, for example, to develop. We expect some coming and going. That is normal in circumstances such as this.

Q113 **Mr Winnick:** On the question of the resignation of the counsel, Ben Emmerson, you said, Professor Jay, supported by your two colleagues, that you can't give us any details. This is a public inquiry, and a good deal of public money is being spent, with every possible justification. Are we therefore to be in the position where a counsel to the inquiry resigns and we have no information whatever given to us as to the reason? Do you expect Members of Parliament to leave it at that?

Professor Jay: I am sure you have seen the letter of resignation that Mr Emmerson sent to me, which clarifies his position that he thought he was not the person to take forward the inquiry into its next phase.

Q114 **Mr Winnick:** Don't you think we should have some indication from you about what led to the resignation?

Professor Jay: I can't speculate about what was in Mr Emmerson's mind. What I will absolutely say is that there is no truth whatever in the suggestion that he and I had a disagreement about anything. That is entirely untrue.

Q115 **Chair:** Overall, Professor Jay, would you say that the high-profile departures we have had are on matters largely not to do with the basic work of the Committee and the ongoing way in which it handles that work, and that it is rather more to do with personality problems than it is with the actual work of the inquiry?

Drusilla Sharpling: Can I start dealing with that?

Chair: Anybody.

Drusilla Sharpling: The inquiry has an enormous challenge, and our particular concern has always been to make progress within a reasonable timeframe, commensurate with the challenge that relates to the work that



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we have to do. That is our principal concern. Throughout this time, work is being done. It is nonsense, I'm afraid, to say that in difficult times the staff down tools and don't do anything. It just doesn't work like that. They have been continuing to do the work, as required of the inquiry. Now it is our job to bring it to fruition. That, I think, is the distinction that we are making now. We have a plan to put this inquiry together in a way that enables it to report within a reasonable time, hold institutions to account, and ensure we do all the things we must do to make this a really meaningful inquiry for the future. That is our intention.

Q116 Chair: I entirely appreciate that, but confidence in the inquiry, like it or not, has been hit—particularly that of the people who are most important to this inquiry and the whole reason for it: the survivors. Everything you have said to us today leads to the suggestion that, notwithstanding the individual details—we understand why we can't have more details at the moment, frustrating though that is, but we hope we will be able to get more details in the fullness of time—these are actually peripheral matters to the ongoing work of the inquiry, and that 16 months of hard work has not been junked or in some way tainted by the departure of certain high-profile people. Is that a fair assessment?

Professor Jay: I think that is absolutely fair. I reiterate what I said earlier: this inquiry is bigger than any individual ego or personality.

Q117 Chair: Certainly we have heard some comments about—*[Interruption.]* Order. *[Interruption.]* Order. Sir, you are not part of this inquiry. Please leave the room. *[Interruption.]* Officer!

Sorry for that. Can I get back to what I was saying about restoring confidence in the work? That has perhaps not been possible with one particular person who has been part of the audience today. In your statement yesterday, professor, and in what you have suggested will come out of the review in the next few weeks, could you drill down to the main differences you think there will be with this inquiry going forward?

You talked in the statement yesterday about a sharper focus on developing recommendations for the future. You have given a timeline, which I think is helpful, because so much of this speculation was about, "Oh, this will be 10 years," or "I'll be dead by the time it reports," or whatever. Whether or not that timeline proves possible, we are certainly working to certain parameters now that perhaps were not there initially. You have also made comments about the emphasis on public hearings, which are perhaps quite expensive but are not necessarily the most constructive way of getting to the truth. Can you elaborate on some of those things and on how you think things might be more efficient, to put it one way, in the future?

Professor Jay: We want to be sure that the emphasis in the inquiry is firmly on holding to account the institutions that have been responsible. That seems to us to be able to be delivered in a number of different ways, and we outlined a certain approach that is thematic and would allow us to look across institutions and highlight the particular weaknesses or failings—it will be transferrable from one institution to another. We think



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that by taking a different approach to that we will reach more quickly the kind of conclusions that we are seeking, allowing us to make recommendations faster.

I did make a comment about individual public hearings being the slowest and most expensive way to do anything. We will, of course, be continuing with public hearings, and I will announce that later on when the review is complete. We will open others in the future, but each will be assessed on its merits. In general, we want to do things in a way that makes sure we get to the most important aspect of this, which is making recommendations for improvements for the future in a reasonable timescale.

Q118 Chair: The Home Secretary made the comment yesterday that the inquiry remains undiminished, despite recent events and claims. How would you reiterate that comment—I am presuming you do—to give assurances to the survivors that the Home Secretary is absolutely right?

Professor Jay: Well, it is certainly the case that I do not seek in any way to reduce the terms of reference or the scope of the inquiry, which would let down huge numbers of victims and survivors who have placed their trust in us and who hope that we will look at areas where abuse has occurred. We have no intention of doing that. We simply want to tackle it in slightly different ways.

Q119 Mr Umunna: Do you think you can credibly report at the end of this process if you, as an inquiry, do not command the confidence of the major survivors groups? Particularly those that are core participants have indicated that, currently, they do not have confidence in the inquiry.

Professor Jay: I am aware that there are many, many victims and survivors groups across England and Wales—there is no doubt about that. Indeed, we have the support of the victims and survivors consultative panel within the inquiry. By support, I mean the opportunity to test out ideas constantly and to gain their very valuable advice. However, I have rarely seen absolute unanimity among victim and survivor groups about many aspects of this inquiry. We know that some people may choose not to engage and may choose to leave. I would be very sorry about that, but we do believe we have the confidence of many victim and survivor groups.

Q120 Chair: Will you be doing anything, particularly proactively, to try and restore that confidence where it has been knocked?

Drusilla Sharpling: As a panel, we are regularly now being invited to give talks, for example, and seminars—to go and talk about the work of the inquiry. We are going to take them up with alacrity. That is already in place. We have more to do with our Truth Project. We want to encourage people to come forward and share their experiences. That is a really important aspect of this inquiry, which is not to be underestimated. By having that engagement strategy, and particularly our local engagement strategy—not everything comes from London—we want to make sure that that is the case. We have very good staff elsewhere who are going to start taking that work forward.



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Q121 **Chair:** You are confident now that there are fewer distractions within the inquiry that may prove obstacles to that progress in the future.

Professor Jay: We would be very grateful for a period lacking in distractions from the critically important work that we are doing.

Q122 **Chair:** This is not a question for Professor Jay, but are there no questions about quality of leadership under the current chairmanship? We won't ask you to leave the room, Professor Jay—

Drusilla Sharpling: I will answer that: none.

Ivor Frank: I am happy to second that in exactly the same way: none at all.

Q123 **James Berry:** Just following on from Mr Umunna's question, it is of course very important that the inquiry commands the support of victim and survivors' group, but what is actually most important is that the inquiry commands the support of all interested parties—

Professor Jay: Of course. Absolutely true.

James Berry: Including people who have been accused of things that they deny they did, and the public as a whole, because this is something that is going to shape the future of all our lives in public service for many years going forward. What is important is that overall everyone has the confidence that you will get to the truth in accordance with your terms of reference, and do justice.

Professor Jay: Absolutely true, and fairness is, as we know from the Act, extremely important. It is necessary.

Q124 **Chair:** Professor Jay, Mr Frank and Drusilla Sharpling, thank you very much. It has been quite a full session. We appreciate that there are sensitivities around various individuals. There is a keenness by this Committee to overcome some of those sensitivities and to be able to put more information in the public domain, which I hope will prove possible in due course. You have offered to write to us on a couple of matters. If there are any other things that come up from today—obviously this is a fast-moving situation—we would be grateful if you could write to the Committee. This was designed as a single standing session, and now we will have the permanent secretary from the Home Office in front of us. In the light of events—and it will be under a new Chairman, after me—the Committee may wish to decide to extend this hearing and have various further witnesses or to refer questions back to you. Any further information would help us in making a decision as to how we carry on with this.

Ivor Frank: Mr Loughton, may I just respond to that? You will appreciate that we are very jealously guarding our independence. I know you understand that, but I want to make that clear. We are here as a matter of courtesy, not of compulsion. It is not our intention to make regular trips back to your Committee, not least because, as you will be aware but the public may not be aware, this institution is one of the institutions into



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which we are tasked to inquire. It may seem rather odd for us to be constantly coming back to answer questions in that way. Please do not think that because we are here today that that is any kind of promise that we would come back in the future.

Q125 **Chair:** Thank you, Mr Frank. We all entirely understand that. Our intention is not to be a further distraction by constantly requesting your good will in coming here. Certainly any information that would be helpful to us to help the general communication with the many people out there who follow the work of your inquiry, in the way that we have an oversight role that I tried to define at the beginning, I think is mutually beneficial.

There is also the point, though, that the previous chair had offered to give progress reports to this Committee, and if all the events we have been discussing had not happened, we would have anticipated having her back in front of us before the summer recess—that did not prove possible—or certainly around now to give an update on how the inquiry was going. It may be appropriate at some stage next year—I hope with all the present characters still very much part of the inquiry—for you to come back to us, as you will probably want to, with much more positive news about how things have progressed and how some of the concerns that we have raised on behalf of other people raising concerns have been set to rest. We ask no more than that.

Ivor Frank: Thank you.

Drusilla Sharpling: Thank you.

Professor Jay: Thank you.

Examination of witness

Witness: Mark Sedwill.

Q126 **Chair:** Thank you very much for coming back before us, Mr Sedwill, and thank you for coming at short notice. It was only last Friday when the Committee wrote to you to ask you to come back, so we are very grateful for that. We have just had a session, which had been planned, with Professor Jay and two panel members from the inquiry, which has been very helpful. There has clearly been a lot in the press—not that this Committee believes a lot of what it reads in the press—which has given rise to a great number of concerns as to who knew what about what, and when, in regard to the previous chair of the inquiry. That has obviously proved very unsettling.

You appeared in front of us just a few weeks ago alongside the Home Secretary, and you answered various questions in addition to the Home Secretary. When we asked the Home Secretary effectively why Lowell Goddard had handed in her resignation, some of the phrases she used included “because she found it too much” and “ultimately she found it too lonely, she was a long way from home and she decided to step down.” The Home Secretary went on to say, “I only have the information that you have”—referring to the Committee—as to why exactly Justice



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Goddard went. Is that all the information you had as well?

Mark Sedwill: The Home Secretary and I had the same information. On the line of questioning you were pursuing—of course, the Home Secretary addressed this in the House yesterday—about Justice Goddard’s motives for standing down, the only information we had was what Justice Goddard had said herself. Of course, there was a lot of information—including, at that time, in the public domain—about the circumstances in which she had resigned. There were stories about hearings that had not gone well; there were stories about tensions within the panel, which I know you have been exploring with the panel this afternoon. There was quite a lot of context at the time that was in the public domain—I think, Mr Loughton, you referred to some of that in some of your introductory remarks for the hearing—but as for the line of questioning the Home Secretary was actually responding to at that time, it was about Justice Goddard’s own reasons for stepping down, and she was basing that on what Justice Goddard herself had said.

Q127 **Chair:** Okay, but there is a difference between information and stories. Information or stories in the public domain about problems within the inquiry have only really featured on the radar in recent months—and certainly in the immediate run-up to the resignation of Lowell Goddard. What the Committee is keen to know is what the role of the Home Office was prior to these revelations, which were apparently made in a formal meeting on 29 July; that was followed by Lowell Goddard’s resignation a few days later, on 4 August. We have heard from panel members that concerns were formally, let alone informally, raised with senior officials in the Home Office, certainly back in April. Were you aware of that?

Mark Sedwill: I was not aware of that specific meeting in April, I think for the reasons that Drusilla Sharpling set out. Indeed, I became aware of that as we compiled the timeline over the past few days to prepare for today’s hearing. The director general has now left the Home Office, but she has spoken to one of my colleagues. I presume she was observing the conditions that were set by Dru Sharpling in having that exchange, which were not to share the information, and not to seek any action on it. Anyway, it was not drawn to my attention.

I saw Justice Goddard for a routine bilateral meeting a few weeks later, dealing with the usual logistic issues that are the responsibility of the sponsoring Department. It was not in the brief for that meeting. It was not until, as you referred to, Chair, 29 July that the tensions within the inquiry were drawn to my attention.

Q128 **Chair:** Are you saying that you were never made aware by any members of staff within the Home Office of any serious or partly serious problems going on within the inquiry, specifically relating to the quality of leadership, as one of the panel members put it, of the then chair of the inquiry?

Mark Sedwill: Until 29 July; that is correct, Mr Loughton. Perhaps I could answer that in a little more detail, because it is really important. I saw some of the hearing earlier—not all of it—and you made a point in your opening remarks about the importance of the independence of the inquiry



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and the nature of the relationship with the sponsoring Department. There is a channel of communication. In routine matters, it is between the secretary and the sponsor unit. It is on matters for which the sponsoring Department has a responsibility—money, estates, accommodation and so on—and it is only on those matters. The secretary is operating under the authority of the chair and the panel in maintaining that relationship.

I understand that you made a point at the weekend, Mr Loughton, in some press comments, if you have been reported accurately, about whether I and the Home Office had picked up rumblings partly because we have former Home Office staff within the inquiry. The answer to that is no. It would be completely wrong for us to have some channel of communication around the side of the formal channels of communication. That would be completely wrong and would compromise the independence of the inquiry.

Mr Umunna, you pursued the point about the number of Home Office staff, and you were asking about the controlling mind. Of course, the panel made it very clear that they are the controlling mind. Just think of the hearing that we would be having if there were some channel of communication around the side of the formal channels of communication with the inquiry, in and out of the Home Office. The answer to that is a categorical no, I wasn't aware. There is nothing in the Home Office records to suggest that any of my staff dealing with the inquiry were aware of concerns about the leadership and progress of the inquiry, if I can use the panel's language on that, until it was brought to my attention on 29 July. That is with the exception of this separate conversation, which again was not brought to my attention, for reasons that I understand and have just tried to explain, between Dru Sharpling as a panel member and the director general of the group responsible.

Q129 Chair: How do you define the arm's length relationship, if that is the right term, between the Home Office—Home Secretary, permanent secretary, other officials or Ministers—and the inquiry? Is there is a very large Chinese wall between the two of them?

Mark Sedwill: I would describe it more as an air gap.

Q130 Chair: Air gap?

Mark Sedwill: An air gap or arm's length; one can use different analogies. We have a channel of communication that is entirely appropriate on the essential logistics, if you like, of the inquiry: the staffing, support to ensure that they have the right procedures in place, IT, accommodation money and so on. On those matters, it is normal for a sponsoring Department to be in liaison with the inquiry.

The operations of the inquiry—the agenda they pursue, the investigations that they are focused on, their methods of operations—none of that is my business. That is entirely for the inquiry themselves to determine. That would be true of any public inquiry, of course; the rules are set out very clearly in statute. However, as you, and Mr Winnick on previous occasions, have referred to, particularly for this inquiry, which has government and Parliament in its scope and was established at a period of public concern—

Chair: And the civil service.

Mark Sedwill: Yes. I mean “government” in the broadest sense. So with government—the public service as a whole—and Parliament within the inquiry’s scope, it is particularly important that we maintain that arm’s length relationship absolutely strictly, and are seen to do so.

Q131 **Chair:** How many times did you meet Lowell Goddard?

Mark Sedwill: I met her once around the time she was appointed; I had another meeting with her in May of this year; and I think we were trying to arrange a third around the time of her resignation. I cannot recall any others, but I will come back to you if there was another meeting that I have—

Q132 **Chair:** What was the point of those meetings, if they were not appropriate?

Mark Sedwill: Those meetings were appropriate. Those meetings were between the permanent secretary and the chair of the inquiry on exactly the matters that, at the routine level, are handled between the secretary and the sponsoring Department. Let me go through my brief for that meeting with you: it was to talk about the evidence management system, the funding for the inquiry looking ahead, and so on. It was matters of that kind. It was, essentially, as the accounting officer, rather than as the permanent secretary, if you like—that part of my role.

Q133 **Chair:** So it was no more than a “kit and rations”-type meeting.

Mark Sedwill: I would not go that far, because of course one is dealing with the chair of the inquiry, and of course one says, “How’s it going? Are you getting the support you need? Is there anything else we can do to help?” One has that kind of professional and courteous conversation, but the fundamentals of it are exactly that, because that is the role of the sponsoring Department, and the rest is a matter for the inquiry.

Q134 **Chair:** Why does the permanent secretary have to be concerned with kit and rations, when you have staff, a secretary-general and others who are tasked with dealing with that sort of thing?

Mark Sedwill: To be honest, Mr Loughton, I do not spend very much time on that, but it seemed appropriate, with an inquiry of this importance. I occasionally have correspondence or contact with the chairs of other inquiries; I have been in touch with Lord Justice Pitchford, for example, about his inquiry. If the chairs themselves wish to discuss an issue relating to the logistics and other matters of the inquiry, it is a courtesy, I think, that the permanent secretary responds to that request, rather than it being handled lower down the chain.

Q135 **Chair:** So you are agreeing that this was, and is, a very important inquiry. The now Prime Minister and former Home Secretary personally has a lot invested in it. She set it up and she appointed Lowell Goddard. She only met Lowell Goddard once, I believe, when she was first appointed. Is that right?

Mark Sedwill: I do not know, Mr Loughton. I genuinely do not know of anything concrete—

Q136 **Chair:** That is what Lowell Goddard said in her letter to this inquiry. Do you think that is odd?

Mark Sedwill: No, I don't, because again I think that the then Home Secretary was very clear about not only the actual, but the perceived independence of the inquiry. It was really important, particularly given the nature of the work and the troubled history of trying to get this inquiry going, that it was seen as utterly independent of government and of Parliament.

Q137 **Chair:** You mention, quite rightly, the perceived independence, but John O'Brien, the secretary to the inquiry, formerly worked at the Home Office—to declare an interest, I had dealings with him when I was Minister for Children, on safeguarding matters—and is on the record, on tape, as having said that the inquiry is separated from government and from the Home Office by a “low brick wall”. I read in “low brick wall” not an air gap or a Chinese wall, but something that is exceedingly ineffective. Why did he say that, and what did he mean?

Mark Sedwill: Well, Mr Loughton, you would have to ask him. I was not present. I would not use that language, and I do not believe it to be a particularly good description of the relationship, but I imagine he was seeking to make the point that I have made. You would have to ask him.

Just to be clear, John O'Brien is a highly professional and experienced civil servant—you know him yourself—who is deeply committed to these issues. He has actually worked closely with survivor groups and victims' groups, and has earned a lot of confidence from them over the course of the inquiry and in the work beforehand. On that matter, I can reiterate the points, but I am very clear about the arm's length relationship with the inquiry, the clear limitations on the nature of our interaction with the inquiry, and its complete independence in pursuing its work.

Q138 **Chair:** Nobody on the panel is, I think, questioning the commitment to or professionalism of—whether it be John O'Brien, who I can vouch for, or others—the inquiry, the cause, or what it is trying to achieve. The question is about the relationship between the inquiry and the Home Office, and what the Home Office might have done to expedite matters where there were very clearly, in retrospect, as we know, some substantial problems. It has been referred to very diplomatically by one of the panel members as questions about qualities of leadership. We know that there is a lot more that goes behind that, some of which has come out in the press, and some of which is speculation.

This was one of the then Home Secretary's main interests and pursuits, in which she invested a great deal of personal capital and on which, presumably, she would have kept a strong roving eye, not least because of all the problems with the false starts and the initial appointments of the chair. Presumably, this subject would come up regularly between her and her permanent secretary to check that things were going okay. Did



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you have regular conversations with the Home Secretary about the progress the inquiry was making?

Mark Sedwill: No, we had a weekly bilateral, as I do with the current Home Secretary, and there were obviously a lot of issues on our minds. We would often talk about child sexual abuse, child sexual exploitation and the policy agenda that we were pursuing there, but I cannot recall—I don't think there were any minutes; those meetings are usually quite informal—and to my knowledge there is no record of, a conversation where we talked about the progress of the inquiry itself. Again, it was independent and was not something in which either of us was directly involved, having set it up and handed it to the chair and the panel to pursue.

Q139 **Chair:** So you had one-on-ones—we used to call them KITs in the Department for Education—for which no minutes were necessarily taken, but you appreciate, as I have said twice already, how big an issue this was for the Home Secretary and for the integrity of the Department. You are saying that she didn't take a particular interest in how the inquiry was going.

Mark Sedwill: Well, Mr Loughton, she took a very close interest in establishing the inquiry and trying to give it the conditions for success. There was a very involved process, of course, in the appointment of Justice Goddard, in which this Committee was involved, and the panel. She wanted to be sure that we were providing the inquiry with the resources that it needed—there was that kind of conversation. But part of her close interest in this matter was having confidence that the inquiry was going to do its job and knowing—she is scrupulous about these matters—that the only way it could do its job was by operating truly independently and being allowed to get on with its task.

Q140 **Chair:** Sure, but if she is giving it conditions for success, that suggests—I am sure this is the case—that she was particularly keen that nothing went awry to knock it off course.

Mark Sedwill: Of course, Mr Loughton; nobody wanted it to go off course.

Q141 **Chair:** Did you report to her on the meeting that Drusilla Sharpling had with the secretary-general back in April? It was clearly important enough that a senior panel member had expressed on behalf of the panel serious questions about the qualities of leadership, which would certainly be in conflict with whatever the Home Secretary had done to give it conditions for success. Did you report that specifically to the Home Secretary?

Mark Sedwill: I don't think Drusilla Sharpling described it in quite those terms, although I was only watching on a video screen. Nevertheless, as I have said to you, Mr Loughton, I wasn't aware of that meeting, so no, I didn't report it to her, and it wouldn't have been reported to her except through me. The director general who had that meeting with Drusilla Sharpling observed the conditions of the meeting. It was essentially an early warning that things were off track but, as Drusilla Sharpling explained to you, they were very clear that they wished no action to be taken and did not wish that information to be shared. They took



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responsibility for dealing with the situation themselves, within the inquiry, as both she and the other panel members suggested. I wasn't aware of that meeting until we were compiling the timeline over the course of the past few days, so of course I couldn't have informed the then Home Secretary.

Q142 Chair: But don't you think that that sounds a bit odd from the outside? This was something of sufficient importance for a panel member, who is the next tier down from the chair, to have to report concerns to the link person in the Home Office, whether or not they requested specific action to be taken. The purpose of doing it was clearly to put it on the Home Office's radar and surely for it to be at least on the radar of the chief official, and then of the Home Secretary, given her personal interest in this whole matter. Isn't it odd that that did not lead to a report to the Home Secretary, who might then have wanted to ask further questions herself?

Mark Sedwill: I think that is the point, Mr Loughton: that in reporting to me and to the Home Secretary, they would, in effect, have been breaching the second condition, which is taking no action, because bringing a formal report of that kind to the attention of the permanent secretary and the Home Secretary will inevitably lead, for the reasons you have set out, to some kind of follow-up action. I think it was an early warning that they were seeking to resolve these issues within the inquiry themselves—quite properly. I think the inquiry panel have behaved in an exemplary fashion through this, from what I know of it.

I entirely understand why the director general observed and respected the confidence in which that information was provided. In any event, she made the judgment that she did. It wasn't shared with me; it wasn't shared with the Home Secretary. I understand the concern, given subsequent events, but I think it was a reasonable judgment for her to have made at the time.

Q143 Chair: So, even in retrospect, do you think that was the right judgment for her to have made?

Mark Sedwill: I think it was a reasonable judgment to have made at the time, given what she was aware of, and given the nature of the conversation. Of course, in retrospect you could do a series of counter-factuals, but it would still have been very difficult to have decided what to do. The panel member was raising it on a private basis, making clear it was to be maintained in confidence. No action was to follow. It is not clear exactly what action could have followed from a conversation like that. I do understand the concern, but in any event, I do think it was a reasonable judgment for her to have made at the time, given what I understand to be the nature of the conversation.

Q144 Nusrat Ghani: Mr Sedwill, you understandably stated that the inquiry is perceived as independent and remains independent, but you also said that you were involved in discussions about evidence management systems; I am not sure whether that is an internal civil service word, but



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it was—

Mark Sedwill: It is just an IT system, I think. It's a record-keeping system, Ms Ghani, I think, to enable them to manage the evidence that they get in in a structured way, so that it can then be properly analysed.

Q145 **Nusrat Ghani:** Published and put out.

Mark Sedwill: Well, I think properly analysed, primarily.

Q146 **Nusrat Ghani:** The fact that the inquiry will conclude in 2020—is that something that needs to be run by your Department or not?

Mark Sedwill: Sorry, Ms Ghani, I didn't catch—

Nusrat Ghani: The inquiry will conclude by 2020. Is that a decision that the inquiry makes independently, by itself?

Mark Sedwill: The terms of reference set out some perspectives for the inquiry, but in the end it is for the inquiry, as I think one of the panel members pointed out to you. When talking about the timeline, they said, "Those were objectives", but it is for them to determine whether or not they can do this interim report next year, in 2018 and so on.

As you know from other public inquiries, including some where duration has been a matter of controversy, it is in the end for the chair and the panel to determine how long the inquiry takes and when they report.

Q147 **Nusrat Ghani:** One of the concerns I raised with Professor Jay today is that when Dame Goddard came and presented to our Committee, there was a statement that interim reports will be published on the 13 separate investigations. However, that wasn't anything that Professor Jay was aware of or was going to do. Was it ever raised with you that Dame Goddard was making some guarantees that were never going to be met by the inquiry?

Mark Sedwill: Certainly not, Ms Ghani, and of course it is very much a matter for them. As I say, which reports they publish, on which subjects and when is entirely a matter for the inquiry themselves.

Q148 **Nusrat Ghani:** And that has never been discussed with you?

Mark Sedwill: No, and I would not expect it to be.

Q149 **Nusrat Ghani:** You also mentioned that you are responsible for funding and accommodation—making sure that the inquiry has a place to settle itself.

Mark Sedwill: We support them in that. In the end, they are responsible for all of these matters. We provide a budget, of course; that funding comes from the Home Office. They are responsible themselves for finding the accommodation they need, the IT systems, the procurement and so on, but of course we can provide some professional support for that, should they wish it. However, the responsibility lies with them.

Q150 **Nusrat Ghani:** What professional support were you able to provide when



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they were unable to secure premises to hold their hearings?

Mark Sedwill: I would have to come back to you on that, Ms Ghani. I do not know whether we were asked to help them with that; I will have to come back to you and write to you on that.

Q151 **Nusrat Ghani:** You heard Professor Jay talk about how difficult it was to secure premises when landlords worked out what they were inquiring into.

Mark Sedwill: Yes, I did.

Q152 **Nusrat Ghani:** They never came forward to you for any professional support?

Mark Sedwill: Not that I'm aware of, but that kind of question might have been a matter of contact between the secretary and the sponsoring Department. Again, these are matters for the inquiry themselves, but of course, within all of the boundaries that we've been discussing, if we can provide some professional expertise we would be willing to do so. I'll have to write to you on exactly what support of that kind we've provided so far.

Q153 **Nusrat Ghani:** So the sponsoring Department wasn't aware that it would need to find a space, or a property, to hold an inquiry with members of the public? They didn't perceive this problem to come up at any point?

Mark Sedwill: No, no, no—of course we're aware that they need that. I mean, of course they need a space for public hearings. They have found premises in several towns around the country for the truth project. As you heard from the panellists, several hundred people have already come forward, and significant amounts of evidence from that have already been passed into criminal investigations. So they have already managed that, but it is essentially a matter for them to determine. If they need our support, we will provide it, but they operate independently in those matters too. It is not for me to decide where they hold their hearings or how they manage their affairs.

Q154 **Mr Jayawardena:** Mr Sedwill, you said a moment ago that there was a very involved process in the recruitment of Dame Lowell. Are you satisfied in that context that there was sufficient vetting of sufficient rigour prior to her appointment as chairman?

Mark Sedwill: It was rigorous. We do not do formal developed security vetting of High Court justices. It is a slightly different process, but she went through a full vetting interview, which is essentially a process operating to the same standards as that, although formally it is not quite the same. There was a great deal of scrutiny done of her and, indeed, of all the other people we were considering. You will remember that there were about 150 names nominated. We looked at potential conflicts of interest and so on. We took references from the New Zealand judiciary. We did the same with other candidates. It was a very thorough process. There were then interviews with senior officials, as you know, and the then Home Secretary, as well as a hearing with this Committee.



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Q155 **Mr Jayawardena:** You have said it was rigorous and thorough, but are you satisfied that it was sufficiently rigorous and thorough in light of what we now know?

Mark Sedwill: The issues that have arisen have arisen, as the panel set out for you, in the relationships and the particular pressures of this inquiry. In the case of Justice Goddard, it was a different operating environment a long way from home. The issues arose there. I do not know whether a vetting process or an interview process would have been able to identify that those tensions might arise later on.

Q156 **Mr Jayawardena:** So it wouldn't seem perfectly normal to ask the question, "What sort of method of operation would you envisage if you were appointed as chairman?"

Mark Sedwill: The methods of operation, as the panel set out, became an issue once the inquiry was—

Q157 **Mr Jayawardena:** Wouldn't that have been something that Dame Lowell would have held an opinion on from the outset, and therefore would have been something that could have been asked of her in the recruitment process?

Mark Sedwill: If you look back to the various interviews we had, including the hearing with this Committee, there was some considerable discussion about the way she intended to conduct the inquiry and she was clear that she needed to take up the position—just as Professor Jay has, actually—review the methodology herself and then identify how she wanted to move forward. This is an inquiry with very few precedents for the reasons we know. That is what she said to the Committee. It is essentially very similar to the procedure that Professor Jay has set in train since she became chair. Reviewing the methodology is what all of us do when we take over a big new task. There is a limit to what you can predict about how you will take on a task of that kind in advance.

Q158 **Mr Jayawardena:** Arguably, given how important this matter is to the country, it is also something that is of interest to the Home Office. I will come on to that in a second. Just to be very clear, you have talked about yourself being aware of the leadership style and so on, but when were you first made aware of the allegations of racism?

Mark Sedwill: To be honest, the first time I saw some of the material that is in the press—you will understand that for the same reasons that the panel could not, I will not repeat those allegations or go into the detail of them—was when I read the newspapers on Friday morning.

Q159 **Mr Jayawardena:** So before you read those newspapers, you were not aware of any allegations of racism.

Mark Sedwill: No formal complaint was made and no allegations were raised with me.

Q160 **Mr Jayawardena:** An informal complaint?



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Mark Sedwill: Sorry, no. There was no complaint. I used slightly inadvisable language there. No complaint was made. When the secretary to the inquiry and the panel presented their concerns to us in the few days running up to Justice Goddard's resignation, they presented them in professional and measured terms, which they explained to the Committee.

Q161 **Mr Jayawardena:** My final question: Mr Sedwill, what do you think of the legislation that makes it very difficult for the Home Secretary, the permanent secretary and the Home Office to take action on a nationally significant, hugely important inquiry if allegations of racism and suchlike are made?

Mark Sedwill: Of course, we could act, but only if those allegations were brought to us in a concrete form. Allegations, which, of course, Justice Goddard has fiercely denied—we need to keep that in mind and on the record—have been reported in the press but none has been brought to my attention. As I said about some of the specific commentary in the press over the last few days, that was the first time I had seen that. I think you explored this a bit with the panel earlier. They do have procedures within the inquiry, as every good institution does, about whistleblowing, the proper working relationships between people and so on, and I think it is right that the threshold for the removal of a chair—or the removal of a panel member—is very high. This is fundamentally a decision for Parliament—it was set out in the Act—but I do think it is right that that threshold has to be very high, particularly to ensure that those chairs can operate with the complete independence that we need.

Q162 **Mr Jayawardena:** But the Home Secretary at the Home Office would intervene and investigate if they felt it was right to do so because of allegations being made, and because of them being substantiated.

Mark Sedwill: Hypothetically, with any public inquiry, were a substantiated allegation or complaint of misconduct of any description made—Mr McDonald, you put a hypothetical one to the panel earlier, but any range of different ones could be made about the chair—we would have to, as one would in any institution, institute a proper investigation. Whatever consequences there would be would follow, including in this particular case, potentially, if the misconduct were serious enough, the removal of the chair. But of course it would normally be within the inquiry to do that. We are only talking here about the, I think, unprecedented circumstance that allegations are brought against the chair themselves. I would expect that to be brought by the secretary either to the panel or straight to me.

Mr Jayawardena: Are you going to do that retrospectively?

Chair: Mr Jayawardena, I think you have had three final questions and a lot of other people want to come in with questions.

Q163 **Mr Jayawardena:** I just would like to know, is the Home Office going to investigate the allegation?



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Mark Sedwill: No complaint—no formal allegation—has been made to us. There is of course a lot of stuff in the press, but nothing has been brought to us, and it would not be appropriate for me to comment on other ones.

Chair: I think the Speaker made a ruling on the use of the word “final” when people are asking questions. I might now have to enforce it.

Q164 **Mr Winnick:** Mr Sedwill, are you saying, in effect, that we should have been satisfied with the information given by the Home Secretary when she appeared before us on 7 September regarding Judge Goddard? As you know, the Home Secretary said she understood the position: Judge Goddard was a long way from home and had decided to step down in those circumstances. Do you think adequate information was given to us?

Mark Sedwill: You put this point to the Home Secretary in the House yesterday, Mr Winnick.

Q165 **Mr Winnick:** Whether I did or not, do you consider that adequate information was given to us?

Mark Sedwill: I get your point, Mr Winnick, but I do think it is reasonable for me to quote my own Secretary of State speaking on the Floor of the House to the same question. I do think she addressed that. She was addressing, as I said to you, a line of questioning that was about Justice Goddard’s own motives for leaving. Let us not forget that Justice Goddard—there was a lot of media reporting around the time of her resignation about tensions within the panel, about the hearing on 26 July and so on. The line of questioning was not about those circumstances. Those were in the public domain and I would have been surprised had the conversation with the Committee gone that way, but it was about her own reasons. She has rejected those criticisms and made it clear that she does not accept them, so why did she resign? We can only go on what she said, and the Home Secretary was quoting from what she said and I think made it clear that she had answered the question correctly.

Q166 **Mr Winnick:** But, Mr Sedwill, we had the information in the letter sent to us from Judge Goddard, so what the Home Secretary said did not add anything. Let us take the sequences. We now know that one member of the panel who gave evidence to us expressed her disquiet five months before the Home Secretary appeared. You don’t dispute that.

Mark Sedwill: The April meeting we have discussed already—yes, indeed.

Q167 **Mr Winnick:** Yes. That member of the panel spoke to the director general, one of your colleagues.

Mark Sedwill: Yes.

Q168 **Mr Winnick:** That is not in dispute.

Mark Sedwill: No.

Q169 **Mr Winnick:** So that is five months before the Home Secretary gave evidence to us. You are brought into the picture and you state, “No later than 29 July”.



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Mark Sedwill: The issues were raised with me by the secretary to the inquiry on the instructions of the panel on 29 July. That was when I first became aware of the concerns.

Q170 **Mr Winnick:** Before 29 July you had no information at all that there was disquiet at the inquiry at the very top level, despite the fact that the director general had been notified in April. Is that right?

Mark Sedwill: Exactly, Mr Winnick. I have set that out. The director general, as I have said, made a reasonable judgment. You may take a different view, but she made a reasonable judgment that that information should not be passed on. It was not passed to me. I became aware of these concerns and the tensions within the inquiry that you have explored with the panel on 29 July when the secretary of the inquiry came to me. He asked the day before for a meeting and I said, "What's it about?" So I had some sense a few hours before, but fundamentally it was on 29 July when I saw the secretary to the inquiry. He met me at the request of the panel and that was the first time I was aware of any of these tensions.

Q171 **Mr Winnick:** Of course, if the information had not come out in the media, members of this Committee would still be under the impression that no knowledge was known when the Home Secretary gave evidence to us on 7 September, apart from what she said: namely, that Judge Goddard was lonely and wanted to be home.

Mark Sedwill: That is speculation. Had the Committee pursued—I am in danger of suggesting how you should—

Q172 **Mr Winnick:** So it's all our fault?

Mark Sedwill: No, Mr Winnick. That is why I am being really careful here. The line of questioning was about Justice Goddard's own motives. It was not a line of questioning around the circumstances of it, and the Home Secretary answered that question correctly. I am not suggesting anything else. I am just suggesting that that was what the line of questioning was and that is what the Home Secretary responded to.

Q173 **Mr Winnick:** With respect, Sir Humphrey would have done better than that, Mr Sedwill.

Mark Sedwill: I have never been a very good Sir Humphrey.

Q174 **Mr Winnick:** If the word "misled" is inappropriate, I am trying to find another substitute for the way in which this Committee was treated. I put it to you that we were treated in a shabby way and information was withheld. If the Home Secretary, as you say, did not know about it, you were sitting beside her and could have indicated very clearly that there was further information that you could give to us.

Mark Sedwill: Mr Winnick, you know I have been in this job for almost four years. I have always sought to respond to this Committee with care and candour. Indeed, I have been thanked for doing so on several occasions by the Committee, so I think I have a reputation for trying to be candid with this Committee—as candid as I can. The Home Secretary was



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privity to the same information as I was at that time. Of course, I knew more of the detail—that is the nature of it—but fundamentally the same information at that time. The line of questioning was about Justice Goddard's own motives for stepping down, despite the fact she did not accept the criticisms that had been made of her, particularly in the media. The Home Secretary took her at her word. She used that as the basis for her answer to the Committee and answered that question correctly. I do not think it would have been appropriate for me to have intervened following a correct answer from the Secretary of State in a hearing that was fundamentally the Secretary of State's hearing.

Q175 **Mr Winnick:** Does the name Liz Sanderson mean anything to you?

Mark Sedwill: She was a special adviser of the former Home Secretary and is now doing the job at No. 10.

Q176 **Mr Winnick:** So she was one of the special advisers to the Home Secretary.

Mark Sedwill: To the former Home Secretary.

Q177 **Mr Winnick:** To the permanent secretary.

Mark Sedwill: No, to the former Home Secretary.

Q178 **Mr Winnick:** It has been reported that she was informed during 2015 of what was happening at the inquiry and about the deep concern. So we have a situation where the Home Secretary's special adviser knew what was happening—

Mark Sedwill: Sorry, Mr Winnick; that's a report. I have seen it in the media and you have quoted it, but that is just a report. The report from a source within the inquiry that I have been informed through about its progress was wrong. It was incorrect. So I think we need to be very careful about assuming that other reporting lines are any more valid than the one that was about me.

Q179 **Mr Winnick:** On the basis that this report may well be true, a special adviser to the Home Secretary knew what was going on. The director general later knew what was going on, because you said so. Then you became aware of the disquiet, and on 7 September all we were told I have already quoted. This is why I said, and I repeat Mr Sedwill—you said you have been very frank with us and I don't dispute that but I do repeat—that, in my view—whether it is the view of my colleagues, I don't know—we were treated in a shabby way. We were misled and it is quite disgraceful that information that is known was not given to us.

Chair: I think that is a statement rather than a question. Perhaps we should move on to David Burrowes.

Q180 **Mr Burrowes:** Just on that line of questioning, the line of questioning was, "Is this an accurate representation of the facts?" It was not a line of questioning that leaves any stone unturned. In fact, if in the information you had was an accurate statement of the facts involving, for example, the professionalism and competence of Justice Goddard, surely it is



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incumbent on you, or indeed the Home Secretary, to tell us?

Mark Sedwill: The Home Secretary sought to answer this in the House yesterday. She was answering a line of questioning which was about Justice Goddard's decision to resign.

Q181 **Mr Burrowes:** The question that was asked then is, "Was that an accurate representation of the facts?"

Mark Sedwill: And her response was—I can't remember her exact words—to take what Justice Goddard had said in some detail in her minute to this Committee, to take her at her word and not to seek to speculate about whether there were other reasons for her resignation.

Q182 **Mr Burrowes:** But I only have the information that you have—effectively, the letter from Justice Goddard. There was no other information that presented a more accurate representation of the facts. The Home Office said that they were seized of concerns—one could call them facts—about the professionalism and confidence of Justice Goddard. Surely that would have helped provide a more accurate representation of the facts? There is nothing wrong with the line of questioning; the question is whether it was wrong in the answers.

Mark Sedwill: Mr Burrowes, I am not at all criticising the line of questioning, but the Home Secretary was seeking to respond to the question that was put to her and responded correctly. That was essentially about the decision Justice Goddard took to resign.

Let us just unpack that a bit. Justice Goddard has made clear that she does not accept the criticisms that have been made of her, and has refuted clearly the allegations around her alleged behaviour—obviously, I am speaking carefully here. She has been very clear about that, in which case, why did she resign?

We can only go on what she said, and that was what was contained in the letter to the Home Secretary and letter to the Committee. That was what the Home Secretary was seeking to answer and she answered the question correctly. This was put to the Home Secretary yesterday in the House. She sought to answer it there. I do not think you should be asking me to go beyond what the Secretary of State has said about her own answer.

Q183 **Mr Burrowes:** You were sitting there; you did not give any further information. We understand you had the same information the Home Secretary had to be able to answer that question. If we had come to you then to ask the same question, your reply would have been exactly the same?

Mark Sedwill: I would have put things in my own words; I don't know whether the question would have been phrased the same. My point is that, had the line of questioning gone slightly differently, then we would have talked through some of the material that we are talking through today. I think it was just, on that occasion, the line of questioning was on that very



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specific issue. The Home Secretary sought to answer it; she answered it correctly. I think there really is no more to it than that.

Q184 Mr Burrowes: No, but in terms of the resignation being accepted, the context and the response were around her being lonely and homesick. Plainly, the Home Office is making a judgment on accepting the resignation on other facts as well. Was the judgment to accept the resignation purely on the face value of that letter from Justice Goddard, or were there other facts that affected the judgment on accepting the resignation?

Mark Sedwill: The letter setting out her reasons for resigning—of course, she sent us a very short resignation letter on 4 August. It was two lines. It said she wished to resign from the inquiry and urged the Home Secretary to accept her resignation. That was the letter of 4 August. The Home Secretary accepted her resignation later that day and responded with a rather courteous letter to Justice Goddard.

The longer letter to the Home Secretary and the longer letter to this Committee came in several weeks later—I can't remember exactly when—setting out Justice Goddard's reasons for resigning. Quite a lot of that was explored by the Committee at the time. You explored some of the issues with the panel earlier—her concerns about the budget, and so on. All of that was explored. Given that that was what she set out as the reasons for her resignation, and the points about the management of the inquiry weren't ones that we accepted, the Home Secretary in seeking to explain Justice Goddard's own reasons for resigning was relying on what Justice Goddard herself had said. I think that was the right thing to do.

I remember this, Mr Burrowes, because I was sitting next to her. That was the line of questioning. I wondered whether the questioning would go into other areas, and so on, but that was the specific line of questioning at that time in Committee.

Chair: Final question.

Q185 Mr Burrowes: Yes, final question. So you did not receive multiple warnings across those several months?

Mark Sedwill: Absolutely not, Mr Burrowes.

Q186 Mr Burrowes: My final question, which is slightly different, is just a follow-up. There was a rigorous process over several months to get the right appointment in relation to Judge Goddard—there were several months of scrutiny. We then had the appointment of Professor Jay in just seven days, versus nearly three months. We heard from her that she is a continuity candidate. There may be some value in that, but are you satisfied that there has been sufficient rigour, notwithstanding the fact that, in selecting an internal candidate, you would know that with all appointments one can't simply go for the one that is internal or is the easy or continuity choice. Was there sufficient rigour given the scale of the challenge?



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Mark Sedwill: There was, because when we were appointing the panel we actually put them through pretty much the same process that we went through in appointing Justice Goddard. So we had already been through a long process of due diligence before appointing Professor Jay to the panel, ensuring that there are no conflicts of interest, et cetera. Her qualifications for the job speak for themselves. She has very long experience, including the Rotherham inquiry and so on.

The Home Secretary met the victim representatives who are associated with the inquiry before appointing Professor Jay, and it was clear that they and the rest of the panel had complete confidence in Professor Jay to lead the inquiry through to a successful conclusion. That is a very long way of saying that, yes, I do think the process had sufficient rigour. I think it was the right choice.

Q187 **Chair:** Just before I call Mr McDonald, is there any truth to the story that Dame Lowell attempted to withdraw her resignation on 4 August?

Mark Sedwill: Not to my knowledge. I have seen the press story, but the only place I have seen that is in the press. I have no further information to add.

Q188 **Chair:** What does "to my knowledge" mean? Presumably this is of such magnitude that it would have come on your radar, surely.

Mark Sedwill: There was certainly no communication from Justice Goddard to the Home Office seeking to withdraw her resignation. I have seen that report in the press. When I said "to my knowledge" I just meant that. I don't have an insight into the internal workings of the inquiry, of course, for the reasons we have discussed. She sent a very short resignation letter, and she urged the Home Secretary to accept it. The Home Secretary did accept it and that, until we had the further correspondence with her, was all there was.

Q189 **Chair:** Okay, but the only person who could accept the resignation of Dame Lowell was the Home Secretary. If she did withdraw her resignation, as was reported in the press, it could only have been done through the Home Secretary.

Mark Sedwill: She would have needed to write a further letter.

Q190 **Chair:** And that letter did not happen?

Mark Sedwill: No. Thanks, Mr Loughton, for helping me to clarify that.

Q191 **Stuart C. McDonald:** I share some of the concerns expressed by my colleagues about the incomplete answers that we got when you were previously here. If I were to ask you today, for example, why Justice Goddard resigned, what would you say?

Mark Sedwill: I think I would still have to say that, given the circumstances and given that she didn't accept the criticisms that have been made of her, we have to take her at her word.

Q192 **Stuart C. McDonald:** Regardless of what she put in her letter, you would



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simply read it back to us, essentially?

Mark Sedwill: Mr McDonald, I do not have an insight into why people make personal decisions. I can describe the circumstances, and we have discussed some of that today. I can speculate about whether those circumstances had a bearing on it, but in the end the only evidence I have for her personal decision to resign is what she said herself.

Q193 **Stuart C. McDonald:** If I then asked you, do you think her letter is an accurate representation of the facts, what would you say to me?

Mark Sedwill: Sorry, whose letter?

Q194 **Stuart C. McDonald:** If I asked you whether that letter from Justice Goddard was an accurate reflection of the facts, what would you say to me?

Mark Sedwill: We have disagreed with some of what she said about some of the issues about the management and nature of the inquiry. I don't dispute that she believes those to be correct, but—you explored this with the Home Secretary in the earlier hearing—for the reasons we said, we don't agree, for example, that the inquiry is underfunded. It isn't. We don't agree that it lacked the ability to procure the right system, because it has that ability. There was a disagreement, but I don't think one should be describing that as facts or not facts. There is a disagreement about the issues she raised.

Q195 **Stuart C. McDonald:** In the context of the line of questioning about why she resigned, surely the only way you can interpret that is asking whether there is anything beyond the letter that we should know about. How can you justify this Committee going away under the impression that there was nothing to it, other than that she was too far away from New Zealand?

Mark Sedwill: All I am saying to you, Mr McDonald, is that the Home Secretary answered the questions that were put to her accurately. That is her obligation.

Q196 **Stuart C. McDonald:** She said, "I only have the information that you have." That's not really accurate, is it, because she had information that we certainly did not have? We were definitely trying to get at it, and we should have been made aware of it.

Mark Sedwill: That answer was given. This was addressed to the Home Secretary on the Floor of the House yesterday, and you are asking me to interpret what was in Justice Goddard's mind and work my way through the exact details of what the Home Secretary said. The Home Secretary responded to your question on that. That particular reference was to the information that we had about Justice Goddard's personal decision to resign.

Indeed, Justice Goddard set out to the Committee in rather more detail what was in her mind about resigning than she did in the letter to the Home Secretary. The material in that letter about feeling that she didn't



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have networks and feeling that it was a very lonely task was only said in the letter to the Committee. That had not been communicated to the Home Office beforehand. That is what the Home Secretary was referring to. It was in that context that she made that comment.

Q197 **Stuart C. McDonald:** Just to clarify another part of your evidence, prior to 29 July, did you have on your radar—to borrow the Chair’s expression—either allegations against Judge Goddard about a lack of respect and abusive treatment towards colleagues and staff, or allegations of the use of racist language? Were they on your radar at all?

Mark Sedwill: No.

Q198 **Stuart C. McDonald:** Okay. If allegations like that go to the fitness of a person for that sort of role, what procedures are in place? How should they be dealt with by people who are aware of them within the inquiry itself? I wasn’t clear from the previous panel what the procedures are.

Mark Sedwill: To be frank, Mr McDonald, we are in unprecedented territory here, so this is something we are going to have to reflect upon. I think the panel were seeking to explain to you how they would deal with it within the inquiry. Of course, within an institution, when the issues are not about the head of the institution, there are procedures that follow, and they end up with the head of the institution. For example, matters of this kind, if they work their way through the system, will end up on my desk if they are in the Home Office.

We are talking here about the unprecedented—let’s hope unique or very, very rare—circumstances where there are complaints about the chair of an inquiry. Again, I should just remind you that there were no formal complaints made. Within an institution, there is a formal complaints procedure. People have to come forward with the complaints, and then there is an investigation—there has to be evidence.

Had that happened—had there been a formal complaint of misconduct, for example—we would have had to have worked out with the panel an appropriate investigative procedure to enable us to take that forward and to enable me to give the Secretary of State the right advice about how to proceed. We don’t have a standing procedure for that.

Q199 **Stuart C. McDonald:** But you agree that it is important. Obviously, one of the conditions for success, as you said, is having a judge who is fit for office. If people on the inquiry team are aware of allegations that go to the heart of that matter, they must know themselves. They must be made aware of how they should deal with that. They shouldn’t just take the approach of, “We must try to push on regardless and get on with it.”

Mark Sedwill: Mr McDonald, I agree entirely. This is something, as I say, that we are going to have to reflect upon. We have got to do so in a way that does not give rise to concerns about meddling in an independent inquiry—you will understand that point. But they do have policies within the inquiry, as the inquiry panel set out—a proper whistleblowing policy and proper policies about respect between staff members, and so on.



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In these particular circumstances—of course, we are talking hypothetically, as no complaint has been made—I would expect that it would have to be brought via the secretary to the panel or directly to me as the permanent secretary of the sponsoring Department. We would then have to conduct some kind of independent investigation, I guess, given the nature of the inquiry, to take them forward and then decide what action should follow.

Q200 **James Berry:** Mr Sedwill, we are clear that as a sponsoring Department, your responsibilities with respect to the chair are to appoint them and their panel and to remove them as required by the Act, but you are not responsible for any day-to-day issues between the chair and anyone else.

Mark Sedwill: Absolutely. You know this of course from your own experience on the Leveson inquiry. I would only describe the second responsibility as in the very, very rare circumstances that section 12 of the Act came to bear. The primary responsibility is to appoint the chair and to set the terms of reference for the panel.

Q201 **James Berry:** Yes, and section 12 of the Inquiries Act has never been used as far as I am aware. It sets out very strict parameters about when an inquiry chair can have their contract—for want of a better word—terminated, including through their own resignation.

There may be many complaints that members of the public, parties to the inquiry, even members of the panel, have about the chair, but that is either a complaint within the rubric of section 12, in which case the sponsoring Department would be obliged to investigate, or it is not a complaint within the rubric of section 12, in which case it is very interesting that you have been updated on it, but it is entirely irrelevant to your function under the Act. Ms Sharpling said she wanted to make you aware of these issues, but she was clear that this was not a complaint under the rubric of the Act.

Mark Sedwill: Certainly not, and of course it was actually about the progress of the inquiry. If you heard her second answer to that—I am sure you did—she was talking about the leadership and progress of the inquiry, not about the conduct of the chair. As you say, she certainly wasn't seeking any kind of intervention of that kind and indeed made it clear that she was not seeking it and expected the panel to seek to try and resolve those issues.

Q202 **James Berry:** Is it your evidence to the Committee that none of the issues that were ever brought to the Home Office's attention about Dame Lowell Goddard met the rubric of section 12?

Mark Sedwill: Certainly no formal complaint under section 12 was made so, in those terms, you are absolutely correct. Of course, the secretary to the inquiry did come to me, under the instructions of the panel, but set out their concerns on 29 July in the same kind of terms that they have described today. We have set out briefly—I am happy to set out in more detail—what followed between then and her resignation on 4 August, but that wasn't a section 12 discussion.



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Q203 **James Berry:** I don't think their evidence was that it was a section 12 issue either. In terms of the action that you have taken, you are in uncharted territory as there is no public information about any complaints that have been made to a sponsoring Department about a chair before, but one thing you might do is refer it to the Office of Judicial Complaints for investigation.

Mark Sedwill: Yes, exactly. As I suggested to Mr McDonald in answer to his final question, there is a piece of work that I have set in train anyway to try and ensure, given the number and complexity of public inquiries that the Home Office tends to find itself as the sponsoring Department for—if you think of the whole range, of Hillsborough, of the Pitchford inquiry into undercover policing and so on—that we have a set of procedures that we can offer to an incoming inquiry to enable them to make rapid progress quickly.

Q204 **James Berry:** People may say, "Well, the Home Office knew this, that and the other," but at the end of the day, we, Parliament, have set the Act specifically so that unless it is an issue that engages section 12 of the Act, the sponsoring Department—in this case, you—don't take any action.

Mark Sedwill: No, indeed. On that occasion, as we have said, when it was brought to me on 29 July, my advice to the secretary was that the panel needed to raise these concerns directly with the chair themselves. I said I was willing to meet the panel if they wished to do so. I did have a meeting with the panel. They met the chair on 4 August, put the concerns to her and then Justice Goddard resigned shortly thereafter.

Q205 **James Berry:** One of the more general concerns, I think first raised in *The Times*, was the amount of time that Lowell Goddard was spending abroad. Had matters continued and had she not resigned, might that have been an issue that would have engaged section 12, if there had been a complaint?

Mark Sedwill: I think I'd have to take legal advice. To be frank, I doubt it. In the end, Justice Goddard's view was that when she was abroad, she was working. Of course, in the modern era, it is possible to work remotely. There is a great deal of research that needs to be done, and of course the one thing the Department cannot do is tell the chair how they should conduct the inquiry and indeed how they should manage their own time. So I think it would be very unlikely that that would pass the section 12 thresholds.

Q206 **James Berry:** Finally, and more generally, it is an understatement to say it is unfortunate that there have been the number of departures from the inquiry that there have. But it seems to me from all the evidence we have heard that all of those departures revolved around personal issues to do with those individuals—or their suitability, in the case of the first two chairs—and were not to do with the terms of reference of the inquiry or the important work that it is doing, and that some people are now trying to ally the issues of these departures with their fundamental issues with the terms of reference and nature of the inquiry. Would you agree with that? If you do, can you assure us that the Home Office will continue to



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support the inquiry in every way it can in getting to the bottom of these horrific events?

Mark Sedwill: Absolutely. For the reasons the Home Secretary set out when she was here, we believe the terms of reference and scope of the inquiry is correct. It would be wrong to limit it in terms of either time or scope. Professor Jay set out how she intends to try to streamline and accelerate the methodology of the inquiry. I am sure we all welcome that, because the sooner we get reports from the inquiry that we can make policy changes or administrative changes on to improve the care we provide to our most vulnerable citizens, the better. But in the end that is a matter for her.

Let me absolutely assure you that the inquiry will get, within the rules, all the support it needs. It has the budget it needs and we will continue to give them they support they need to make a success of this. As many of us have said many times—Mr Loughton, you have been acting on this issue for many years—our generation takes the opportunity to really try to bring this terrible series of tragedies to a conclusion.

Chair: Finally, Chuka Umunna.

Q207 **Mr Umunna:** Who drew up the initial terms of reference for the inquiry, which were published in 2014?

Mark Sedwill: They were drawn up within the Home Office, submitted to the then Home Secretary. If I recall, I think, as is normal, we would normally consult the nominated chair. Of course, at that stage this was still an inquiry panel rather than a statutory inquiry, so it went through that evolution. But it was drawn up within the Home Office.

Q208 **Mr Umunna:** Do you have any details specifically as to who or which part of the Home Office?

Mark Sedwill: I could not give you the names, Mr Umunna, but it would have been people within the safeguarding directorate who had the lead. It would have involved legal advisers—we have a very big and strong legal team—and it would have come up that route through me to the Home Secretary for her approval.

Q209 **Mr Umunna:** The press release issued in October stated that the inquiry would consider matters from 1970 to the present. Why was that timeframe chosen?

Mark Sedwill: I think at that time—as it turned out, incorrectly—there was a sense that it did make sense to draw some time boundary to the work of the inquiry panel, as it was at the time. Most of the allegations that were in the public domain related to the period after that—you will recall that a lot of that was around the political establishment as well. So a judgment was made at that time that was essentially around scope and manageability. As it turned out, I think that judgment was not right, and that is why when the inquiry was converted to a statutory inquiry and we had quite a lot of representations from victims and survivors, they wanted us to go back before that. We accepted that.



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Q210 Mr Umunna: Sticking with the initial terms of reference, I put down a parliamentary question asking about the Home Office's involvement in the appointment or approval of the appointment of the superintendents who headed children's homes. The response I got was not terribly helpful. Since you last appeared before the Committee, Helen Hayes, a fellow Lambeth MP, asked a similar question. The answer to which she got a couple of weeks ago from the Minister, Sarah Newton, who confirmed that the Home Office was very much involved in inspecting children's homes before 1971. Were you aware of this?

Mark Sedwill: No. I know the Home Office had a much broader range of responsibilities many years before, but not the specific PQ and PQ answer, no.

Q211 Mr Umunna: The question that of course arises is there is a link there, isn't there? You see the issue here. I suppose my question would be, why initially was a timeframe adopted and suggested by the Home Office that, on the face of it, conveniently excluded the time before 1970 when the Home Office was intricately involved in the inspection of children's homes, and approval of the appointment of the heads of children's homes?

Mark Sedwill: I have no reason to believe that there is a link between those two things. Of course, nobody currently serving in the Home Office was around at that time, and lots of changes are made in Government Departments—the fact that the Home Office was responsible at that time, before it became the remit of other Government Departments, means that that Government is still responsible. We exercise collective responsibility. The Home Office is in scope for this inquiry, and we and our systems and regulations will be examined.

Q212 Mr Umunna: That does not look good. If you put those facts together, it all seems rather convenient. Will you write to the Committee to provide a bit more detail as to why that timeframe was chosen?

Mark Sedwill: I will happily do so, Mr Umunna.

Mr Umunna: And will you also provide an explanation for why that timeframe operated to exclude the potential culpability of the Home Office for child abuse that happened in the past, which of course survivors are still living with?

Mark Sedwill: Indeed. I absolutely agree. That is why I think it is right to have had that time limit.

Mr Umunna: If you can write to us—

Mark Sedwill: I will write. To be clear, when the discussions were had about this—this information about the superintendents of children's homes is entirely new to me, so I would be astounded to learn if that was involved in any of the considerations that were made of the advice, but I will check and write to you.

Q213 Mr Umunna: It would be good to get confirmation of that. May I ask you



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a question about the current chair, which I did not feel appropriate or necessarily fair to ask her, given that you, the Home Office, are responsible for her appointment? Were you aware, when you made the decision to appoint her, that concerns had been expressed by members of the victims panel of the inquiry about her having been in social work for the past three decades?

Mark Sedwill: I have seen reports of that in the media, but I am not aware of any representations of that kind having been made to us. It is worth keeping in mind that this inquiry is limited to England and Wales, and Professor Jay's track record is almost entirely in Scotland. It would be quite difficult to find anyone with the expertise—in reversal of this—who has not had any work in any areas. But the short answer to your question is that I was not aware of that, and I do not believe that it detracts at all from Professor Jay's qualifications.

Q214 **Mr Umunna:** No, sorry, just to be absolutely clear for the record, I do not think that anyone who raises this issue is necessarily casting any aspersions on her abilities or things she has done in the past—she also has a very good record in Rotherham—but my question goes to the institutional nature of the issues that the inquiry is looking at and the institutional nature of whom the survivors believe are responsible, as corporate bodies, for what happened to them. All I want to discern from you is whether in the decision-making process any consideration was given to the fact that the social work profession is apparently, on the face of it, in part culpable, collectively, for what happened, and she has been in it for the past three decades.

Mark Sedwill: If I can turn it around, that is partly why the Home Secretary herself met the advisory panel of victims and survivors associated with the inquiry before the appointment of Professor Jay, to test not specifically the point you made, Mr Umunna, but just whether this new chair could have their confidence. We have been very conscious throughout how to maintain what is—inevitably, given how many times they have been let down over decades—the very fragile confidence of victim and survivor groups. I think we have all learned through that. The first chair, Lady Elizabeth Butler-Sloss, I think we all felt was an outstanding choice for this, but given that question of confidence, she concluded that she could not fulfil the remit. We have all learned, I think, through that, so we have been very, very conscious of it and that is why we consulted them.

Q215 **Mr Umunna:** What will you do about this point? The survivors group that contain some of my constituents are not the only ones who have raised it as an issue. The whole sweeping under the carpet and not dealing with and facing up to issues is largely one of the reasons why we are dealing with these appalling events.

Mark Sedwill: Agreed.

Q216 **Mr Umunna:** What are you actually going to do about this particular issue? I am not arguing necessarily to remove Professor Jay. All I am saying is that this is a very big issue for a lot of survivors, which cannot



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be ignored, and it doesn't seem to me that anybody is dealing with it, so what is going to happen?

Mark Sedwill: I think, Mr Umunna, that is fundamentally for the inquiry themselves. How will they deal with this? How will they maintain the confidence of survivors? It's actually in the work that they do, in shedding light on all areas of state activity and private activity in this area and ensuring that not only individuals get justice but we learn the lessons. That in the end is what will win survivors' confidence, in my view. Don't forget the panel—you saw the panel, three members of the panel, today. They have a range of expertise. They will all bring that to bear. They are terrific, very, very high-quality public servants. I think in the end it's for them: they will earn this by their deeds as well as their words.

Q217 **Mr Umunna:** The last issue I want to raise is the pay-off for Judge Goddard. We have just heard evidence from the panel, who have said that you appointed somebody who, on the face of the evidence that we have just received, doesn't seem able to work in a team environment. A number of allegations have been made in the papers, and she has resigned. I don't know of many roles where you, at your own imperative, resign and you then get an £80,000 pay-off for doing so. Did she receive £80,000, and why on earth was she paid it for resigning and walking away from the job that she promised to do?

Mark Sedwill: Mr Umunna, you will understand that some or much of this is confidential because matters that apply between individuals and their employer are confidential. The panel were restricted in some of what they could say because of that. Justice Goddard's overall package was a salary of £360,000 and then allowances on top of that and the flight back to New Zealand, so the £80,000 was essentially two months of that overall package. I know it's a large amount of money, but it was two months of the overall package that Justice Goddard had. She or her legal representatives could have argued for more; I'm sure we could have argued for less. We would have then been in a protracted and highly expensive legal process, so as the accounting officer, this was a negotiated settlement and it seemed to me to be an appropriate and value-for-money use of the taxpayer's money. I don't really feel I can say much more than that.

Q218 **Mr Umunna:** I have to say, Mr Sedwill, that to the public, this whole thing stinks.

Mark Sedwill: Well, I understand that, Mr Umunna, but I can only give you the evidence I can give you. The judgments that you make and the judgments that the public make are for them. I regret we are even having this hearing, of course. I had hoped, when we appointed Lady Elizabeth Butler-Sloss, that we would be in a very different place by now—I think we all did—but this has had a troubled passage. I think we have a very strong panel. They have set out clearly how they intend to deliver the remit of the inquiry, and that is what, as the Home Secretary said to the House yesterday, we really have to focus on and ensure everyone gets behind in enabling them to do it.



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Q219 Chair: Mr Sedwill, just to finish on Chuka Umunna's points, I think clause 16 of Dame Lowell's contract said that she may resign at any time by giving three months' written notice to the Home Secretary, and it's at the discretion of the Home Secretary then if she wishes to terminate the appointment earlier than expiry of the notice period. We know Dame Lowell handed in her notice on 4 August and vacated her desk very shortly after that, so the Home Secretary, by contract, was not obliged to entertain any amount of payment, let alone two months of her overall package—not even just two months of her basic salary, which was generous enough in itself. So why, if the Home Secretary was gracious enough to allow her to get on the plane to New Zealand as soon as possible, was it felt necessary to make such a generous payment for quitting a job that she had vowed she would want to see through to the end? That was partly the basis on which she was appointed.

Mark Sedwill: I do understand that, Mr Loughton. You will understand these are matters on which Justice Goddard is also entitled to privacy; this is a personal matter relating to her contract. As you say, we could have made a case for the severance payment being less, partly for the reasons you set out. She and her legal team could have made a case for the severance payment being more. If we had got into a protracted legal process, that in itself would have been very expensive; we would have had a lot of legal fees relating to that. My finance and legal team negotiated a severance payment with her legal team. The details of that have been set out. The Home Secretary and I concluded that that was in the taxpayer's interests and the right payment to make. I'm afraid I just cannot say very much more than that.

Chair: Okay. Thank you very much.

Mark Sedwill: Thanks, Mr Chairman.

Chair: We have had a good round of questioning. That has given us some detail and not given us some detail, but we are very grateful, particularly, as I said, for your appearing at short notice.