THE HOME AFFAIRS COMMITTEE

Background papers

Meeting on Monday 26 January 2014 at 3.20pm
in the Thatcher Room

Session for the inquiry into Independent panel inquiry into child sexual abuse

Witness

At 3.30pm

Ben Emmerson QC, Counsel to the Independent Panel Inquiry into Child Sexual Abuse

| 1. Letter from Home Secretary to Chair, 23 January | 1 |
| 2. Letter from Ben Emmerson QC to Chair, 23 January | 2 |
| 3. Letter from Panel Secretariat to Chair, 23 January | 8 |
| 4. Consolidated emails from Sharon Evans, January | 12 |
| 5. Briefing note and background papers from Panel Secretariat, 19 January | 71 |
| 6. Letter from Vince Cable MP to Home Secretary, 9 January | 75 |
| 7. Transcript of oral evidence, 20 January | 78 |
The Rt Hon Keith Vaz MP,
Chairman, Home Affairs Select Committee
House of Commons
London
SW1A 0AA

23 January 2015

Dear Keith,

Thank you for your letter of 22 January about Ben Emmerson, Counsel to the Independent Inquiry into Child Sexual Abuse. It would not be appropriate for me to comment on whether an individual has been considered for removal from their post.

The Home Office would also like to confirm that as Counsel to the Inquiry, Mr Emmerson is subject to a contractual duty of confidentiality which prevents the unauthorised disclosure of confidential information obtained as the result of his appointment. Mr Emmerson has sought clarification from the Home Office as to the application of this duty to his appearance before HASC and he will be referring the Committee to the Home Office for answers to any questions that might otherwise require him to divulge confidential information.

The Rt. Hon Theresa May MP
Dear Mr. Vaz,

Thank you for re-scheduling my appearance before the Home Affairs Select Committee to Monday 26 January at 3.30. I am writing now to raise a number of matters with you and the other members of the Committee which may affect the conduct of the hearing.

As counsel to the inquiry I am bound by legal professional privilege. In the present context, this means that I cannot answer any question that would require me to divulge information acquired in my capacity as counsel for the purposes of giving legal advice. Nor can I divulge the advice given in response. I have invited the panel to consider whether to waive privilege for the purposes of my evidence before the Committee and the panel has decided not to do so. I believe the Secretariat has written to you to outline the panel's position.

In addition, I am bound by a common law duty of confidence which prevents me from divulging any confidential information (not covered by legal professional privilege) that I have acquired in my capacity as counsel. The scope of this duty is broadly reflected in two protocols on collective responsibility and external communications that were adopted by the panel on 19 November 2014 and provided to the Committee in advance of the appearance before the Committee of certain panel members on 20 January. Please let me know if you need to be provided with further copies of these protocols and I will arrange for the Secretariat to send them to you. The effect of this common law duty of confidence is that I cannot divulge any information concerning the work of the panel, or my own work, which the panel has not authorised me to divulge. Again, I have invited the panel to consider whether to waive this obligation for the purposes of my evidence before the Committee and the panel has decided not to do so. The Secretariat has outlined the panel's position in its letter to you this morning.
Finally, in addition to these two obligations of confidentiality, I am subject to a contractual duty of confidentiality owed to the Home Office in my capacity as counsel to the inquiry. This prevents the unauthorised disclosure of confidential information obtained as a result of my appointment. This obligation is different in scope from the other two duties of confidentiality since it encompasses my dealings with Home Office officials outside the immediate context of the panel's work. I confirm that I have sought clarification from the Home Office as to the application of this duty to my appearance before the Committee, and will be referring the Committee to the Home Office for answers to any questions which might otherwise require me to divulge confidential information.

As you will appreciate, these three separate but overlapping duties of confidentiality may significantly inhibit my ability to answer the Committee's questions fully.

I am fully aware of the scope and limits to the powers of a select committee, of the principles of parliamentary privilege and of the law on contempt of Parliament. Indeed, I have previously acted as special adviser to the Standards and Privileges Committee on precisely these questions. I am also fully familiar with the statements on these issues in Erskine May. Any advice I may have given to panel members concerning their appearance before the Committee earlier this week was given with these principles firmly in mind. I am entirely satisfied that my advice on these matters was and remains correct. It reflects the principles that I will be applying myself in connection with my appearance before the Committee on Monday.

Like myself, the panel members are subject to certain legal duties of confidentiality. These consist of (a) their contractual obligation not to give unauthorised disclosure of information acquired as the result of their appointment (a breach of contract which is specified as being sufficiently serious to justify immediate termination of their appointments) and (b) their common law duty of confidence (the scope of which is reflected in the two protocols on collective responsibility and external communications already provided to the Committee). These mutually reinforcing duties of confidentiality are extremely important. They enable panel members to communicate their views with one another under conditions of confidence, secure in the knowledge that the only information that will be released into the public domain is information that the panel has authorised for release. Such confidentiality is essential for the effective functioning of the panel and for maintaining the confidence of victims and survivors. It is not confined to the facts of specific cases (as you appeared to assume during the hearing on Tuesday). It extends to the workings of the panel and to strategic and other discussions between panel members and those who advise them.

If a panel member chose to disregard these obligations of confidentiality in his or her testimony to a select committee, Parliamentary privilege would of course operate to prevent any court action being taken against him or her, since this would be inconsistent with Article 9 of the Bill of Rights as interpreted by the courts. But by the same token, a select committee does not have power to oblige any witness to give evidence that would involve a breach by that witness of a legally binding duty of
confidentiality. The relationship between Parliament and the courts in this context has been rightly described as a mutuality of respect between two constitutional sovereignties. Witnesses enjoy protection against legal action for unauthorised disclosure at a select committee hearing, but they cannot be compelled by a select committee to breach their legal obligations. It is not, and cannot be, a contempt of Parliament for a witness to refuse to answer a question posed by a select committee if the answer would require him or her to divulge information which he or she is legally obliged to keep confidential. The position is precisely analogous to that of a witness who is prevented from answering a question by an obligation imposed under the Official Secrets Acts (which are also, incidentally, a part of the panel members' contracts). Whilst a person who revealed information at a select committee hearing in breach of the Official Secrets Acts could not be prosecuted for his or her actions in court, a witness who declined to answer such a question during a select committee hearing cannot be compelled to do so by the Committee.

I trust that you and the other committee members will bear these matters in mind when framing the questions you wish to put to me. I wrote to you yesterday indicating that I would not allow myself to be put into the position of having to make difficult assessments concerning the application of these obligations of confidentiality in answer to questions put to me without notice during the hearing. I suggested that in order to make the best use of the hearing it would be sensible to arrange for questions to be put to me in advance so that I can take a view of whether, and to what extent, I am free to answer them. I repeat that request.

In addition to the issues raised above, I would like to put on record my concern about certain aspects of your personal conduct in connection with this matter. I have three concerns relating to statements you have made in public (two of which appear to have been made in a non-priviliged context):

(1) During the hearing on Tuesday Sharon Evans made allegations against me of bullying and intimidation and said that she had reported the alleged misconduct to the Home Office. Following the hearing I am informed that you issued a statement via twitter calling on me to consider my position in light of her allegations. I am concerned that you considered it appropriate to issue such a statement without (a) asking the other panel members present whether they agreed with what Ms. Evans had said (b) asking the Home Office whether it had received a complaint about my alleged conduct and what the result was or (c) giving me an opportunity to respond. As you know, the panel issued a statement shortly after the hearing, signed by all panel members other than Ms. Evans, which entirely refuted her allegations. They denied the allegations of bullying and intimidation by me and expressed complete confidence in my advice, integrity and impartiality as counsel to the inquiry. The Home Office also issued a statement that evening confirming that Ms. Evans' complaint against me had been fully investigated and dismissed, and that there was no evidence that she had been bullied by me. The statement also reiterated that the Home Office had full confidence in me as counsel to the inquiry. The Home Secretary
then repeated this statement on the floor of the House of Commons yesterday in
answer to a question by you. In the circumstances, your call for me to consider
my position was issued without any proper inquiry into the facts and was a
wholly unjustified imputation of professional misconduct. I would ask you to
now formally and publicly withdraw it.

(2) The following day you were reported to have made a statement claiming that I
had called for Ms. Evans to be removed from the panel, and indicating your
view that my conduct in making such a call was contrary to the public interest.
At the bottom of this letter you will find a link to one report of your remarks
which quotes you verbatim. Assuming you are accurately quoted, this was an
untrue statement amounting to an imputation of professional impropriety. I did
not issue any call for Ms. Evans to be removed or for her to resign. I attach the
text of the only public statement I have issued on the matter. It explains that
panel members' Terms of Appointment contain clauses which provide that
unauthorised disclosure of confidential information is a breach of contract
justifying immediate termination. That is a statement of fact and simply reflects
the terms of the contract. It goes on to say that Sharon Evans has repeatedly
disclosed confidential information in public and has made a number of public
statements that are factually misleading. That again is a statement of fact and
was based upon (a) her leaking of a confidential exchange of correspondence
with the Home Secretary on 20 December 2014 and (b) an interview which she
gave on 5 January 2015 to Channel 4 News. I went on to express the view that
these were serious violations of her duties as a panel member (which they are)
and that they have undermined the integrity of the inquiry and the confidence of
victims and survivors (which they have). I pointedly did not make any call for
her dismissal or resignation. The question of what action, if any, should be
taken against Ms. Evans is a matter for the Home Office which is responsible for
the enforcement of her Terms of Appointment. I indicated in my statement that
I had drawn the breaches of confidentiality to the attention of the panel, the
Home Office and Ms. Evans herself, as I was duty-bound to do. It is for the
Home Office (not me) to determine what action, if any, should be taken in
response to Ms. Evans' breach of the terms of her contract; and it is for the panel
(not me) to determine what action should be taken in relation to Ms. Evans'
breach of its own protocols on collective responsibility. Given that your
statement (if accurately quoted) involved a factually incorrect imputation on my
professional reputation, I would ask you to now formally and publicly withdraw
it.

(3) Finally, according to Hansard, during the course of the debate in the House of
Commons yesterday you claimed that during the session of the Home Affairs
Select Committee on Tuesday allegations of bullying were made by “some”
members of the panel (plural). This was not true. The allegation had been
made only by Ms. Evans and had subsequently been publicly refused by all
other members of the panel in a joint statement issued the same day. You went
on to repeat your allegation that I had called for Sharon Evans to be removed
from the panel, which was also not true for the reasons I have already explained. Whilst these last two mis-statements were made on a privileged occasion, I would nonetheless ask you to correct them, formally and publicly, in the interests of fairness and accuracy.

Please confirm that you will ensure that this letter is shown to all other members of the Committee (whether or not they will be attending Monday's hearing). And please allow time at the outset of the hearing for the matters raised in this letter to be put on the public record.

I look forward to hearing from you in due course.

Yours sincerely,

Ben Emmerson QC

Statement by Ben Emmerson QC, counsel to the Independent Panel Inquiry into Child Sexual Abuse, following evidence given by panel members to the Home Affairs Select Committee this afternoon.

"The effective operation of any public inquiry requires that panel members are able to hold full and frank discussions in confidence and take collective responsibility for their decisions. This is reflected in the terms of their appointment which provide that the unauthorised disclosure of confidential information is a breach of contract justifying immediate termination.

Sharon Evans has repeatedly disclosed confidential information in public and has made a number of public statements that are factually misleading. These were serious violations of her duties as a panel member and undermine the integrity of the inquiry and the confidence of victims and survivors.

It was my clear duty as counsel to the inquiry to bring these breaches to the attention of the panel and the Home Office. I also pointed them out clearly to Ms. Evans herself on a number of occasions, and it was this which led her to accuse me of bullying her.

These allegations of bullying and intimidation are entirely baseless. As the Home Office will confirm, Ms. Evans' complaints have already been fully investigated and dismissed as unfounded, something she neglected to mention when she gave evidence to the Home Affairs Select Committee this afternoon.

The advice that I gave Ms. Evans was legally correct and entirely necessary in the circumstances."

ENDS
Dear Chairman,

EVIDENCE SESSION – 26 JANUARY 2015

I have been asked to write to you by the Independent Panel Inquiry into Child Sexual abuse.

The Independent Panel is aware that Ben Emmerson QC, Counsel to the Independent Panel Inquiry into Child Sexual Abuse, will be giving evidence to the Home Affairs Select Committee on Monday 26 January.

In his capacity as Counsel to the Inquiry, Ben Emmerson QC is bound by legal professional privilege and a duty of confidence in common law which mirrors the obligations that the panel have agreed and set out in their Collective Responsibility Protocol and External Communication Protocol (attached for reference).

The panel has considered this matter and has agreed not to waive either duty in respect of their Counsel. The panel is aware that this will prevent Ben Emmerson QC from responding to questions which relate to matters that are not in the public domain, as well as information that was provided to him for the purpose of seeking legal advice and any legal advice given in response.

Yours faithfully,

ANGELA KYLE
Head of Secretariat
Independent Panel Inquiry into Child Sexual Abuse
Cc Panel members and Counsel to the Inquiry
Protocol on Collective Responsibility

for Inquiry Panel Members

Introduction:

This protocol seeks to provide a practical working solution which balances the need for collective responsibility against any difference in approach or opinion between Panel Members as to how to achieve the stated outcomes of the Inquiry. It should also be read in conjunction with the Protocol on External Communications for Panel Members.

Panel Members are expected to discuss issues relevant to the work of the Inquiry in an open and frank manner, to deliver the outcomes of the terms of reference. Such discussions may not be limited to panel meetings but may encompass other forms of communication. The nature and content of those discussions will remain confidential. The action points (and in appropriate circumstances, other relevant information) arising from panel meetings or discussions (once subject to prior approval by the Panel) may be made public at a later date.

In delivering those stated outcomes, Panel Members may lead on specific pre-identified work streams, working with the Inquiry Secretariat and present back to the full panel, the analysis and results of those work streams. While Panel Members are engaged in leading on those work streams, the full Panel will be kept appraised of progress at regular intervals.

Once a final decision has been taken by the Panel, it is the responsibility of each Panel Member to represent that collective view in any engagement with stakeholders, the media or other external interlocutors. As stated in the Protocol on External Communications for Panel Members, in all external communications the Panel speaks with one voice. This does not however, inhibit panel members from freely expressing alternative views or approaches in panel discussions.

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1 Panel Members in this protocol also includes the Chairperson to the Inquiry Panel.

2 See the Protocol on External Communications for Panel Members
Protocol on External Communication
for Inquiry Panel Members

Introduction:

This protocol seeks to provide guidance and best practice to Panel Members in the area of external communications. It should also be read in conjunction with the Protocol on Collective Responsibility for Panel Members.

Panel Members understand that comments, whether directly or indirectly attributed to any Panel Member about the work of the Inquiry, may well be seen as representing the views of the Panel as a whole. In all external communications the Panel speaks with one voice.

The high profile, sensitive and important work of the Inquiry will inevitably mean that individual panel Members may be approached by media organisations with requests for interviews about the work of the Inquiry, which may include criticism of the work or current direction of work of the Inquiry. Panel Members may also be contacted via social media platforms for the same reasons. Specifically, Panel Members may unfortunately, on occasion be subject to abuse and/or receive inflammatory communications as direct or indirect result of the work of the Inquiry.

It is important for the integrity of the work of the Inquiry that Panel Members refrain from responding to requests for interviews or to comment on the work of the Inquiry. All requests for interviews, comment or other external media enquiries should be forwarded to the Inquiry Secretariat for handling and response.

Handling:

All requests for interviews, comment or other media enquiry, including via social medial platforms, which relate to the work of the Inquiry, received by a Panel Member must be

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1 Panel Members in this protocol also includes the Chairperson to the Inquiry Panel.
forwarded to the Inquiry Secretariat. The Secretariat will acknowledge the request (as appropriate) and thereafter liaise with the requester as necessary.

In appropriate circumstances and where this has been agreed in advance with the Inquiry Panel, Panel Members will be able to undertake media interviews relating to the work of the Panel (in whatever format this has been agreed to e.g. radio, television, newspaper).

Panel Members understand that when they may be interviewed in the context of their non-panel roles (for which prior agreement is not required), they may well be subject to questioning about the work of the Inquiry. In those circumstances, Panel Members must refrain from answering any such questions and adopt the procedure outlined above. However if pressed, Panel Members should only refer to decisions that have already appeared in public statements on the Inquiry website.

Where Panel Members receive abusive or inflammatory messages or are subject to abuse via social media platforms (including messages/comments directed at family members), whether directly or indirectly as result of their work of the Inquiry, they are strongly advised to consider reporting such matters to the Police and inform the Secretariat and provide copies of the relevant material.
Dear Tom

I was very grateful for all you did yesterday to assist me and particularly for the Chair's support and comment that I should let you know about repercussions.

Last night a telecon was held by the panel members who attended HASC with the rest of the panel and I was excluded. A statement of support for the QC was drafted which claimed the panel members did not feel intimidated and after Ben Emmerson released a statement about me. I also received messages from Sky and the BBC to say he was briefing against me and calling for me to resign.

Today a telecon took place that I could not join and now a letter has been drafted to the Home Secretary which I believe is designed to have me sacked for breach of contract.

Ben Emmerson says the allegations against him have been fully investigated and the Home Office upheld his case and I failed to declare this at HASC.

The truth is I received an email which I will forward to you on the morning I was giving evidence from Mary Calum Director General of Policing telling me I was forbidden to tell HASC about this issue. But I was told by the Home Office they support Ben's assumption that I have breached my contract.

I made a complaint to the Permanent Secretary's Office that said I felt that Ben Emmerson had assumed the role of chair and was directing the panel and because I challenged him I felt bullied by the emails he wrote and that he was trying to isolate me. The Home Office full investigation of my claim was a 45 minute interview with Mary Calum on my own with no advocate of any kind. I broke down during the interview and was treated very kindly. However just 2 days later ahead of HASC she made her ruling. I will also forward you my complaint, Mary's note of my interview and her ruling.

Ben Emerson told us after we met the Home Secretary if we kept quiet it would we would be re-appointed. He also sent an email the day after the meeting with the Home Secretary saying the panel would be disbanded before 14th January which I believe clearly shows he had inside contact with the Home Office.

I am happy for these documents to be made public.

Many thanks

Sharon

Attachments

21 Jan Draft Website Statement v2

21 Jan Draft Letter to the Home Secretary v02
The panel today, 21 January 2015, has made the difficult choice to delay all scheduled listening meetings until after the Home Secretary has made her decision on the future of the panel and has announced who will be appointed as Chair.

The purpose of the listening meetings was for the panel to hear the views of victims and survivor organisations about the work and direction of the Inquiry. However, given the uncertainty over the future shape of the Inquiry, the panel feels that all upcoming listening meetings would not fulfil that intended aim. They also understand that for some victims and survivors the decision to attend a meeting might be both difficult and courageous, and did not think it appropriate to ask them to share their views about an Inquiry where there is a lack of certainty about its future shape.

The panel would like to apologise wholeheartedly to all those people who had expected to attend the upcoming events. The panel are committed to putting the experiences of victims and survivors at the heart of the Inquiry, and will strongly recommend that the listening meetings are restarted once the Home Secretary has made her decision.

To all those people who have previously attended a listening meeting, the panel have listened to what was said and have already made changes to their ways of working. The confidential records of those meetings are held by the secretariat and will be passed to the new chair for further consideration once they have been appointed.

This decision was taken after much deliberation and discussion, and the panel did not reach its decision lightly.
DRAFT LETTER TO THE HOME SECRETARY

Dear Home Secretary

INDEPENDENT PANEL INQUIRY INTO CHILD SEXUAL ABUSE

As you will no doubt be aware, we find ourselves in a very difficult position. It is in the public domain that you, Home Secretary, are considering three options for the future structure of the Inquiry; and that you expect to make a decision soon about this structure and a new Chair, which will give the Inquiry much needed clarity of direction.

Additionally, and in line with the procedures set out in the Inquiries Act 2005, which the panel are following as far as possible, there are a number of significant decisions that only a Chair can make, including how evidence might be taken from victims and survivors. We are concentrating on undertaking the preparatory work and thinking which will allow a Chair to make an informed decision on such issues, but this does restrict the work that the panel is able to undertake.

When you wrote to us in December, you suggested that we consider pausing our work until you had made your final decisions. At that time we decided to continue with the work of the Inquiry because we are personally committed to a successful outcome and because we wanted continue to engage with victims and survivors who are at the heart of our work. Recent events, and the fact that we still do not know what decision you will make with regards to the structure of the Inquiry, have prompted us to re-evaluate our position. We have concluded that, while we do not intend to pause the work of the Panel, it is unrealistic in the circumstances for us to carry on in full operational mode.

We have decided that we will meet monthly rather than weekly (our next meeting will be on 11 February); that we will continue with our working group activity particularly focusing on issues such as options around methodology that will assist the new Chair in making decisions; and that we will delay all listening meetings until you have made your decision because we wanted to avoid a distressing situation where
survivors potentially may have to take time off work and travel to tell their story a second time following the appointment of a new Chair. The decision to delay listening meetings was a particularly difficult one for us.

Finally, it is also in the public domain that certain allegations have been made about the conduct of Counsel to the Inquiry and about breach of contract by a Panel member. We understand that both matters have been considered by the Home Office, and that the Home Office did not uphold the complaint against Counsel to the Inquiry. We are clear about our roles and responsibilities as panel members but in the light of these recent events we are concerned about whether there has been a change in the interpretation of our duties in line with our contractual obligations. We are sure you will appreciate the importance we attach to performing our public roles to the highest standards and it would undoubtedly be helpful if greater clarity could be provided to ensure that we share the same understanding about our responsibilities and the consequences for any individual failure to fulfil a contractual obligation.

Signed
MC to SE 20 Jan 2015 12:22:29

Sharon

There are two elements here, as we discussed. Firstly, your complaint against Ben Emmerson. Secondly, his contention that you acted in breach of your terms of appointment. I have written to you setting out my decision on your complaint and my view on the terms of appointment issue. Clearly both of those elements are very sensitive matters concerning the conduct of individuals and my findings should therefore remain confidential (subject to the point about members of the panel who knew a complaint had been made against Ben Emmerson being permitted to know it has been dismissed). Should HASC ask whether the Home Office has judged that you are in breach of your terms of appointment, then that is a matter for HASC to pursue with the Home Office and they should be directed to us.

I trust that clarifies the point.

Mary

SE to MC 20 Jan 2015 09:59

Mary
Can you explain why this confidential please
Best wishes
Sharon
Sharon
With apologies for prolonging the correspondence, I now understand you are appearing before HASC today. As I have also made clear to Ben Emmerson, if HASC ask whether you have acted in breach of your terms of appointment, I do not consider it appropriate for you or for anyone else appearing today to make reference to my findings on that point - those findings are strictly confidential to you, Ben Emmerson and the Home Office as my letter makes clear. If asked by HASC, then the answer should be to refer HASC to the Home Office for a response. It would not be inappropriate, however, for Ben Emmerson, as Counsel to the Inquiry, to give his professional view on whether you breached your terms of agreement if the matter is raised.

Yours
Mary

SE to MC 19 January 2015 18:53

Mary
Thank you for the update.
Sharon

MC to SE 19 Jan 2015 18:47:31

Dear Sharon

Thank you for your email. Ben Emmerson has responded to my letter to him, stating that you have told other panel members about your complaint against him. To the extent that this is the case, I have therefore agreed to Ben Emmerson's request that he should be able to tell other panel members that your complaint against him has not been upheld. But I have also repeated to Ben Emmerson the point I made in my letter that my finding that you were in breach of your terms of appointment must remain confidential to you and to him.

Yours
Mary

SE to MC 19 January 2015 17:12

Dear Mary

I need time to consider your letter but two points need immediate clarification.
You claim I did not deny I made the letters public from the Home Secretary along with my reply, whoever you never asked me that question in the meeting as Stephen's note shows.
Can you also please tell me whether my contract is terminated?
Many thanks
Sharon

SP to SE 19 Jan 2015 16:59:33

Sharon

Please find attached a letter from Mary Calam providing the determination of your complaint against Ben Emmerson. This letter should be treated as private and confidential.

This letter has been copied to the Permanent Secretary and Ben Emmerson.

Regards

Steve

Steve Polly
Private Secretary to Mary Calam - Director General, Crime and Policing Group
Home Office
SP to SE 19 Jan 2015 09:03:20

Sharon

Please find attached a draft note of your meeting with Mary on Thursday. Ben asked to see the note of his meeting and so Mary wanted to give you the same courtesy. Grateful for any comments by lunchtime today if possible.

With best wishes

Steve

Steve Polly
Private Secretary to Mary Calam - Director General, Crime and Policing Group
Home Office

Attachment

Sharon Evans meeting note – 15 Jan
Mary Calam/Sharon Evans – Exploratory Meeting in Response to Official Complaint by Sharon Evans – 15 January 2015

Also present: Steve Polly (secretariat)

1. Mary Calam (MC) started the meeting by saying that the Permanent Secretary had asked MC to consider SE’s formal complaint of bullying against Ben Emmerson (BE). MC said that she will meet BE this afternoon who has provided some pre-meeting material and that she intended to take a listening approach at both meetings. MC said there were two issues to be discussed: i) the allegation of bullying from SE about BE, and ii) BE’s claim that SE had breached her terms of appointment. MC said that she will give no initial reaction today, but will consider and come back to both SE and BE.

2. SE opened by saying that she felt there was no recourse if you were not being listened to, the only option was to “go nuclear” which the formal complaint was. SE said that both she and Graham Wilmer as survivors on the panel were not being listened to and respected.

3. SE said that she was appointed to the panel to fill two requirements – i) female survivor; and ii) her media background. SE said that a teleconference was held on 21 October with all the panel members except Moria Gibb where she was given permission to be the panel spokesperson. The teleconference was in immediate response to Fiona Woolf’s departure. SE said the panel agreed that they should take part in a Radio 4 interview to discuss the work they are doing and demonstrate activity. SE said she then contacted Moria Gibb shortly after to discuss the conversation who additionally gave her agreement to the proposal. SE said that no constraints had been placed on this spokesperson role.

4. SE said that BE has a controlling role over panel members. SE did not believe BE should chair panel meetings in the absence of a chair. Whilst BE’s role was to be an independent adviser, SE felt that he was loyal to the HO. SE provided a number of examples, including email correspondence, to support her allegation of BE’s controlling of the panel.

5. MC noted that SE’s frustration at how the panel was being run was evident. MC said that it was an important issue which needed to be addressed but that was unrelated to the allegation about BE bullying. SE understood but questioned whether BE’s was acting beyond his role.

6. SE said that BE was initially charming and helpful, however, after the meeting with the Home Secretary in December, he made it clear that the panel would be disbanded and that panel members “should get on with their lives”. SE said she was uncertain at this point whether their panel contracts continued. BE emailed all panel members with a confidential email the day after the HS meeting to clarify his comments on the panel's future.
7. SE said 6 members of the panel agreed to send a joint letter to the HS to comment on the situation and urge the panel to continue as currently constituted. SE said BE was angry at the proposal and became involved in the drafting which resulted in subsequent drafts being watered down and ultimately panel members subsequently deciding not to be co-signatories. SE said she decided to ultimately send a letter to the HS individually because she felt the HS had not been fully briefed on the work of the panel, wanted to demonstrate progress and believed the HS had shown interest when addressing panel members a few days before. SE believed BE had convinced some panel members to change their mind and remove their names from the letter.

8. SE said she was fearful of being briefed against, both individually and in relation to her charity, by Home Office Special Advisers. BE had indicated that that would happen. SE said she sought advice from Sue Berelowitz. As a result, SE said she went to her MP to inform him of the situation she found herself in. SE said that other panel members gave her personal support during this difficult period over Christmas.

9. SE provided MC with a number of emails from BE. SE felt she had been singled out and that the tone in the emails from BE was passively aggressive. SE believed the emails demonstrated BE’s tone. These emails were sent to her, other panel members and/or all panel members.

10. MC asked SE about the Panel’s protocols on collective responsibility and external communication. SE said that whilst she had seen these protocols, she did not accept that they had been agreed properly by the Panel. SE said the protocols were circulated late the day before a panel meeting and formed part of a bigger bundle of material. SE said the meeting discussion on the protocol was rushed. There was no discussion of the agreement Sharon believed had been reached in the conference call of 21 October. SE said that the panel needed to have one voice, but with the lack of public statements it currently didn't have a voice at all.

11. In relation to the Channel 4 interview, SE said she agreed to give the interview because she personally knows Jon Snow and so felt the interview would be conducted properly and she would be able to tell the full story. SE said she did not inform BE or any of the panel members that she was taking part in this interview as she knew she would be told not to do it. SE said she received an email from BE sent to all the panel members shortly before her appearance which reiterated panel members obligation to uphold confidentiality. SE said she became emotional at this point but spoke to Channel 4/ITV lawyers at the studio who reviewed the email and her terms of appointment and considered that she was entitled to give the interview. SE said she was supposed to be the media representative on the panel and so felt she was able and authorised to give this interview, especially as she had intended to defend the work of the panel. SE said that as she had not taken evidence as a panel member by this point there was nothing for her to disclose.
12. In relation to the [redacted] email which triggered SE’s complaint, SE said that this email was treated differently from others that had been received. SE questioned why this was the most important email and needed a quick reply according to BE when in other instances he had insisted on no reply. SE was not aware of any Panel agreement that all correspondence must be shared with the whole panel. SE said that whilst she didn’t have any complaints with the secretariat, she was concerned about the handling of correspondence by the panel. BE had criticised her in front of the whole panel.

13. MC thanked SE for attending and for the material she provided. MC outlined that she was due to speak to BE later the same day and would consider the matter, responding to both SE and BE as soon as was possible.
Sharon

Please find attached a letter from Mary Calam providing the determination of your complaint against Ben Emmerson. This letter should be treated as private and confidential.

This letter has been copied to the Permanent Secretary and Ben Emmerson.

Regards

Steve

Attachment

20150119 Mary Calam to Sharon Evans - final.pdf
PRIVATE AND CONFIDENTIAL

Dear Sharon

DETERMINATION OF COMPLAINT

In your email of 7 January, you made an “official complaint” about Ben Emmerson’s conduct, which you described as “awful bullying behaviour”. The Permanent Secretary of the Home Office asked me to look into your complaint. Thank you for coming to see me on 15 January and for the documents that you provided in addition to your original email. Ben Emmerson responded to your complaint by setting out in writing his justifications for his actions and specifically evidence to support his contention that you have “acted in breach of (your) terms of appointment and in breach of (your) obligations of confidentiality”. He also came to see me on 15 January. I have now reviewed all the material that you have both provided, your terms of appointment and I have watched the interview that you gave on Channel 4 on 5 January.

Firstly, I want to acknowledge how difficult the past weeks have been for you, for all Panel members, for Counsel to the Inquiry and indeed for the Secretariat staff. That is evident from my meetings with you and with Ben Emmerson and from the documents that I have seen and it is important to consider both your complaint and Ben Emmerson’s contention in that context.

In considering your complaint, as the Panel has no formal policy on bullying, I have used as a broad guide, the definition of ‘bullying’ set out in the Home Office’s HR policy: “Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse of power or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient”. For example:

- shouting at colleagues;
- personal insults;
- persistent and unjustified criticism.

I have also considered Ben Emmerson’s contention that you have breached your terms of appointment. I set out below my conclusions. Solely to make my narrative more logical, I have considered Ben’s Emmerson’s contention first.


**Breach of Terms of Appointment**

You did not dispute that you made public both the Home Secretary’s letter to you of 17 December and your reply of 19 December (received in the Home Office on 20 December), extracts of which appeared in the media on 21 December. Nor did you argue that you had been authorised by the Panel to do so. It is clear from the documents that on 20 December Ben Emmerson reminded you of the protocols on collective responsibility and external communications which the Panel had accepted on 19 November.

Further, you acknowledged that you had not sought prior agreement to appear on Channel 4 on 5 January. In the broadcast interview, you did not make clear that you were appearing in a personal capacity, rather than as a representative of the Panel. Both the correspondence and the interview included accounts of the work and discussions of the Panel.

It is clear then that by making the correspondence public and through the Channel 4 interview, you were in breach of your terms of appointment (paragraphs 19 and 20). You argued that your understanding was that the Panel had agreed in a conference call on 21 October that you should act as media spokesperson for the Panel and that the Panel had put no restrictions on you in that role. However, you did not argue that you had raised this in any subsequent discussions until the Panel meeting on 14 January and I could find no mention of this point in any of the correspondence I have seen. Nor did you argue that such an agreement released you from your obligation of confidentiality as set out in the terms of your appointment. You also acknowledged that you had seen and understood Ben Emmerson’s advice on not disclosing information about the Panel’s business.

Such breaches of confidentiality are extremely serious. They must inevitably undermine the trust of Panel members in each other and therefore the ability of the Panel to operate effectively. They also undermine the confidence of survivors and others who engage with the Panel on the basis that information they provide and discussions they have with Panel members will remain confidential. You know far better than I the importance of maintaining such confidence. Therefore expect that in future, you will abide by the terms of your appointment and that you will seek advice, in advance, on any disclosure of information derived from your membership of the Panel that you may be considering. In respect of the Panel’s agreed protocols, these are a matter for the Panel not the Home Office; again, you should take the advice of Counsel to the Inquiry on their applicability.

**Awful Bullying Behaviour**

In relation to Ben Emmerson’s conduct towards you, I do not think that it meets the definition of bullying set out above or as commonly understood. I found no evidence that he intended to “undermine, humiliate, denigrate or injure you”. His email of 7 January included an apology “if you felt threatened by (his) emails”. From what I have seen (and noting that I am not a lawyer myself), the content of his advice to you and other Panel members in relation to the question of writing to the Home Secretary and to confidentiality, seems entirely reasonable and proper. He was acting within his responsibilities as Counsel to the Inquiry.
All that said, there is no doubt that you genuinely found his approach very distressing. Be assured that I will draw this to Ben Emmerson’s attention in an appropriate way.

I trust this letter is clear. I am copying this letter to Ben Emmerson and to the Home Office’s Permanent Secretary, Mark Sedwill. The letter should be treated as private and confidential and not copied any further.

Yours sincerely

Mary Calam
Director General
From: Scurry Andrew  
Date: Wed, 7 Jan 2015 18:45:27 +0000  
To: Sharon  
Subject: RE: [Redacted]  

Dear Mrs Evans,

Thank you for your email. I have passed your message to the Home Office Permanent Secretary, Mark Sedwill, to advise on this matter, given the independent nature of the Inquiry Panel. The Permanent Secretary’s office will be in touch once this issue has been considered further.

Yours sincerely,

Andrew

Andrew Scurry  
Principal Private Secretary to the Home Secretary  
Home Office

From: Sharon  
Sent: 07 January 2015 11:33  
To: [Redacted]  
Subject: Fw: [Redacted]  

Dear [Redacted]  

Please see the email sent below to Ben Emmerson QC to the independent inquiry panel on child sexual abuse.

I want to make an official complaint about his conduct.

I hope you can assist me on this matter and hope to hear from you today.

Best wishes

Mrs Sharon Evans

Sent from my BlackBerry® wireless device

From: Sharon  
Date: Wed, 7 Jan 2015 11:23:23 +0000  
To: Ben Emmerson Barbara Hearn  
ReplyTo:  
Cc: [Panel Secretariat]  
Subject: Re: [Redacted]  

Ben

The content of your latest email is noted, however, I do not agree and I refute the points made.

It is my honestly held belief that the emails you have sent to me have been with out a shadow of doubt in my mind intended to frighten and intimidate me.

In my view this awful bullying behavior is not acceptable and I will not accept this and I intend to take this further if it does not stop. Whether you agree or not, the emails have caused me to feel extremely distressed, alarmed and harassed. It is only the support of other panel members that has helped me through this.
I signed up to serve my country, this level of aggressive intimidation and shoddy behavior to a panel member and a survivor is unacceptable. It is very sad that you feel it necessary to behave this way bearing in mind your position in life and the fact that you are more than aware of my personal circumstances in relation to my appointment. I request that you desist from sending me these aggressive email.

I refute your allegations that I spoke on Channel 4 news on behalf of other panel members. ITV lawyers who also watched the broadcast and confirmed in their opinion I spoke only on behalf of myself and expressed only my own opinions.

I believe your influence prevented 6 of the 8 panel members to send a letter to the Home Secretary this was the reason I wrote to the Home Secretary about my views because I felt they would be helpful. I also shared her letter and my reply to this letter with my MP because I was extremely distressed and upset by your threats to brief against me and my charity. I consider this speaking up for myself and protecting myself and my family. I do not consider that a breach of contract.

I am also concerned that all media comment has been completely controlled by you and this was never a collective decision made by the panel. I am also concerned that you have behaved as if you were the chair and are telling the panel what to do, and not simply advising. You are re-writing panel members' letters and vetting their content.

Most concerning have been the attacks on panel members, who have been abused and threatened to the point of informing the panel that they felt it might be necessary to report the matter to police.

Even though we were all in agreement of an intention for openness and transparency, there is no evidence that you took any positive steps to protect or defend their position. I was again concerned when you directed Dave Jervis not to put out a press statement to the Observer to defend Graham Wilmer.

For the avoidance of doubt I personally with Graham's support arranged counselling and support for Becky as the Secretariat at this point had no ongoing safeguarding in place for victims and survivors other than Home Office counsellors at listening meetings.

For the record I have had only very positive feedback from survivors and victims regarding my interview on Channel 4 apart from [Redacted] and [Redacted] but that is only to be expected.

During my interview I did not criticise the chair, I merely asked the Home Secretary to honour her promise which was conveyed to panel members many times by you, that a chair would be chosen from the 100 names and the panel was in place for the long term and the new chair would request the inquiry to convert to statutory.

I intend to remain a member of the panel until told otherwise.
Yours sincerely

Mrs Sharon Evans

From: Ben Emmerson  
Date: Tue, 6 Jan 2015 16:58:51 -0500  
To: Barbara Hearn< >  
Cc: [Panel Secretariat]  
Subject: Re: [Redacted]

Dear Barbara,

I am afraid I am bound to correct what you have said. Sharon did not make a "choice" that was open to her. She acted in breach of her contract and in defiance of the agreement on collective responsibility reached by the panel. Her actions were improper and unauthorised.

Readers and viewers have naturally assumed that she speaks with some form of authority, and have imputed her views to the panel. Despite being fully aware of this risk, Sharon once again made no effort during her C4 interview yesterday to explain that she was speaking only for herself, and without the authority of other panel members.

This has now made it necessary for the Inquiry to distance itself from Sharon's conduct.

[Redacted] is an important stakeholder. They have asked the direct question whether Sharon had the agreement of other panel members before criticising the inquiry and its legitimacy in the way that she did. That question now needs to be answered in the negative: Sharon did not have the agreement of other panel members. Her actions were unauthorised and improper.

There is no question of maintaining collective responsibility for Sharon's actions, as you suggest. The whole point about collective responsibility (and the relevant contractual obligations) is that individual panel members agreed not to disclose information gleaned in the course of their appointment without consent, or to comment in or on the media about matters related to the Inquiry.

Sharon acted unilaterally and in breach of her duties and responsibilities as a member of the panel. I will not allow the Secretariat (or other panel members) to be pressured into sheltering Sharon from the consequences of her own actions. A full and truthful answer to the questions asked by [Redacted] requires the Secretariat (on behalf of the panel) to repudiate Sharon's conduct.

[In the unlikely event that any panel member in fact gave Sharon authority to speak on their behalf during her C4 interview yesterday, please clarify this immediately].

Ben

Ben Emmerson QC| Matrix Chambers
On 6 Jan 2015, at 13:46, Barbara Hearn < > wrote:

Angela/Ben and Panel members, I would think a more considered reply would be appropriate than a 'quick reply' and I trust that you, Angela, are awaiting panel views before replying. [redacted], and I think also [redacted] have met Sharon at the first Listening Event where Sharon spoke clearly and passionately. Here they are suggesting Sharon has refused to meet them. Sharon was in the room with me immediately after the first meeting when Ben was on the phone debriefing to Fiona W. I suggested then that we commission the [Redacted] as our lead link organisation into the survivors world and Sharon supported this suggestion. I also later said that I would like to go to the [Redacted] in the Midlands and meet with them to make clear that the Panel was listening. Neither of these proposals were acted upon as we were overwhelmed with fire fighting and establishing processes including the support for survivors at events which Graham and Sharon alongside Jenny, have been the loudest voices calling for action.

Sharon made a judgement that she needed to speak out last week. This does not mean that we should now behave and speak about her or any other panel member as if they are behaving improperly, to third parties. If we have collective responsibility we have to stand together through the rough and the smooth times.

In relation to the points made by [redacted] I would suggest a more measured response which I will come back to at the end.

[redacted] and [redacted] like every other survivor and group of survivors will have their opinions about what is right or wrong and it is not for us to judge that or act and respond to one group while ignoring another. As I said at our meeting with the Home Secretary there is not one single survivors voice and we will not be able to please all. The inquiry has been developed by the Panel on the basis of collective responsibility, as Ben is regularly reminding us. We cannot isolate a member now.

We know that ' the taking of evidence' means something quite different to a lawyer, to a researcher, to a member of the public and to the media. This is unfortunate but a reality. Clearly some attendees at listening events thought that they were giving us their evidence of abuse and Sharon reflected this in what she said. However this is not evidence to the inquiry in a form which would lead to a determination in the manner a Judge would envisage.

I do think the matter of how many survivors and who x or y represents is a very messy and thorny area. The underlying competitive tone of the mail from [redacted] is unhelpful. By their own words [Redacted]is "[Redacted]". Therefore it does not represent 200 organisations concerned with child sexual abuse. We do not know how many of their groups speak about CSA and I have asked before that we discuss this with them to be sure we are not getting drawn into the business of adult rape or domestic violence etc which is outside our remit. We also need to know how many of their members are from the other nations, to be sure we are not responding to ideas and needs of the other nations or Ireland where there is a different policy and legal framework for handling CSA. The failures we are committed to identify and address will not necessarily fit if we do not take care who we listen to. The art of exaggeration is a core skill for those who need funding. I understand it but it should not be applied in the situation we find ourselves in. It is important that the Inquiry
whether Judge or Panel is sure who it is vesting faith in and what the person(s) are actually representing. We do not want to fall foul of the same fault officials have done in taking the voice of individual survivors who represent no-one but themselves by their own admission or who know other survivors but have no mandate to represent them. I do believe the [Redacted] represent an important cohort and are the right organisation for us to work with but exactly who they represent in our territory also needs to be clear and correct.

I cannot agree at all that Sharon was promoting her own agenda. There is no evidence at all that Sharon has anything other than justice for victims at her heart. They are making a quite offensive assumption about her actions which we should not be seen to agree with. I can make no sense of their suggestion that some survivors will see only the Sharon Evans show as the way forward…there is no 'Sharon Evans promo show'. This is the sort of misleading prejudice we have had to deal with throughout and we must either correct it directly or ignore it.

I would like us to agree with their point that the need for a communications /media 'policy' is urgently needed. This is something which has been made clear at every meeting. It is no fault of the secretariat or the Panel or David that we still do not have one. We cannot say that publicly of course.

Finally I would like to know which Panel members met with [redacted] and Angela today? As Angela is there to support the Panel and Ben is there to advice the Panel we have to be careful that if no-one else was present that [redacted] and [redacted] do not think they have actually met the panel when they have not, only our messengers. The offer to help us with listening events is welcome but I fear we have already got several other survivor bodies helping us now as arranged by [redacted], whose noses could be taken out of joint if this is not handled carefully too.

To come back to responses to their questions. I would suggest something a little more measured could be

Had Evans agreed with the panel members she would openly criticise any future plans? do we take this as a statement from the whole panel they have no faith in the inquiry? The Panel has made no statement that it has no faith in an inquiry. If she has been taking evidence, what is the outcome of that evidence and where is the support for the victims? why is she taking evidence at listening events when we have been expressly told this is not the case? Those members of the Panel who attended Listening Events all heard from those present about their experiences and views. This can be understood as 'evidence' but in the context of the role of the Inquiry, evidence that is heard following a call for evidence will be set within a formal context determined by the Chair once appointed. The support for those who choose to share their personal experiences at Listening Events was available in the last two of the 4 events that have been held so far. The Panel regrets that it had not got the support in place at the first and second events. Anyone who is struggling as a result should contact xxxxx.

she has met 70 survivors but why is she ignoring the views of the thousands of others? At the Listening Events, all of which have been attended by Sharon, there were persons present who represented cohorts of survivors. Sharon along with other Panel members listened closely to the views of those present. More events are planned and many more survivors will be included in the communications network being established by the Secretariat. The Secretariat looks forward to keeping in touch with you and your support.
All best

Barbara

From: Ben Emmerson < >
Date: Tuesday, 6 January 2015 17:21
To: Kyle Angela < >
Cc: [Panel Secretariat]
Subject: Re: [Redacted]

Thank you for circulating this Angela. We clearly need to respond quickly, indicating that Sharon’s behaviour was unauthorised and improper, and that her views do not represent the position of the panel.

Ben Emmerson QC | Matrix Chambers

On 6 Jan 2015, at 10:33, Kyle Angela < > wrote:

Dear Panel Members and Counsel,

I should like to wish you all a Happy New Year.

This morning [Panel Secretariat] and I met with [redacted] and [redacted] of the [Redacted]. It was generally a productive meeting where we helped clarify the different roles and responsibilities of the Panel, Secretariat and Home Office and talked about the work of the panel so far - as set out in the records of meetings. [redacted] and [redacted] have offered to help us in designing the model for support for listening meetings and engagement with the Inquiry and had some useful ideas on how we can help people prepare better for attending listening meetings. They made the point quite forcefully that ideally support arrangements should have been put in place before the listening meetings took place. I think we all acknowledge that they’re right but we’re learning and want to improve. They also had some strong points to make about communications - stressing the importance of the panel speaking consistently with one voice because everything that is said and done is heard and watched and has an impact on survivors. We have agreed to meet monthly with [redacted] and [redacted].

Following the meeting, [redacted] sent me the email below. I have told her that I am sharing it with you as she has suggested. We are considering how the Secretariat should respond to the specific questions raised.

Angela Kyle

Head of Secretariat
Independent Panel Inquiry into Child Sexual Abuse

From: [redacted]
Sent: 06 January 2015 14:08
To: [redacted]; Kyle Angela; [Panel Secretariat]
Subject: RE: [Redacted]

Dear Angela,

Thank you for the meeting today. We hope it was useful.

We have only just seen this damaging report from Sharon on last night’s news and wish we could have brought it to the meeting to discuss with you. She has done more in this one interview to undermine the panel and the inquiry than any survivor or group has. She has
also said that she has 'been taking evidence' has 'no faith in any future chair' and has 'met with 70 survivors' she has changed this number after our press release highlighted she has only met 70 survivors, not the several more she claimed. We represent over 200 groups. We are deeply disappointed by her clear efforts to promote her own agenda and not respond to the concerns of survivors she claims to represent. This report will have frightened alot of survivors into believing the only way forward is to support her. It also provides incorrect information and will trigger many. In her position frankly she should have more respect for the survivors and the responsibility of her position. Astonishing considering she refuses to engage with us. I hope you are able to raise this with her. We will be contacting channel 4 to raise our concerns of what we view as irresponsible reporting, especially regarding the 'becki' video.

Our questions remain:

Had Evans agreed with the panel members she would openly criticise any future plans? do we take this as a statement from the whole panel they have no faith in the inquiry?

If she has been taking evidence, what is the outcome of that evidence and where is the support for the victims?

why is she taking evidence at listening events when we have been expressly told this is not the case?

she has met 70 survivors but why is she ignoring the views of the thousands of others?

This is clear evidence that a media/communications policy which considers survivors as a priority, not self promotion of its members, is urgently needed for the panel.

Please feel free to share this email with the panel if you wish.

We will be in touch with action points discussed today in due course,

many thanks

[redacted] and [redacted]


From: [redacted]
To: [Panel Secretariat]
Subject: RE: [Redacted]
Date: Fri, 2 Jan 2015 11:47:08 +0000

Dear [redacted] and Angela

Looking forward to meeting you both on the 6th and to the opportunity of discussing the significant concerns the [Redacted] has raised in relation to the Inquiry, including safeguarding issues.

Kind regards

[redacted]
To see final letter just sent. David is putting the statement on the website.

Have a good evening.

Angela

Angela Kyle

Head of Secretariat
Independent Panel Inquiry into Child Sexual Abuse

From: Kyle Angela < >
Date: Wed, 21 Jan 2015 17:47:47 +0000
To: [Panel Secretariat]
Cc: Ben Emmerson< >
Subject: FW: Letter to the Home Secretary from the Independent Panel Inquiry into Child Sexual Abuse

Dear [Redacted],

Please see the attached letter.

Angela

Angela Kyle

Head of Secretariat
Independent Panel Inquiry into Child Sexual Abuse

Attachments

21 Jan Panel Members to HS final

21 Jan Draft website statement
INDEPENDENT PANEL INQUIRY INTO CHILD SEXUAL ABUSE

The Inquiry Secretariat  
2 Marsham Street  
LONDON  
SW1P 4DF

www.childsexualabuseinquiry.independent.gsi.gov.uk

Rt Hon Theresa May MP  
Home Secretary  
Home Office  
2 Marsham Street  
LONDON  
SW1P 4DF

21 January 2015

Dear Home Secretary,

INDEPENDENT PANEL INQUIRY INTO CHILD SEXUAL ABUSE

As you will no doubt be aware, we find ourselves in a very difficult position. It is in the public domain that you, Home Secretary, are considering three options for the future structure of the Inquiry; and that you expect to make a decision soon about this structure and a new Chair, which will give the Inquiry much needed clarity of direction.

Additionally, and in line with the procedures set out in the Inquiries Act 2005 which the panel are following as far as possible, there are a number of significant decisions that only a Chair can make including how evidence might be taken from victims and survivors. We are concentrating on undertaking the preparatory work and thinking which will allow a Chair to make an informed decision on such issues, but this does restrict the work that the panel is able to undertake.

When you wrote to us in December, you suggested that we consider pausing our work until you had made your final decisions. At that time we decided to continue with the work of the Inquiry because we are personally committed to a successful
outcome and because we wanted to continue to engage with victims and survivors who are at the heart of our work. Recent events, and the fact that we still do not know what decision you will make with regards to the structure of the Inquiry, have prompted us to re-evaluate our position. We have concluded that, while we do not intend to pause the work of the Panel, it is unrealistic in the circumstances for us to carry on in full operational mode.

We have decided that we will meet monthly rather than weekly (our next meeting will be on 11 February); that we will continue with our working group activity - particularly focusing on issues such as options around methodology that will assist the new Chair in making decisions; and that we will delay all listening meetings until you have made your decision because we wanted to avoid a distressing situation where survivors potentially may have to take time off work and travel to tell their story a second time following the appointment of a new Chair. The decision to delay listening meetings was a particularly difficult one for us.

Finally, it is also in the public domain that certain allegations have been made about the conduct of Counsel to the Inquiry and about breach of contract by a Panel member. We understand that both matters have been considered by the Home Office, and that the Home Office did not uphold the complaint against Counsel to the Inquiry. We are clear about our roles and responsibilities as panel members but in the light of these recent events we are concerned about whether there has been a change in the interpretation of our duties in line with our contractual obligations. We are sure you will appreciate the importance we attach to performing our public roles to the highest standards and it would undoubtedly be helpful if greater clarity could be provided to ensure that we share the same understanding about our responsibilities and the consequences for any individual failure to fulfil a contractual obligation.

Yours sincerely,

Signed

[Panel]
DRAFT WEBSITE STATEMENT

The panel today, 21 January 2015, has made the difficult choice to delay all scheduled listening meetings until after the Home Secretary has made her decision on the future of the panel and has announced who will be appointed as Chair.

The purpose of the listening meetings was for the panel to hear the views of victims and survivor organisations about the work and direction of the Inquiry. However, given the uncertainty over the future shape of the Inquiry, the panel feels that all upcoming listening meetings would not fulfil that intended aim. They also understand that for some victims and survivors the decision to attend a meeting might be both difficult and courageous, and did not think it appropriate to ask them to share their views about an Inquiry where there is a lack of certainty about its future shape.

The panel would like to apologise wholeheartedly to all those people who had expected to attend the upcoming events. The panel are committed to putting the experiences of victims and survivors at the heart of the Inquiry, and will strongly recommend that the listening meetings are restarted once the Home Secretary has made her decision.

To all those people who have previously attended a listening meeting, the panel have listened to what was said and have already made changes to their ways of working. The confidential records of those meetings are held by the secretariat and will be passed to the new chair for further consideration once they have been appointed.

This decision was taken after much deliberation and discussion, and the panel did not reach its decision lightly.
From: Sharon
Sent: 22 January 2015 09:26
To: Tom
Subject: Fw: Official - Sensitive: URGENT Home Affairs Committee. Deadline noon today

Dear Tom
It occurred to me that it might be helpful for you to have sight of the briefing document which panel members were given prior to our appearance and was written by the Secretariat. There was a briefing session between 11am and 1.30 to go over these agreed lines. Ben Emmerson then sent the email reminding us we must stick to these agreed lines because of the protocol and confidentiality agreement. Some of this was agreed in panel sessions but I was very uncomfortable with being told I must stick only to these lines.
Best wishes
Sharon

From: [Panel Secretariat]< >
Date: Mon, 19 Jan 2015 12:12:48 +0000
To: [Panel Secretariat]
Cc: Ben Emmerson< >; [Panel Secretariat]
Subject: RE: Official - Sensitive: URGENT Home Affairs Committee. Deadline noon today

Hello all,

Please see attached the Q/A briefing pack which has been given to Dru and Jenny. This was produced in line with what has been agreed at panel meetings, and published on the website. We have monitored media reports to produce the “difficult questions” which HASC may ask if they want to be tricky.

For ease this briefing has been split into key messages/difficult questions, and procedural questions. The HASC committee clerk could not advise on specific questions which may be asked, but advised that they would be questioned on methodology/work to date/time line, difficulties and obstacles to the work, support for victims and survivors, and listening meetings/engagement. We know they have already picked up that the meeting scheduled for last Friday has been postponed.

It is our advice that all answers be given in the person’s own words and phraseology so these are suggested lines only – and should not be considered verbatim responses.

[Redacted], but we have been able to secure press support if it is required.

Kind Regards,

[redacted]
Independent Panel Inquiry into Child Sexual Abuse

From: Kyle Angela
Sent: 19 January 2015 12:00
To: [Panel Secretariat]
Subject: RE: Official - Sensitive: URGENT Home Affairs Committee. Deadline noon today

Dear All,

Just to confirm that following my email below, the majority vote was for Dru and Jenny to represent the Panel at HASC. We did follow up with the clerk to the committee a proposal that a third Panel member should attend (as well as Alexis) but we were advised, and the clerk raised it with the chair, that the committee does not like more than three people in front of them.

We will circulate soon the briefing pack for Dru and Jenny. We will also circulate a briefing paper which we will send to the committee later today.

Angela Kyle

Head of Secretariat
Independent Panel Inquiry into Child Sexual Abuse

From: Kyle Angela
Sent: 16 January 2015 10:51
To: [Panel Secretariat]
Subject: Official - Sensitive: URGENT Home Affairs Committee. Deadline noon today
Importance: High

Dear Panel members,

We have been giving a lot of thought to the briefing and possible questions that the Home Affairs Committee could ask on Tuesday, including how the Panel arrived at a decision on who would represent them. I think we need to be absolutely clear that the majority of Panel members support our strong recommendation that Dru and Jenny should represent the Panel. Our reasons for making this recommendation are that this can be a very tough committee; and that preparing for it at short notice best suits Panel members with previous experience of understanding how the committee works, of absorbing a lot of information in short timescales, understanding the pitfalls and anticipating lines of questioning. Dru has the most relevant experience in this regard. We also think, based on previous HASC hearings on this issue, that the Committee is highly likely to ask technical subject matter questions. Again, Jenny has relevant technical knowledge and experience. Further, both Dru and Jenny have heard directly from victims and survivors.

I need to ask for your vote by noon today on whether you agree with the Secretariat's recommendation.

Thank you.

Angela Kyle

Head of Secretariat
Independent Panel Inquiry into Child Sexual Abuse

Attachments

HASC key messages and difficult questions for panel21 Jan Draft website statement
HASC procedural questions
Key Facts
Chronology
HASC

Key Messages

• The panel acknowledges that there are uncertain circumstances which surround the Inquiry, but are committed to ensuring its success.

• The whole panel are clear that until the Home Secretary makes a decision on the chair and panel we will continue to put in place the building blocks required for a successful Inquiry.

• The panel have so far focused on putting in the place the systems and procedures to deliver this important, multifaceted, and complex Inquiry.

• During this early work of the panel, careful thinking and preparation needs to be undertaken before the substantive work is carried out. The time needs to be taken to develop a robust and fit for purpose Inquiry.

• The panel also understand that final decisions, including on evidence taking procedures and methodology, cannot be taken in advance of a chair being appointed.

• This preparatory work will assist the new Chair in his/her deliberations of this crucial issue, which we must get right in order to ensure the Inquiry achieves its intended purpose.

• It is important to remember that this could the biggest inquiry ever set up in the UK and it is crucial to spend time building strong foundations.

• An important strand of the Panel’s work to date has been focussed on consultation and engagement with victims and survivors about the shape and ways of working of the Inquiry (listening meetings).
The panel are fully supportive of the intention to give the Inquiry powers to compel evidence, and hope the Home Secretary will make her decision on the future shape of the Inquiry, and the appointment of a chair, as soon as possible.

The panel have agreed a collective responsibility protocol, and want to ensure that all statements made or information provided is reflective of the panel’s collective (or majority) view. If I think that I would breach that protocol by providing information which has not been discussed or agreed by the panel, I will write to the committee on this point.

**Difficult Questions**

**Do the statements made by individual panel members reflect the view of the whole panel?**

No, the opinions expressed by that panel member were their own.

All agreed statements made by the panel are published on our website.

**Does the panel support an individual panel member who has made public statements?**

The panel have agreed a collective responsibility protocol, to help ensure that all statements made or information provided is reflective of the panel’s collective (or majority) view.

Any statement made not in line with that protocol could not be considered as reflecting the view of the panel.

**How can the public know what is an agreed panel statement?**

All agreed panel statements are placed on the Inquiry website and sent via recognised media channels by the Inquiry’s press officer.

**Why are some matters confidential?**

Confidential meetings are important to the success of the Inquiry, as they allow for frank and open discussions, and going forward will ensure that victims, survivors, and whistle-blowers feel confident in sharing crucial evidence with the Inquiry in private.

If pressed: This committee (HASC) also take evidence in private where it would not be appropriate to make public all information that is heard.

**Do you accept it is confusing for the public that panel members are making their own statements which have not been agreed?**

The panel agreed a collective responsibility and communications protocol on 19 November 2014 as reflected in the record of the panel meeting. The panel took the
opportunity to revisit this protocol at their first meeting on 14 January 2015 to help ensure a consistent message was being given out.

Why was there a need to revisit the protocol?
To ensure that communications from the panel were agreed and consistent.

Why did a panel member make a public statement?
Those questions need to be addressed to the panel member concerned.

What action has the panel taken against panel members who have breached the collective responsibility protocol?
The panel has met and discussed the collective responsibility protocol again and what obligations this puts on panel members.

If pressed: any panel discussions on this issue would be considered confidential and cannot be discussed here.

What about X issue which we have read about in those public statements?
Confidential meetings are important to the success of the Inquiry, as they allow for frank and open discussions, and going forward will ensure that victims, survivors, and whistle-blowers feel confident in sharing crucial evidence with the Inquiry in private.

In line with the panel’s agreed collective responsibility protocol and principle of confidentiality it would not be appropriate to comment further on X issues except in reference to what the panel has already made public on this issue.

Why did a panel member make a public statement?
Those questions need to be addressed to the panel member concerned.

Why is X panel member not appearing in front of HASC today?
The committee asked for only two panel members, of our choosing, to appear in front of HASC. The panel took the decision that Dru Sharpling and Jenny Pearce should attend on behalf of them.

If pressed: Dru has experience of carrying out reviews into institutional failings related to CSA (HMI). Jenny is a subject matter expert, and has past Inquiry experience (OCC). Both sit on the methodology working group so will be able to respond to technical questions.

Is a breach of the collective responsibility protocol a breach of contractual terms and conditions?
This is a matter for the Home Office.
Will the Home Office sue you if you speak out?

A decision on whether to bring legal action is a matter for the Home Office.

Many survivors want the panel to be scrapped and for the Home Secretary to start again, can you continue without their support?

The panel are committed to the success of the Inquiry, in whatever form it might take. The panel have so far focused on putting in the place the systems and procedures to deliver this important, multifaceted, and complex Inquiry, and to meet as many victims and survivors in the short time frame since the panel were appointed.

So why have you cancelled your listening meetings for survivors if they are so important to you?

We are in uncertain, exceptional circumstances and we agreed on balance not to cancel the meeting in Birmingham last week but to postpone until things are a little clearer. We are making arrangements to reschedule the Birmingham meeting to March 13th. We are committed to run the meeting in York this coming Friday but we will review this position on a week by week basis, making our final decision on Wednesday.

So has the postponed not being highly inconvenient for those that had planned to attend?

We appreciate that and are very sorry for the inconvenience and I assure you we did not take the decision lightly. We have offered priority places to those that had planned to attend in Birmingham and we have agreed to reimburse their travel expenses.

It has been reported in the press that you cancelled Birmingham because you didn’t have safeguarding support in place.

That is incorrect. Representatives from Inspire You Me and Us and Survivors Manchester were briefed and poised to attend. Survivors Manchester instead came to London to meet with our website developers and provided some excellent input.

So when are and where are these listening meetings?

We have 8 listening meetings planned, which will take place every Friday during this next phase of listening. We will meet with victims and survivor groups as far north as Carlisle and as far south as Plymouth, with two meetings scheduled to take place in Wales. The Birmingham meeting will be rearranged after the 6th of March.
Complaints have been made about the appropriateness of X person to sit on the panel; do you support that person’s continued position on the panel?

I fully support the panel as a whole and I am committed to the success of the Inquiry.

*If pushed: if I felt that a panel member had behaved improperly I would raise this matter in private with the chair once appointed.*

**Do you believe that X person has behaved improperly, and if so how have you made your views known?**

If I felt that a person had behaved improperly I would raise that with the chair, once appointed, or if necessary the Home Secretary. It would not be appropriate to discuss publically whether I have already done so, or have the intention of doing so.

I fully support the panel as a whole and I am committed to the success of the Inquiry.

**What is the progress regarding the appointment of a chair?**

As the committee is aware, this is rightly a matter for the Home Secretary and it is not for the Independent panel to comment in this regard.

**Are the panel going to be disbanded?**

This is a matter for the Home Secretary, and I understand that she gave evidence to this committee on that point before Christmas.

**Do you think that the panel should be disbanded?**

The panel agreed not to pause their work in advance of the Home Secretary making a decision as to the future shape of the Inquiry. The panel is committed to its work and to the success of the Inquiry.

The panel recognise that there are critics of the panel, but also that there are supporters and will accept any eventual decision by the Home Secretary.

**Are you distressed that the Home Secretary might disband the panel?**

I agreed to be a member of this panel because I believe the Inquiry is incredibly important, and that I could make a valuable contribution to its success.

I was/was not distressed by her announcement (it is up to you Jenny/Dru/Alexis to say how you felt)

**Will you reapply to be a panel member?**

That is a personal matter and I do not feel it appropriate to comment.

**From what you say it doesn’t sound like the panel has done much work**
The panel first met on 12 November 2014, and in the space of two months, the panel have so far focused on putting in the place the systems and procedures to deliver this important, multifaceted, and complex Inquiry.

During this early work of the panel, careful thinking and preparation needs to be undertaken before the substantive work is carried out. The time needs to be taken to develop a robust and fit for purpose Inquiry.

An important part of this work has been consultation and engagement with the victim and survivor community through our listening meetings.

**Are you telling us that although the Inquiry was announced in July, no work was started until mid November?**

The panel in full was only announced on 21 October 2014 and met as soon as practically possible on 12 November 2014.

Any preparatory work done in advance of the appointment of the full panel is a matter for the Home Office.

**Why has the panel not made many public statements?**

The panel are focussing on meeting and listening to victims and survivors, they have also made 2 public statements that are available on our website. Communication is an important facet of the Panel’s work to date which is not just restricted to making public statements. The Panel’s website provides updated information on the work of the Panel.

The Secretariat has also been meeting with survivors and organisations individually on behalf of the panel.

**Why haven’t you started taking evidence?**

The panel is following the procedures set out in the Inquiries Act as far as possible. Under the Act, the chair has the responsibility for determining evidence taking procedures. The panel will not pre-empt that decision.

Instead, the panel have so far focused on putting in the place the systems and procedures to deliver this important, multifaceted, and complex Inquiry.

**So, are listening meetings not about taking evidence?**

No, listening meetings are designed to listen to the views of victims, survivors and their representatives.

If a person discloses details of their abuse this will be logged by the secretariat and may form a line of inquiry. That person may also be contacted by the panel in due course to provide formal evidence once our evidence taking procedures have been agreed.
What do you mean when you say that victims and survivors experiences are at the heart of the inquiry?

The panel want to engage with victims and survivors throughout the life of the Inquiry.

The panel have already held listening meetings with victims and survivors, and themed meetings with subject matter experts.

The secretariat has run targeted focussed groups with survivors.

The panel have set up a working group to consider how to engage more effectively with victims and survivors, including by developing a network of victims and survivors.

You say that it is business as usual, but you postponed last Friday’s listening meeting, are you just going through the motions?

Given the uncertainty over the future shape of the Inquiry, the panel took the regretful and difficult decision to postpone the meeting. This was not an easy decision for the panel.

All future meetings will be considered on a week by week basis, until a decision has been made by the Home Secretary.

The panel continues to meet as a whole, and to share their knowledge and expertise with the secretariat individually, and in working groups, to put in place the building blocks for a successful inquiry. We continue to hear and respond to questions, and information provided through our website.

If pressed: The panel recognise that there are some decisions which cannot be taken in advance of a chair being appointed, including on evidence taking procedures and ways of working.

Is it true the listening meeting was cancelled because you had no support in place for survivors?

No. We have secured safeguarding support for our next phase of listening meetings; this would have included the meeting that has been postponed. (Details in factsheet).

Fiona Woolf’s letter was re-written 7 times, how many times was yours re-written?

Any amendments which were made to the initial draft of my letter were made to ensure factual accuracy. It is not unusual to be provided support in drafting letters.

Who told you that special advisers would brief against you?
Refer to confidential question above

Do you have faith in a future Inquiry?
Yes

What about advisory groups/panel made up of victims and survivors?

The panel have already agreed to put the experiences of victims and survivors at the heart of the Inquiry and want to ensure that this is done in the most effective way possible. The panel are clear that the appointment of expert advisers/groups can only be done by the chair, in consultation with the Home Secretary if appropriate, and cannot pre-empt those decisions being made.

If pressed: I cannot comment on what the Home Secretary/officials have said on this point.

Why didn’t you put support in place before you started listening meetings?

One of the top priorities for the Panel is to ensure that support is in place for all the routes by which a person might engage with the Inquiry, including at listening meetings.

The panel have ensured that support was available for the third and fourth meetings, and have taken on board the thoughts of victims and survivors that there should be a gender balance of those providing the support.

It has already secured safeguarding support, drawn from the survivor group community itself, for all the next phase of 7 weekly listening meetings it has scheduled.

Why haven’t you been more vocal in responding to critics?

The panel welcomes the views of all those people who have an interest in the work of the Inquiry whether those views are positive or critical.

There is not an agreed position amongst survivors as to the current panel, future shape of the Inquiry, or what their expectations are.

The panel feel that it would detract from the important work of the Inquiry, to respond to all critics individually. Communication is an important facet of the Panel’s work to date however this is not just aimed at continually responding to criticism.

The goal of the panel is to deliver a robust and hard-hitting Inquiry.

If pressed: a lot of criticism which is directed at the Inquiry relates to matters which are the responsibility of the Home Office, and the panel cannot respond.

Who has been acting as chair?
No person has been acting as chair. Counsel to the Inquiry, and Sharon Evans have both facilitated panel meetings. The panel are taking decisions as a collective (or majority).

**Why is there no Welsh Representative on the panel?**

The panel selection is a matter for the Home Office.

**How will you engage with Wales?**

During our next round of listening meetings, we propose that a number of meetings will take place in Wales. The secretariat is also talking to the Welsh Government.

Should the panel and chair need Welsh expertise, we would consider appointing an expert adviser.

**Has the Home Office interfered in the work of the panel?**

The Home Office has not interfered in the work of the panel.

**How much has the Home Office tried to influence/or influenced the work of the Panel?**

The panel is not aware of any way that the Home Office has tried to directly influence the work of the panel.

Of course the decision of the Home Secretary on the future shape of the Inquiry, and the appointment of the Chair will impact the work of the panel.

**Some say the Inquiry and Panel members are not truly independent as you have all been appointed by the Home Office and cannot move forward in your work unless the Home Office says so.**

This is incorrect. The work of the Inquiry and that of panel members is independent of the Home Office.

**But some say that it isn’t independent as it is staffed by Home Office officials. Do you think the Home Office is controlling the Inquiry from within?**

No, absolutely not. All staff are drawn from across Government departments. At present a significant proportion are staff on loan from the Home Office, but our Press officer is an independent contractor and we are seeking more staff from all different environments.

**So, you will take staff on loan from outside government?**

Yes, if necessary. We want the right staff with the right skills to help us deliver this very important work.

**Has the Home Office coached you for this session?**
No

**Who has coached you for this session?**

Briefing was provided in advance of the session, by the secretariat.

**How long is the Inquiry expected to last?**

The methodology and likely timeframe will be a decision for the chair. The panel have focussed on putting in the place the systems and procedures to deliver this important, multifaceted, and complex Inquiry.

The balance needs to be struck between digging deep into the horrific institutional failures, but with ensuring a timely Inquiry which makes recommendations for improvement as soon as possible.

If pressed: the australian royal commission, which is of comparable scope, is projected to take 5 years.

**Did the panel hear that police did not have sufficient resources to cope with increased referrals?**

Panel discussions are confidential.

If pressed: it is a matter of public record that the police have said they do not have sufficient funding or resources to investigate crimes of this nature.
Consultation

How are you engaging with victims and survivors of child sexual abuse?

The panel have agreed to put the experiences of victims and survivors at the heart of the Inquiry.

We have prioritised meeting with victims and survivors and their representative organisations, and have undertaken 4 listening meetings so far across England to meet victims/survivors and their representatives. Further meetings are scheduled for 2015 in 8 new locations across England and Wales between now and March.

What is the purpose of the listening events?

The purpose of the listening meetings is to engage with victims and survivors organisations. The panel are there to listen to the views of survivors on how they want the work of the Inquiry to go forward, what they think the direction should be and how they want to be kept abreast of its progress.

How many people have attended these meetings?

72 people have attended so far.

What safeguarding measures have you put in place for these meetings?

The panel is considering the most effective way to support victims and survivors in all the ways they might engage with the Inquiry, including when giving evidence.

The secretariat are consulting with safeguarding support professionals, and organisations who have provided wide spread support in this process.

In the short term, it has set up a small pool of safeguarding support professionals to provide support at the next phase of 8 listening meetings. We will have two safeguarding support staff at each meeting.

Who are these safeguarding support providers?

Survivors Manchester, The Southmead Project in Bristol and Inspire U me and Us. We are also in discussions with the Survivors Alliance who have identified a 4th organisation to assist us. They are all trained safeguarding professionals and will travel with us to all the listening meetings across the country.

Some survivors have told us that you are not meeting with them is that true?

Unfortunately the number of people in England and Wales who have been sexually abused as children is incredibly large; it will take the panel some time to meet with all interested parties.

The panel are committed to engaging with victims and survivors throughout the course of the Inquiry.
How have victims and survivors views been taken into account?

We have modified the language on our website to take account of victims and survivors concerns, for example we have removed the word historic following feedback from the listening meetings.

Victims and survivors have asked us to keep the listening meetings small in size in order for them to feel comfortable in sharing their views and so we have done that.

We have also responded to the suggestion that we have two safeguarding support at each meeting to reflect the gender balance and we have responded to that as well.

What about those people which oppose the panel?

The panel recognises that there are people who oppose not just the panel, but also the process by which the Inquiry was set up. The panel will listen to views to ensure a successful Inquiry.

The panel agree that the Inquiry should have powers to compel evidence.

The panel think that the Home Office should provide information as to how they were appointed. The panel do not hold this information, but would like to be able to provide it if asked.

What else will you do to engage with survivors?

Survivor groups are helping us develop our new website. We held two very productive focus groups over the last week with representatives and our website developers. The panel is developing its approach on the most effective ways to engage with survivors. It is using the views raised at listening meetings to feed into that process.

How can survivors contact the Inquiry?

Through the contact us portal on the website.

Ways of Working

Do you have a communications strategy?

The panel have agreed a collective responsibility and external communications protocol.

How are decisions taken?

As far as possible collective decisions are made by the panel, where there is a difference of opinion a majority decision will be taken.

Does the counsel to the Inquiry have a vote in decisions?
No, the counsel to the Inquiry is there to advise the panel.

**How often will you meet?**

Before Christmas the panel met weekly. The panel has now agreed to meet fortnightly.

Panel members will also attend working group meetings, and provide individual advice to the secretariat, as appropriate. They also attend listening meeting on a rotational basis.

**How many reports have you read?**

The panel have been provided with a number of reports, including that written by Alexis Jay.

**How many documents have you asked for?**

The panel is following the procedures set out in the Inquiries Act as far as possible. Under the Act, the chair has the responsibility for determining the procedure and conduct of the inquiry (which would include what information should be sought and from which organisations, in line with the terms of reference). The panel will not pre-empt that decision.

**Have you started taking evidence?**

No we have not. The panel is following the procedures set out in the Inquiries Act as far as possible. Under the Act, the chair has the responsibility for determining the procedure and conduct of the inquiry, which would include evidence taking procedures. The panel will not pre-empt that decision.

However, the panel are clear that the process of taking evidence (once decided on by the chair), should be as flexible and directed to the needs of witnesses in particular victims and survivors as far as possible.

**What have you done so far?**

See fact sheet.

The panel has also set up working groups to look at specific issues, including methodology, survivor support, and engagement.

**What are your priorities?**

Victim and Survivor Support.

Listening Meetings.

Engagement with victims and survivors.
What are the building blocks that need to be put in place.

Infrastructure.

Victim and Survivor support.

Document gathering tools and management.

Ways to catalogue and analyse information.

Ways to engage with victims and survivors.

Why were the building blocks not put in place before you first met?

That is a matter for the Home Office.

How long is the Inquiry expected to last?

The methodology and likely timeframe will be a decision for the chair. The panel have focussed on putting in the place the systems and procedures to deliver this important, multifaceted, and complex Inquiry.

The balance needs to be struck between digging deep into the horrific institutional failures, but with ensuring a timely Inquiry which makes recommendations for improvement as soon as possible.

If pressed: the Australian Royal Commission, which is comparable in scope, is projected to take 5 years.

Expert Advisers

What is the role of the expert adviser?

The role of expert advisers is to provide advice and guidance on specific areas of the Inquiry’s work. Expert advisers will not oversee the work of the panel.

Is that what Prof Jay was advised by the Home Office?

For Alexis to respond.

How many meetings has she attended?

Alexis has attended one panel meeting and further methodology working group meetings.

What contribution has she made?

Alexis shared her experiences and lessons learned from her eminent report into CSE in Rotherham. The panel found this incredibly useful and informative.
Alexis has further provided more targeted expertise to the methodology working group.

**Have you considered other expert advisers?**

The panel discussed the role of expert advisers more generally, and agreed that they could not make a formal decision on this point in the absence of chair, or until the methodology had been set.

**Scope of the Inquiry**

**What is the scope of the inquiry? Will it include – x,y,z**

The terms of reference have been published which set out the scope of the Inquiry. It will be for the Chair, once appointed, to decide our methodology including where we will seek information from. I cannot not pre-empt this decision being made.

To note – you should avoid giving a definitive response to whether a particular institution would be in scope.

**The Terms of Reference only extend to England and Wales, why not Scotland or Northern Ireland?**

The Terms of Reference were set by the Home Secretary.

**Why are the awful allegations of institutional cover-up in relation to child sex abuse at the Kincora Boys Home not being dealt with by your inquiry?**

The ToR were set by the Home Secretary.

*If pressed: I understand that the Secretary of State for Northern Ireland has made a statement on this issue.*

**Have the terms of reference been agreed?**

Yes – these have been published on our website.

**What input have the panel had into the ToR?**

The Terms of Reference are set by the Home Secretary.

**What do you think the inquiry will actually achieve that other inquiries have not?**

To my knowledge there have been no other Inquiries of this magnitude and status. All other Inquiries or reviews look at a much more limited incidence or time frame.

This Inquiry will look at any and all institutions in England and Wales, and will establish a picture from across all of these organisations. It will make
recommendations based on individual failures, institutional failures and a sum total of failures.

Can we have a full commitment this inquiry will look at what happens in the heart of power?

The terms of reference are clear on this point. The Inquiry will be able to look a Government Institutions, Political Parties, Parliament and the Whips Office. The final decision on methodology is a matter for the chair once appointed.

Will the panel have the power to compel evidence?

The Home Secretary has been clear that she will convert the Inquiry to a statutory Inquiry or Royal Commission with powers to compel evidence. That would mean that witnesses could be compelled to give evidence, should that become necessary.

Will victims and survivors be forced/compelled to give evidence?

No. Victims and survivors can decide how to engage with the Inquiry including whether they wish to give evidence once the chair has decided on the methodology/ways of working for the inquiry.

When do you expect to report?

The Home Secretary has committed to update Parliament before the next election. The panel intend to produce a summary report before March.

What confidence do you have that you will be able to access the files you need?

As the Home Secretary has said “the inquiry panel will have access to all the government papers, reviews and reports it needs. Subject to the constraints imposed by any criminal investigations, it will be free to call witnesses from organisations in the public sector, private sector and wider civil society.”

Will you have access to documents held by the security service?

As the Home Secretary has said “the inquiry panel will have access to all the government papers, reviews and reports it needs. Subject to the constraints imposed by any criminal investigations, it will be free to call witnesses from organisations in the public sector, private sector and wider civil society.”

This could include those held by the Security Service. The caveat is that where there is intelligence material then care will need to be taken with the way in which it is handled.

Appointment as Panel Member

When were you first approached?
To note - you will be provided with a time line for your appearance at HASC. If there is any doubt over exact dates it would be better to offer to write.

**What experience do you have of working with survivors of abuse?**

To add per panel member.

**Safeguarding and support**

**Will victims and survivors be supported when they give evidence?**

The panel are clear that victims and survivors should be supported if and when they give evidence to the Inquiry.

**How?**

The panel is following the procedures set out in the Inquiries Act as far as possible. Under the Act, the chair has the responsibility for determining evidence taking procedures. Until the panel know what the evidence taking procedures the exact mechanism for support cannot be defined.

**Will they have to pay?**

No.

**Will the Inquiry pay providers?**

The Inquiry will pay for the services it directly contracts.

**What about the increase in requests for support which are being felt by support organisations?**

The panel understands that the Home Office has recently made available additional funding for support organisations. If any organisation wants to apply for this funding, they should contact the Home Office.

**Police Referrals**

**Will information be treated in confidence?**

Yes, unless there are safeguarding concerns which would mean that information must be shared with the police.

**When will information be shared with the police?**

- A crime has been committed or any such criminal activities may be ongoing
- A risk of serious injury or to any person’s life exists – either to the victim and/or survivor or to any other person(s), including any alleged offender(s):
• It appears there may be circumstances whereby children or vulnerable adults may be at risk of abuse from any alleged offender(s) or other person(s), or:

• Where the law requires such disclosure

In addition, the Terms of Reference set out at that all information provided to us relating to child sexual abuse received by the Inquiry (including by individual members of the panel or the Secretariat) should be passed to the police.

**What will the police do?**

All information received will be passed to an independent policing team which has been set up the national policing lead for Child protection. The central policing team will then disseminate information to the relevant home force for follow up with the individual concerned.

[Redacted]
Key Facts

Meetings

Number of panel meetings – 7
Date of first panel meeting – 12 November.
Working Group meetings – 1 (stakeholder), 3 (methodology), 2 (victim support), 1 (web development)
Number of listening meetings – 4
Date of first listening meeting – 31 October.
Focus Groups with survivors – 2 (web development)
Meetings with Alexis Jay – 1 full panel, 1 methodology.

Costs

Panel pay – administrative matter for the secretariat
Budget – administrative matter for the secretariat.

Priorities

Victim and survivor safeguarding Support
Engagement and consultation with survivors and other partners.
Importance of putting proper systems and procedures in place.

Guest Speakers

Secretariat staff from the Hillsborough Inquiry – provided information and learning to the panel, specifically about that the families of victims of Hillsborough were put at the heart of the Inquiry.

Deputy Children’s Commissioner - Sue Berelowitz, the Deputy Children’s Commissioner, attended the panel following an invitation to provide advice on conducting an inquiry based on her experience of chairing the OCC’s Inquiry into Child Sexual Exploitation in Gangs and Groups, and their current Inquiry into sexual abuse within a family environment.

Sue Berelowitz provided a summary of both Inquiries and the good practice that had been developed with the first Inquiry, and which was being implemented in the second. She also spoke about the practical ways of working of each Inquiry, including how the OCC researched, obtained and analysed information. Given the sensitivity of the subject matter, she emphasised the importance of an emotionally
intelligent process which promotes and protects the psychological health of all those involved, whether on the panel, the secretariat or giving evidence.

The panel were interested to hear about how evidence was taken from children and young people, and other vulnerable witnesses, and the safeguarding procedures which were in place

**National Policing Lead for Child Protection** - CC Simon Bailey attended the Panel meeting today to begin initial discussions on how cooperation between the Panel and the Police could be taken forward in the field of child sexual abuse and child sexual exploitation.

**Summary of ARC**


Three pronged approach – taking testimony (peoples experiences in public and private), research (tendered to academics), case studies across different sectors (21/50 done).

Consultative policy making

Budget - $0.5 billion

Secretariat - 270 staff (including 10 junior counsel).

**Listening Meetings**

No. of attendees - 72 (organisations and individuals)

Positive feedback – 99% of evaluations forms received.

Survivor Safeguarding Support – pool established of 3 organisations for upcoming listening meetings. (Survivors Manchester, the Southmead Project, Inspire 4 U Me Us).

**Methodology (agreed first steps – as set out in record of meeting of 26 November).**

a) Form methodology working group (Dru, Jenny, Ivor and Alexis).

b) Undertake exercise to define institutions which should be considered by the Inquiry.

c) Define what terminology the Inquiry will use.

d) Map child protection legislative and policy changes since 1970s.

e) For the secretariat to begin discussions with state and non-state institutions about accessing documents and records.
**Police Procedure**

The Inquiry must ensure that robust safeguarding procedures are followed. Therefore, information will be shared with the police if:

- A crime has been committed or any such criminal activities may be ongoing;
- A risk of serious injury or to any person’s life exists – either to the victim and/or survivor or to any other person(s), including any alleged offender(s);
- It appears there may be circumstances whereby children or vulnerable adults may be at risk of abuse from any alleged offender(s) or other person(s);
  
  Or;

- Where the law requires such disclosure.

The Terms of Reference set out at that all information provided to us relating to child sexual abuse received by the Inquiry (including by individual members of the panel or the Secretariat) should be passed to the police. Otherwise as outlined above, all other information provided to the Inquiry, will be treated in the strictest confidence. The Secretariat will decide on case by case basis whether or not they will also forward to the Police, any personal contact details of the individual who has provided the information.
Chronology

7 July 2014 – Home Secretary announces Inquiry

8 July 2014 – Baroness Butler Sloss announced as Chair

14 July 2014 – Baroness Butler Sloss resigns

5 September 2014 – Dame Fiona Woolf announced as Chair. Barbara Hearn OBE and Graham Wilmer MBE announced as Panel Members. Ben Emmerson QC announced as Counsel to the Inquiry. Prof Alexis Jay announced as expert adviser

21 October 2014 – Full panel announced, and Terms of Reference published

21 October 2014 – Secretary of State for Northern Ireland makes a statement on the inclusion of Kincora in the CSA Inquiry

31 October 2014 – First listening meeting with victim and survivor representatives (London). Discussion focuses on suitability of Fiona Woolf to Chair the Inquiry.

31 October 2014 – Fiona Woolf resigns as Chair, and the Home Secretary makes a statement accepting that resignation

5 November 2014 – Home Secretary makes a statement to the House on the future of the Inquiry

7 November 2014 – Listening Meeting (Oval)

12 November 2014 – First panel meeting.

5 December 2014 – Listening Meeting (Bristol)

12 December 2014 – Listening Meeting (Manchester)

15 December 2014 – Home Secretary appears at HASC and gives three options for the future of the Inquiry.

14 January 2015 – First panel meeting of the year

23 January 2015 – Next listening meeting (York).

28 January 2015 – Next Panel meeting.
Dear Tom

I am sorry to send you yet another email as I am aware that I have sent a great deal of information to Mr Vaz already. However, it occurred to me that I sent you what I had delivered to the Home Office as evidence, but I don't think I sent you the original complaint which I sent to the Home Secretary's office. I hope Mr Vaz will be able to read this in advance of Ben Emmerson's appearance. As you will see below I complained about Ben Emmerson's conduct in relation to the independence of the panel. I also said I felt intimidated by him, but you will note that Mary Calum and the Home Office focussed only on turning this into an investigation into bullying which they judged by Home Office bullying procedure as the panel has no procedure. They did not address my other concerns which I feel I clearly evidenced in the emails I presented to them. In a way the bullying investigation feels like a red herring so we do not look at how he stepped outside of his remit in relation to other matters.

I have no other information to send, but felt it was important that Mr Vaz saw my original complaint.

Thank you for everything you have done to assist me.

Sharon

---------- Original Message ----------
From: sharon
To: [Redacted]
Date: 07 January 2015 at 11:33
Subject: Fw: [Redacted]

Dear [Redacted]
Please see the email sent below to Ben Emmerson QC to the independent inquiry panel on child sexual abuse.
I want to make to make an official complaint about his conduct.
I hope you can assist me on this matter and hope to hear from you today.
Best wishes
Mrs Sharon Evans

Sent from my BlackBerry® wireless device

From: Sharon
Date: Wed, 7 Jan 2015 11:23:23 +0000
To: Ben Emmerson; Barbara Hearn
ReplyTo: sharon
Cc: [Panel Secretariat]

Subject: Re: [Redacted]

Ben
The content of your latest email is noted, however, I do not agree and I refute the points made.
It is my honestly held belief that the emails you have sent to me have been without a shadow of doubt in my mind intended to frighten and intimidate me.

In my view this awful bullying behavior is not acceptable and I will not accept this and I intend to take this further if it does not stop. Whether you agree or not, the emails have caused me to feel extremely distressed, alarmed and harassed. It is only the support of other panel members that has helped me through this.

I signed up to serve my country, this level of aggressive intimidation and shoddy behavior to a panel member and a survivor is unacceptable. It is very sad that you feel it necessary to behave this way bearing in mind your position in life and the fact that you are more than aware of my personal circumstances in relation to my appointment. I request that you desist from sending me these aggressive emails.

I refute your allegations that I spoke on Channel 4 news on behalf of other panel members. ITV lawyers who also watched the broadcast and confirmed in their opinion I spoke only on behalf of myself and expressed only my own opinions.

I believe your influence prevented 6 of the 8 panel members to send a letter to the Home Secretary this was the reason I wrote to the Home Secretary about my views because I felt they would be helpful. I also shared her letter and my reply to this letter with my MP because I was extremely distressed and upset by your threats to brief against me and my charity. I consider this speaking up for myself and protecting myself and my family. I do not consider that a breach of contract.

I am also concerned that all media comment has been completely controlled by you and this was never a collective decision made by the panel. I am also concerned that you have behaved as if you were the chair and are telling the panel what to do, and not simply advising. You are re-writing panel members' letters and vetting their content.

Most concerning have been the attacks on panel members, who have been abused and threatened to the point of informing the panel that they felt it might be necessary to report the matter to police.

Even though we were all in agreement of an intention for openness and transparency, there is no evidence that you took any positive steps to protect or defend their position. I was again concerned when you directed Dave Jervis not to put out a press statement to the Observer to defend Graham Wilmer.

For the avoidance of doubt I personally with Graham's support arranged counselling and support for Becky as the Secretariat at this point had no ongoing safeguarding in place for victims and survivors other than Home Office counsellors at listening meetings.

For the record I have had only very positive feedback from survivors and victims regarding my interview on Channel 4 apart from [Redacted] and [Redacted] but that is only to be expected.

During my interview I did not criticise the chair, I merely asked the Home Secretary to honour her promise which was conveyed to panel members many times by you, that a chair would be chosen from the 100 names and the panel was in place for the long term and the new chair would request the inquiry to convert to statutory.
I intend to remain a member of the panel until told otherwise.

Yours sincerely

Mrs Sharon Evans

Sent from my BlackBerry® wireless device

From: Ben Emmerson >
Date: Tue, 6 Jan 2015 16:58:51 -0500
To: Barbara Hearn>
Subject: Re: [Redacted]

Dear Barbara,

I am afraid I am bound to correct what you have said. Sharon did not make a "choice" that was open to her. She acted in breach of her contract and in defiance of the agreement on collective responsibility reached by the panel. Her actions were improper and unauthorised.

Readers and viewers have naturally assumed that she speaks with some form of authority, and have imputed her views to the panel. Despite being fully aware of this risk, Sharon once again made no effort during her C4 interview yesterday to explain that she was speaking only for herself, and without the authority of other panel members.

This has now made it necessary for the Inquiry to distance itself from Sharon's conduct.

[Redacted] is an important stakeholder. They have asked the direct question whether Sharon had the agreement of other panel members before criticising the inquiry and its legitimacy in the way that she did. That question now needs to be answered in the negative: Sharon did not have the agreement of other panel members. Her actions were unauthorised and improper.

There is no question of maintaining collective responsibility for Sharon's actions, as you suggest. The whole point about collective responsibility (and the relevant contractual obligations) is that individual panel members agreed not to disclose information gleaned in the course of their appointment without consent, or to comment in or on the media about matters related to the Inquiry.

Sharon acted unilaterally and in breach of her duties and responsibilities as a member of the panel. I will not allow the Secretariat (or other panel members) to be pressured into sheltering Sharon from the consequences of her own actions. A full and truthful answer to the questions asked by ST requires the Secretariat (on behalf of the panel) to repudiate Sharon's conduct.

[In the unlikely event that any panel member in fact gave Sharon authority to speak on their behalf during her C4 interview yesterday, please clarify this immediately].

Ben Emmerson QC| Matrix Chambers

On 6 Jan 2015, at 13:46, Barbara Hearn > wrote:
Angela/Ben and Panel members, I would think a more considered reply would be appropriate than a ‘quick reply’ and I trust that you, Angela, are awaiting panel views before replying. [redacted], and I think also [redacted] have met Sharon at the first Listening Event where Sharon spoke clearly and passionately. Here they are suggesting Sharon has refused to meet them. Sharon was in the room with me immediately after the first meeting when Ben was on the phone debriefing to Fiona W. I suggested then that we commission the [Redacted] as our lead link organisation into the survivors world and Sharon supported this suggestion. I also later said that I would like to go to the [Redacted] in the Midlands and meet with them to make clear that the Panel was listening. Neither of these proposals were acted upon as we were overwhelmed with fire fighting and establishing processes including the support for survivors at events which Graham and Sharon alongside Jenny, have been the loudest voices calling for action.

Sharon made a judgement that she needed to speak out last week. This does not mean that we should now behave and speak about her or any other panel member as if they are behaving improperly, to third parties. If we have collective responsibility we have to stand together through the rough and the smooth times.

In relation to the points made by [redacted] I would suggest a more measured response which I will come back to at the end.

[redacted] and [redacted] like every other survivor and group of survivors will have their opinions about what is right or wrong and it is not for us to judge that or act and respond to one group while ignoring another. As I said at our meeting with the Home Secretary there is not one single survivors voice and we will not be able to please all. The inquiry has been developed by the Panel on the basis of collective responsibility, as Ben is regularly reminding us. We cannot isolate a member now.

We know that 'the taking of evidence' means something quite different to a lawyer, to a researcher, to a member of the public and to the media. This is unfortunate but a reality. Clearly some attendees at listening events thought that they were giving us their evidence of abuse and Sharon reflected this in what she said. However this is not evidence to the inquiry in a form which would lead to a determination in the manner a Judge would envisage.

I do think the matter of how many survivors and who x or y represents is a very messy and thorny area. The underlying competitive tone of the mail from [redacted] is unhelpful. By their own words [Redacted] is "[Redacted]". Therefore it does not represent 200 organisations concerned with child sexual abuse. We do not know how many of their groups speak about CSA and I have asked before that we discuss this with them to be sure we are not getting drawn into the business of adult rape or domestic violence etc which is outside our remit. We also need to know how many of their members are from the other nations, to be sure we are not responding to ideas and needs of the other nations or Ireland where there is a different policy and legal framework for handling CSA. The failures we are committed to identify and address will not necessarily fit if we do not take care who we listen to. The art of exaggeration is a core skill for those who need funding. I understand it but it should not be applied in the situation we find ourselves in. It is important that the Inquiry whether Judge or Panel is sure who it is vesting faith in and what the person(s) are actually representing. We do not want to fall foul of the same fault officials have done in taking the voice of individual survivors who represent no-one but themselves by their own admission or who know other survivors but have no mandate to represent them. I do believe the [Redacted] represent an important cohort and are the right organisation for us to work with but exactly who they represent in our territory also needs to be clear and correct.
I cannot agree at all that Sharon was promoting her own agenda. There is no evidence at all that Sharon has anything other than justice for victims at her heart. They are making a quite offensive assumption about her actions which we should not be seen to agree with. I can make no sense of their suggestion that some survivors will see only the Sharon Evans show as the way forward...there is no 'Sharon Evans promo show'. This is the sort of misleading prejudice we have had to deal with throughout and we must either correct it directly or ignore it.

I would like us to agree with their point that the need for a communications /media 'policy' is urgently needed. This is something which has been made clear at every meeting. It is no fault of the secretariat or the Panel or David that we still do not have one. We cannot say that publicly of course.

Finally I would like to know which Panel members met with [redacted] and Angela today? As Angela is there to support the Panel and Ben is there to advice the Panel we have to be careful that if no-one else was present that [redacted] and [redacted] do not think they have actually met the panel when they have not, only our messengers. The offer to help us with listening events is welcome but I fear we have already got several other survivor bodies helping us now as arranged by [redacted], whose noses could be taken out of joint if this is not handled carefully too.

To come back to responses to their questions. I would suggest something a little more measured could be

Had Evans agreed with the panel members she would openly criticise any future plans? do we take this as a statement from the whole panel they have no faith in the inquiry? The Panel has made no statement that it has no faith in an inquiry.

If she has been taking evidence, what is the outcome of that evidence and where is the support for the victims?why is she taking evidence at listening events when we have been expressly told this is not the case? Those members of the Panel who attended Listening Events all heard from those present about their experiences and views. This can be understood as 'evidence' but in the context of the role of the Inquiry, evidence that is heard following a call for evidence will be set within a formal context determined by the Chair once appointed. The support for those who choose to share their personal experiences at Listening Events was available in the last two of the 4 events that have been held so far. The Panel regrets that it had not got the support in place at the first and second events. Anyone who is struggling as a result should contact xxxxx.

she has met 70 survivors but why is she ignoring the views of the thousands of others? At the Listening Events, all of which have been attended by Sharon, there were persons present who represented cohorts of survivors. Sharon along with other Panel members listened closely to the views of those present. More events are planned and many more survivors will be included in the communications network being established by the Secretariat. The Secretariat looks forward to keeping in touch with you and your support.

All best Barbara

From: Ben Emmerson < >
Date: Tuesday, 6 January 2015 17:21
To: Kyle Angela >
Subject: Re: [Redacted]

Thank you for circulating this Angela. We clearly need to respond quickly, indicating that Sharon’s behaviour was unauthorised and improper, and that her views do not represent the position of the panel.

Ben Emmerson QC | Matrix Chambers

On 6 Jan 2015, at 10:33, Kyle Angela

Dear Panel Members and Counsel,

I should like to wish you all a Happy New Year.

This morning [panel secretariat] and I met with [redacted] and [redacted] of the [Redacted]. It was generally a productive meeting where we helped clarify the different roles and responsibilities of the Panel, Secretariat and Home Office and talked about the work of the panel so far – as set out in the records of meetings. [redacted] and [redacted] have offered to help us in designing the model for support for listening meetings and engagement with the Inquiry and had some useful ideas on how we can help people prepare better for attending listening meetings. They made the point quite forcefully that ideally support arrangements should have been put in place before the listening meetings took place. I think we all acknowledge that they're right but we're learning and want to improve. They also had some strong points to make about communications - stressing the importance of the panel speaking consistently with one voice because everything that is said and done is heard and watched and has an impact on survivors. We have agreed to meet monthly with [redacted] and [redacted].

Following the meeting, [redacted] sent me the email below. I have told her that I am sharing it with you as she has suggested. We are considering how the Secretariat should respond to the specific questions raised.

Angela Kyle
Head of Secretariat

Independent Panel Inquiry into Child Sexual Abuse

From: [redacted]
Sent: 06 January 2015 14:08
To: [redacted]; Kyle Angela; [Panel Secretariat]
Subject: RE: [Redacted]

Dear Angela,

Thank you for the meeting today. We hope it was useful.

We have only just seen this damaging report from Sharon on last night’s news and wish we could have brought it to the meeting to discuss with you. She has done more in this one interview to undermine the panel and the inquiry than any survivor or group has. She has also said that she has ‘been taking evidence’ has ‘no faith in any future chair’ and has ‘met with 70 survivors’ she has changed this number after our press release highlighted she has only met 70 survivors, not the several more she claimed. We represent over 200 groups.
We are deeply disappointed by her clear efforts to promote her own agenda and not respond to the concerns of survivors she claims to represent. This report will have frightened a lot of survivors into believing the only way forward is to support her. It also provides incorrect information and will trigger many. In her position frankly she should have more respect for the survivors and the responsibility of her position. Astonishing considering she refuses to engage with us. I hope you are able to raise this with her.

We will be contacting channel 4 to raise our concerns of what we view as irresponsible reporting, especially regarding the 'becki' video.

Our questions remain:

Had Evans agreed with the panel members she would openly criticise any future plans? do we take this as a statement from the whole panel they have no faith in the inquiry?

If she has been taking evidence, what is the outcome of that evidence and where is the support for the victims?

why is she taking evidence at listening events when we have been expressly told this is not the case?

she has met 70 survivors but why is she ignoring the views of the thousands of others?

This is clear evidence that a media/communications policy which considers survivors as a priority, not self promotion of its members, is urgently needed for the panel.

Please feel free to share this email with the panel if you wish.

We will be in touch with action points discussed today in due course,

many thanks

[redacted] and [redacted]


From: [redacted]
To: [Panel Secretariat]
Subject: RE: [Redacted]
Date: Fri, 2 Jan 2015 11:47:08 +0000

Dear [panel secretariat] and Angela

Looking forward to meeting you both on the 6th and to the opportunity of discussing the significant concerns the [Redacted] has raised in relation to the Inquiry, including safeguarding issues.

Kind regards

[redacted]
From: Ben Emmerson
Date: Tue, 20 Jan 2015 08:14:37 +0000
To: "sharon"; Sharpling Drusilla; jenny Pearce; Kyle Angela

Subject: HASC

All,

Good luck to all three of you who are giving evidence before HASC today. Can I just give you all one final reminder that the contractual restrictions on the unauthorised disclosure of information, and the protocol on collective responsibility, apply as much to your testimony before HASC as they do to any other external communications. This is reflected in the lines to take drafted by the Secretariat which I have approved. You are therefore confined to giving answers and information, the disclosure of which has been pre-authorised by the panel. HASC has been provided with the protocols and so will be aware of the position.

Ben

Ben Emmerson QCI Matrix Chambers
Independent Panel Inquiry into Child Sexual Abuse

Briefing Note

Panel Work

- The panel was announced in full on 21 October and has been meeting for two months. The date of the first panel meeting was 12 November. The panel has met seven times.

- The panel is focusing on the preparatory work which will assist the new Chair in his or her deliberations of crucial issues such as evidence taking. The panel must get this right in order to ensure the Inquiry achieves its intended purpose.

- The panel has to date been working on putting in place the systems and processes to deliver this important, multifaceted and complex Inquiry.

- The panel has stated publically that they will put the experiences of victims and survivors at the heart of the Inquiry. They have already held four listening meetings in 2014, and will hold another eight before March.

- The panel has set up working groups to consider in greater detail priority areas of business, these include: methodology; victim and survivor support; victim and survivor engagement; and stakeholder engagement.

- The panel has agreed a collective responsibility and external communications protocol on 19 November. They have also agreed a zero tolerance policy on 14 January. These are available on the website and annexed for reference.

Presentations

- The panel has heard presentations from: the Hillsborough Inquiry secretariat; the National Policing Lead for Child Protection; the Deputy Children’s Commissioner; Prof. Alexis Jay; and the two survivor representatives on the panel – Graham Wilmer and Sharon Evans.

Listening Meetings

- The schedule for listening meetings is available on the website, and annexed for reference.

- The panel took the difficult decision to postpone the meeting arranged for 16 January until March. The meeting has not been cancelled.

- Safeguarding support for victims and survivors was in place for the meetings in Bristol and Manchester, and had been arranged for the postponed meeting on 16 January. Safeguarding support will be in place for all listening meetings going forward.
Confidentiality

- The panel agreed a collective responsibility protocol (annexed) on 19 November. This protocol is designed to ensure that all statements made or information provided reflects the panel’s collective (or majority) view.

- In addition, this protocol was agreed to ensure that panel and guest speakers feel able to have an open and frank discussion with the panel. Being able to ensure confidentiality is an important foundation for future work where evidence or testimony may be taken from survivors and whistleblowers.

- In line with the panel's agreed collective responsibility protocol and principle of confidentiality, panel members and their expert adviser will not be able to answer questions from the Home Affairs Select Committee if the panel has not already put that information in the public domain, or has agreed in advance for that information to be shared. This could include discussions at panel meetings.

Matters for the Home Office

The following matters are rightly for the Home Office to respond to, and neither panel members nor their expert adviser will be able to comment on them:-

- The appointment of a new chair;
- The process by which the panel was appointed;
- Funding for survivor support organisations; and
- Expansion of the Terms of Reference to include the devolved administrations, or to go back until 1945.
INDEPENDENT PANEL INQUIRY INTO CHILD SEXUAL ABUSE

ZERO TOLERANCE

Policy Statement

The Independent Panel Inquiry into Child Sexual Abuse is committed to caring for the health, safety, security and well-being of its staff, which includes the Chair, Panel Members and Counsel to the Inquiry as well as staff working on behalf of the Inquiry in any capacity, and has a legal responsibility to do so.

The Inquiry, therefore, has a zero tolerance policy towards unacceptable behaviour directed towards its staff.

For this purpose, the Inquiry defines unacceptable behaviour as:

- Aggressive or threatening behaviour,
- Assault or threat of assault
- Inappropriate, offensive or threatening language
- Harassment
- Bullying
- Discrimination
- An explicit or implicit challenge to a staff member’s safety, security or well-being.

Any person who behaves unacceptably towards any staff member may no longer be able to engage with the Inquiry and such actions may be reported to the Police.
**Schedule of CSA Inquiry Listening Events.**

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
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<tbody>
<tr>
<td>1</td>
<td>Friday 16(^{th}) January Birmingham (postponed)</td>
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<tr>
<td>2</td>
<td>Friday 23(^{rd}) January York</td>
</tr>
<tr>
<td>3</td>
<td>Friday 30(^{th}) January Newcastle</td>
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<tr>
<td>4</td>
<td>Friday 6(^{th}) February Carlisle</td>
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<tr>
<td>5</td>
<td>Friday 13(^{th}) February Rhyl (to be confirmed)</td>
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<tr>
<td>6</td>
<td>Friday 20 February Plymouth</td>
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<tr>
<td>7</td>
<td>Friday 27 February Plymouth</td>
</tr>
<tr>
<td>8</td>
<td>Friday 6(^{th}) March Cardiff (to be confirmed)</td>
</tr>
</tbody>
</table>
The Rt Hon Theresa May MP
Secretary of State
Home Office
2 Marsham Street
London SW1P 4DF

9 January 2015

IN STRICTTEST CONFIDENCE

Re: My constituent Sharon Evans, Panel Member of the Independent Panel Inquiry into Child Sexual Abuse

I met with Sharon Evans on 19 December when we discussed your stated intention to revisit the basis of the Independent Panel and the likelihood of it being reconstituted in a different form in the New Year.

At the meeting, she showed me a copy of the letter she was sending to you and which was published by the Mail on Sunday, which described her extremely strong reservations about this course of action. I am sure you are aware that Mrs Evans is herself a survivor of child sexual abuse (as I gather is another member of the Panel, Graham Willmer). She had clearly undertaken her role as a Panel Member out of a laudable sense of duty and public service and in spite of any personal emotional repercussions for herself.

You will also be aware – I hope – that at least two members of the Panel have been the subject of quite vicious postings on social media which have been deeply upsetting and which they were repeatedly advised by the Home Office they cannot rebut. Mrs Evans told me that the Panel Members were given no support by the Home Office to deal with the attacks until just before Christmas when they were provided with an answerphone number at the Tavistock Consultancy.

The main import of our conversation was Mrs Evans’ deep concern that a significant number of survivors had already shared their distressing experiences with the Panel and that the Panel had given survivors undertakings as to how this information would be treated.

Please reply to: The Rt Hon Dr Vincent Cable MP
2a Lion Road, Twickenham TW1 4JQ

 Whilst your MP will treat as confidential any personal information which you pass on, he will allow authorised staff to see the information if this is needed to help and advise you, and may pass all or some of this information to agencies such as the DWP, HM Revenue & Customs or the local council if this is necessary to help with your case. He may wish to write to you from time to time to keep you informed of related issues that you may find of interest. Please let him know if you do not wish to be contacted for this purpose.
In the light of your announcement, Mrs Evans was desperately unhappy that such undertakings were now of little value and that a new Panel or whatever body you decided to set up would need to be given that information and hear those experiences again and put survivors through another ordeal.

And that would be assuming that survivors felt they could undergo the process again. This was felt strongly to be a breach of good faith to the 99% of victims and survivors who had expressed confidence in the process in their evaluation of listening meetings attended by Panel members.

Mrs Evans got in touch with me again earlier this week to brief me on the repercussions of her letter and in particular, she provided me with a copy of a complaint she has submitted about the QC appointed to the Panel Inquiry.

I have read a number of exchanges between Mr Ben Emmerson and Sharon Evans and the combined effect of them on my constituent has induced a very strong sense that she, (as someone who is already a victim of abuse but who nonetheless out of a sense of public duty accepted a position on the Panel), is now the subject of what appears to be verging on bullying and intimidation by the QC (who may or may not be acting on instruction from the Home Office) to ensure her silence on the concerns I have described above.

At my request Mrs Evans has provided me with a copy of her appointment letter from you and the accompanying Terms of Appointment. These are reasonable Terms and it is clear to me that my constituent’s conduct has at all times been in accord with the Nolan Report Recommendations on Public Life and your own stated wish that there be as much transparency as possible about the conduct of the Inquiry (while obviously preserving the confidentiality of victims).

It seems to me inconceivable that my constituent, as a survivor herself, would ever put in jeopardy the information she had received as a Panel Member yet this is the charge levelled at her by Mr Emmerson following the release of her letter to you and an interview with Channel 4 earlier this week. I have to say that the Channel 4 interview appeared to me to be entirely proper and at no time did she suggest or give the impression she spoke on behalf of anyone but herself. It was a calm and impressive interview given by someone of obviously enormous integrity.

Mrs Evans now feels that Mr Emmerson has overstepped the boundary of his own role by, for instance, very strongly advising several Panel Members to reword letters they had wished to send to you about their concerns and that he has since, in the tone and comment of emails to and about her, created a climate to intimidate her into silence.
To quote from just one about her Channel 4 interview, "She acted in breach of her contract (how exactly I am not clear) and in defiance of the agreement on collective responsibility reached by the Panel. Her actions were improper and unauthorised." This lady is a brave volunteer, not a criminal.

This is all well explained in her letter of complaint which I hope your officials will bring to your personal attention and I very much hope that you will ask to be kept closely informed of how it is to be handled. I would be grateful if you could advise me of the process for dealing with such a serious complaint and to keep me informed of its progress.

Finally, I would ask that you confirm that my constituent, who has in no way contravened her terms of appointment, is not to be removed from the Panel and indeed to end any public speculation about the future of the current Panel. I am aware that you spoke to the Panel in December and informed them of the possibility of it being reconstituted and Mrs Evans has also drawn my attention to an email to Panel Members dated 16 December from Mr Emmerson which stated "that the Home Secretary is going to write to Panel members today confirming that the Panel is to be dissolved in the New Year." However, Mr Emmerson subsequently wrote to Panel Members on 5 January saying "If the Home Secretary decides to terminate the current panel and re-start the appointment process, the existing Panel members contracts will of course come to an end" which rather contradicts the earlier statement. I would be grateful if you could make your intentions clear.

To sum up, Sharon Evans is a lady of high integrity with a strong sense of public service which she has put ahead of her own deeply traumatic personal history. Her motives are entirely admirable and she should not be left feeling hounded and intimidated by bravely and selflessly taking part in this important public service. This cannot be right and I hope you will personally ensure that her complaint against Mr Emmerson is thoroughly investigated and moreover, that no further emails or letters are sent to my constituent of the tone she has already had to endure.

I look forward to hearing from you.

The Rt Hon Dr Vincent Cable MP
c.c. Mrs Sharon Evans
USE OF THE TRANSCRIPT

1. This is an uncorrected transcript of evidence taken in public and reported to the House. The transcript has been placed on the internet on the authority of the Committee, and copies have been made available by the Vote Office for the use of Members and others.

2. Any public use of, or reference to, the contents should make clear that neither witnesses nor Members have had the opportunity to correct the record. The transcript is not yet an approved formal record of these proceedings.

3. Members who receive this for the purpose of correcting questions addressed by them to witnesses are asked to send corrections to the Committee Assistant.

4. Prospective witnesses may receive this in preparation for any written or oral evidence they may in due course give to the Committee.
Oral Evidence

Taken before the Home Affairs Committee

on Tuesday 20 January 2015

Members present:

Keith Vaz (Chair)
Michael Ellis
Paul Flynn
Dr Julian Huppert
Tim Loughton
Mr David Winnick

Examination of Witnesses

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

Q192 Chair: This next session relates to the Committee’s long-standing interest in the issue of the child abuse inquiry and our remit, which is to conduct confirmation hearings on the appointment of the new chair. Could I welcome Dru Sharpling, Professor Jay, Professor Pearce and Sharon Evans? Could I begin with this reminder: can I remind you all that the evidence that you give before this Committee today is protected by parliamentary privilege. It would be a prima facie contempt of the House for anybody to threaten you in respect of that evidence or to interfere in any way with the evidence that you give to this Committee. Similarly, it would be a prima facie contempt for any witness knowingly to give false or misleading evidence to a Committee of this House.

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

Professor Pearce: No, I did not.

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

Drusilla Sharpling: No, I did not.

Chair: Did you, Sharon Evans?

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

Q193 Chair: You attended a briefing meeting with the Secretariat, is that right?

Sharon Evans: That is correct.

Chair: Professor Pearce?

Professor Pearce: We did. I did.

Q194 Chair: Was it put to you in the discussion that you had with them, Professor Pearce, that there was one collective line and one piece of evidence that you would all give
together, that you are bound by some kind of collective responsibility, or are you free to give us your own view as to the state of this independent panel?

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

Q195 Chair: Indeed. We do not want to hear about details, but the process of the panel, if a Select Committee of this House asks you a question about the process, you are to answer the questions. You are not protected by confidentiality in that respect. We are not going to ask about individual cases, and that has always been the case since parliamentary privilege arose.

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

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

Q196 Chair: What is your concern, Sharon Evans?

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

Q197 Chair: I want you to be very clear that we do not accept a collective voice, because we have invited you here as individual members of the panel, and therefore you should feel free to answer this question unfettered. I will be contacting Mr Emmerson, the counsel to the inquiry, to tell him that he was wrong to instruct anyone not to do this. This is a Committee of the House, we have a responsibility to Parliament, and indeed, we are going to conduct confirmation hearings, so nobody can fetter witnesses who appear before us.

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

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

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

Q198 Chair: The panel letters have been rewritten?

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

Q199 Chair: What, your own letter that you were writing, that you had been asked to write, the advice given to you was that it had to go through the counsel to the inquiry?

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

Q200 Chair: This is the December letter?
Sharon Evans: Yes. Six of us panel members wrote a letter saying that we were very concerned, we wanted to express our concern, because we have listened to the stories of many people who have been incredibly brave to come forward and engage with this inquiry, and I have engaged myself and given serious details of things that happened to me, because I feel you should not ask others to do what you have not done yourself. The idea that this panel might be disbanded I felt was extremely distressing, and I know that other panel members were concerned that we may be disbanded, so a letter was drafted that was discussed with the QC, and eventually panel members made a decision not to send that letter. I then wrote my own letter, because I felt that I had to. Part of our contracts are the Nolan principles, and I felt that this was a matter of public interest, that people needed to know that there was a possibility that this panel might be disbanded.

Q201 Chair: Of course we have not seen a copy of this letter as yet. Professor Pearce, it is a bit odd, isn’t it, that someone of your distinction sitting on a panel, invited by the Home Secretary to sit on this panel, should expect to take advice on the way in that they write their letters? It recalls the circumstances of the resignation of Fiona Woolf, where several drafts were sent backwards and forwards between Fiona Woolf and the legal adviser. Do you not feel that if you are sitting on a panel with your background and your expertise that you should be able to write your own letter about a letter that you received from the Home Secretary?

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

Q202 Chair: Of course. Professor Pearce, I think you misunderstand the question. You are talking about confidentiality of individual people coming before you and giving evidence. We are talking about the process. We are talking about a letter that is in the public domain, written by the Home Secretary. We are not talking about anything confidential, because the whole world knows about it, apart from Lynne Featherstone, who nobody has bothered to send a copy, but everyone else seems to know about it. Now, we are talking that letter.

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

Professor Pearce: I do, and I think you are absolutely right to stress the importance of process. I would challenge that the whole of the general public out there do not have confidence that we are managing the process well, because I do not think that evidence is there. The process is terribly important and what we have to make sure—
Q203 Chair: How do you gauge that process? You are not elected, you are appointed by the Home Secretary.

Professor Pearce: Yes.

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

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

Chair: No.

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

Q204 Chair: No, Professor Pearce, you are going on about this material. I am talking about the process. Maybe we can do better with Dru Sharpling. Given your history, you must be regarded as being very much—as we are here sitting on this side of the dais—part of the establishment, as a former inspector of constabulary and all the very great offices you have held.

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

Chair: You are still there?

Drusilla Sharpling: Yes, indeed.

Chair: I am not giving you new news then.

Drusilla Sharpling: No.

Q205 Chair: What about this view from the public that the panel should be reconvened, it should all start again; it has all been one big mess; two chairs that have gone; a panel that has now cancelled its next meeting in Birmingham; the Home Secretary giving you three options, two of which is to have you all disbanded? Do you think the public have confidence, that you share Jenny Pearce’s view that the public out there have confidence in what you are doing? If you do, how do you gauge this confidence?

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

Q206 Chair: Okay. How do you gauge, how do you know what percentage of the public? How do you know which part of the public support what you are doing, because—

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

Q207 Chair: Yes, we know that. That is why you have been set up and that is what you all have been deliberating on since July.

Drusilla Sharpling: Indeed.

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

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

Q208 Chair: But are you aware of this letter?
Drusilla Sharpling: Yes, I am aware of the letter, Chairman.

Q209 Chair: Are you aware that two of three options talk about disbanding?
Drusilla Sharpling: I am aware of two of the three options. Yes, I am.

Q210 Chair: Why was the meeting in Birmingham cancelled?
Drusilla Sharpling: There were concerns, because as far as the panel were concerned, there were many media and other discussions going on. Part of the difficulty, if I am frank, of attending a listening meeting is that it tends to be, or could be, overwhelmed with questions that we are unable to answer. We did not cancel the meeting, we postponed it, so it is rescheduled.

Q211 Chair: When is the date?
Drusilla Sharpling: 13 March, I think. I do stand to be corrected, but I speak from recollection.

Q212 Chair: That is the whole point. The reason why the public are concerned about the lack of transparency is that nobody is telling them what is happening, not about individual cases, because we can read about those in the newspapers. To be honest, you are the last people to hear about it. You are dealing with historical cases primarily, so by the time they get to you, it has been through every tabloid in the country. What we are concerned about is the process that has been adopted, a process that has meant that two chairs have gone. Presumably none of you were consulted on the chairs that were appointed.

Drusilla Sharpling: No, we were not.
Chair: Were you consulted, Jenny Pearce?
Professor Pearce: No, I was not.
Chair: Were you consulted, Sharon Evans?
Sharon Evans: No.

Q213 Chair: So in terms of the panel as a whole, with its great affection for collective responsibility, the Home Secretary did not feel confident enough in asking you to suggest names, or have you been asked? Have you been asked to suggest a name?

Drusilla Sharpling: No, I have not.
Chair: Jenny Pearce?
Professor Pearce: No, I have not.
Chair: Sharon Evans?
Sharon Evans: No.

Q214 Chair: Even though you are sitting on a panel, that you are all bound by collective responsibility—or feel you are bound by it—nobody has bothered to say to you, “Who do you think should chair the proceedings?”

Drusilla Sharpling: Nobody has asked me that question.
Q215 Chair: Do you think you should have been asked?
Drusilla Sharpling: I do not have a view on that. I do not think that necessarily I should be asked. It is a matter for the Home Secretary.

Q216 Chair: You do not think the panel should be asked who should chair it?
Drusilla Sharpling: I do not think the panel necessarily should be asked. It is a matter for the Home Secretary.

Q217 Chair: Professor Pearce, you do not think your opinion counts for much?
Professor Pearce: The appointment of the chair is a matter for the Home Secretary. I was appointed on to the panel, as were my colleagues, to get on with the creation of the groundwork ready for when the chair is appointed. I would challenge your assumption that nothing has been done. We have met a number of times.

Q218 Chair: How many times?
Professor Pearce: We have met seven times. Our first panel meeting was 7 November—with due respect, it was not very long ago—and in the amount of time that we have had as a panel, we have started to create the foundations for some methodology, which is a terribly difficult issue if you think of the numbers and the known unknowns and unknown invisible cases that we need to get to across all institutions. It is a very large task.

Chair: Sure.

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

Q219 Chair: Indeed, very helpful. Sharon Evans, should you have been consulted?
Sharon Evans: I believe that I was appointed as an adviser and a survivor, and I believe that particularly Graham Wilmer and myself and other panel members should be consulted. Obviously the final decision is that of the Home Secretary, but the fact that we were not consulted about the chair, we were not consulted before we had the letter. That was our first meeting at the Home Office, and I understand that there is a need for independence, and obviously the Home Secretary had been talking to survivors, and I felt that the survivors on the panel and other panel members should be consulted in terms of giving our advice at least.

Q220 Chair: Professor Jay, let me ask you this question before we move to other members of the Committee. Is this what you expected?
Professor Jay: The panel?
Chair: Yes. You produced this stunningly important report, which has not only been considered by Home Affairs now but also by the Communities and Local Government Committee as we speak, which has been welcomed by everybody. It all seems rather sad. We have a panel that has no chair, a Home Secretary writing to the existing panel members saying, “There is a one in three chance you are going to have to go”, a consultation meeting has been cancelled and members of the panel thinking that they cannot tell the public about process. Is this satisfactory?
Professor Jay: No, it is not satisfactory. I can only say there have been seven meetings, of course, but I am not a panel member and I personally have only been invited to one of them, so it is impossible for me to comment on the internal processes of the panel, but clearly, in the way you have described it, it is not satisfactory.
Q221 Tim Loughton: Can I start by saying that given the two chairs who were forced to stand down were the subject of much criticism by the greater world outside, it is particularly unfortunate that in the vacuum that we have at the moment, it has then become the panel members, who were relatively uncontroversial to start with, who have become the target of criticism. Having said that, do you think you have been treated fairly?

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

Q222 Tim Loughton: A very good point, but do you think that public confidence has taken such a knock—as I think most people would agree, justifiably or not—that you could conceivably continue your work in its current format with or without a new chairman, who may or may not then become the target of criticism from goodness knows whom?

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

Q223 Tim Loughton: I understand that, but you must have a view. Perhaps other panel members might like to come in. You have been subject to such criticism and the way that you have been appointed in all sorts of clandestine means, it is alleged, do you seriously think that you can get back on to an even keel and carry on the work—and there has been extensive work already in the current format—or do you think that you are too damaged and some changes are going to have to take place to the format, the team of people that are on the panel or whatever? Is it realistic? Sharon.

Sharon Evans: I was appointed as the media person for the independent panel and I believe that the voice of some has been heard in the press, and I believe that we need to be able to speak openly and have more of a presence and answer questions. We have not been able to answer the questions and allegations that have been put about individual panel members. No response has been allowed for that. It was part of the reason that I spoke out and I went to my MP—I have his letter here supporting the reason for me speaking out—because I felt that we have heard in the press from some people. I would not like to estimate how many people are out there, and in fact in recent press, since the interview that I have given, people have had the confidence to come forward and start to give their other opinions. The listening meetings are very important, having the opportunity to go out and listen to more people.

Q224 Tim Loughton: They have gone very well, by all accounts. People have engaged.

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

Q225 Tim Loughton: Professor Pearce, can I just ask then, given that you have no say and perhaps should not have a say on the chairman of the panel, are you content with the
nature of the panel, the mix of people you have there, without naming one or two you think are not up to scratch or whatever? Do you think that the format is about right? Should it be bigger? Are there other disciplines who are not there, or as far as you are concerned is it working well and do you think have the right resource and the right mix of people, Professor Pearce?

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

**Q226 Chair:** Thank you. Sharon Evans, before I bring in Mr Ellis, do you want to answer the point put by Mr Loughton to other members of the panel: do you feel that you have been badly treated? You have mentioned the fact that you have gone to your Member of Parliament. We understand that he has written to the Home Secretary. We understand this is a private and confidential letter. This is a very serious step that you, a member of panel, should have to go to your own MP to complain about your treatment on that panel.

**Sharon Evans:** Yes.

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

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

**Q227 Chair:** Who is that adviser? Is this—

**Sharon Evans:** He is the QC to the panel.

**Chair:** Ben Emmerson?

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

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

**Q228 Michael Ellis:** Thank you very much. Can I just ask you, please, Sharon Evans, if I can, there have been seven meetings of the panel so far. You have not had a chair during those seven meetings. Has that been a particular problem? Have you found that the meetings have been disorderly or in some way dysfunctional because of them?

**Sharon Evans:** I believe that I have facilitated two of the meetings. We agreed in the beginning that the QC, Ben Emmerson, could facilitate meetings. I have felt that our meetings have been, up until a recent point, until we were told by the QC that the panel was going to be disbanded, very productive. But I raised a concern after I felt that we were being directed by him, as opposed to being advised. There is a big difference. There is choice involved in advice, and there was a point at which I felt, as an independent panel member, I was not being given choice. That concerned me.
Q229  Michael Ellis: You felt that you were being directed in matters other than the law?

Sharon Evans: Yes, I feel we were.

Q230  Michael Ellis: Because clearly, as a QC, one would expect him to give advice as to the law, but you are saying it went beyond that?

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

Q231  Michael Ellis: If I can ask any member, how difficult do you think it will be to find a chair of the panel that will fit the bill for the demands that have been made? Do you think the demands that have been espoused in the media and in the political arena are reasonable? Do you think it is going to be feasible, realistic, to find someone who is “non-establishment” but also sufficiently expert? Isn’t it possibly a contradiction in terms? Professor Jay, do you have anything to say about that in particular? Is that going to be difficult?

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

Q232  Michael Ellis: Are the expectations unrealistic?

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

Michael Ellis: Professor Pearce?

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

Michael Ellis: Thank you.

Drusilla Sharpling: Can I also chip in there?

Michael Ellis: Yes, please.

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

Q233  Michael Ellis: He said it would last five years. Do you anticipate a similar sort of length of time?

Drusilla Sharpling: It entirely depends on the methodology if form is to follow function.
Q234 Michael Ellis: Just finally from me, do you feel, any or all of you, that the characterisation of your work has been inaccurate up to this point? In other words, do you feel that you are able to function correctly and adequately and that you are already, in these early stages, producing effective results in terms of getting people to come to speak to you and be full and frank to you? Do you think there has been any politics in this that has caused ructions? Sharon Evans, could I ask you that first?

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

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

Q235 Michael Ellis: If I could just finish; has politics clouded this issue? Do you think it has become a football, Professor Pearce?

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

Q236 Chair: Thank you very much. None of you have been offered the chairship of this inquiry?

Drusilla Sharpling: No, I have not.

Chair: Professor Jay?

Professor Jay: No.

Q237 Chair: If you were approached, would any of you be interested in doing it?

Sharon Evans: I would.

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

Q238 Mr Winnick: Through no fault of your own, be it any member who is before us now or other members of the panel, the general impression is that this has become a mess. Would you agree that is the view of outsiders, Professor Jay, Sharon Evans?

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

Mr Winnick: Do you agree with that?

Sharon Evans: I think that a lot has been reported in the press, and because there has been silence from us that there has been allowed to be this myth that the panel is not working well. But I believe, as a survivor on the panel, from what I have seen that the panel itself is working well, but we have to be very cautious about the role of advisers.
Q239 Mr Winnick: If the person appointed, or two people, as the Chair has reminded you and everyone knows, who were appointed by the Home Secretary resign for reasons that again are very well-known, do you feel that if the right person had been appointed as chair that the whole thing would now be moving in the right direction?

Drusilla Sharpling: It would mean certainly that if a chair was appointed, that chair, under a statutory inquiry or an inquiry set up as if it was a statutory inquiry, would be able to take decisive decisions around methodology. That is something that we cannot do as a panel, but we want to prepare for the incoming chair to allow them to make those decisions quickly.

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

Chair: I think Professor Pearce wants to come in.

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

Q240 Mr Winnick: This may be considered a leading question, but people may well say outside of Parliament it is a mess. It is recognised by the panel this is a very, very serious matter, to say the least, and justice should be done to the survivors. Why not start again, a new chair, which must come, perhaps new members of the panel, with all due respect to you? First and foremost, the survivors should have the confidence that the process will start in a way that will bring them justice.

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

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

Q241 Mr Winnick: But the statutory inquiry is the one that you would all wish, am I right?
Drusilla Sharpling: Yes, we have all given that indication.

Mr Winnick: Are you unanimous in that?

Drusilla Sharpling: Yes.

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

Q242 Dr Huppert: It is very interesting to see in an organisation that does not have a chair how de facto chairing seems to happen. It certainly seems as though there is somebody who is acting in that role and making decisions in that way.

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

Drusilla Sharpling: Angela Kyle is in charge of it.

Q243 Dr Huppert: So she has complete freedom to make decisions about everything that happens within that?

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

Q244 Dr Huppert: Because there is one side, which is hiring people, doing the line management, and there is the other, which is making the policy decisions about the Secretariat. Somebody is deciding whether people can respond to criticisms, whether they cannot, whether people are allowed to do interviews, whether they are not. Who is in charge of that?

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

Q245 Dr Huppert: That does not quite get across who is in charge of making decisions about things, but Professor Pearce, do you—

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

Sharon Evans: I believe, and this is why I wrote to the Home Office, that we have examples where the Secretariat have worked very well, but when it comes to certain decisions, for example, whether we should speak to a newspaper, those decisions have been taken by the QC to the inquiry and not by the head of the Secretariat. I was there when I saw that happen and I do not believe, as an independent panel member, that that should happen.
Q246 Dr Huppert: What is going on here? Who makes the final decisions on who speaks to the newspaper? Is it—

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

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

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

Q247 Dr Huppert: Sorry, I am just trying to understand, because I understand from Ms Sharpling and Professor Pearce that there is a decision at the weekly panel meetings. The protocol says that any comment on social media, any response, anything has to be approved before it can happen. Are you saying that every meeting gets bogged down with discussions as to whether there can be a response to every single interview request? Are those decided at your weekly meetings? What else are you doing?

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

Q248 Dr Huppert: Yes, which is what I would hope you would be able to focus on, but then I thought a moment ago you were saying it was the panel that decided whether people could respond to anything and not any of the officials and not the adviser. Now you are saying you do not.

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

Chair: Indeed.

Q249 Dr Huppert: But you, as a panel, decide on every response to every media request?

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

Q250 Chair: Thank you. You, Dru Sharpling, in your position as HMI were appointed by the Home Secretary?

Drusilla Sharpling: Yes.

Q251 Chair: You do not see any conflict of interest between the fact that the Home Secretary has appointed you, that you are part of her Inspectorate of Constabulary—though it is called “Her Majesty” and the Home Secretary is not of course Her Majesty yet—but it is the Home Office that appoints you?

Drusilla Sharpling: I am very clear indeed about—

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

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

Q252 Chair: You were appointed by the Home Secretary, who can presumably remove you.
Drusilla Sharpling: Of course, as all panel members.

Q253 Chair: Yes, and you are also a member of the panel.
Drusilla Sharpling: Sorry, I answered the question. Yes, the Home Secretary can remove any panel member. As I understand it, I am a Crown appointment and therefore entirely independent. I value that independence very deeply.

Q254 Chair: As HMI?
Drusilla Sharpling: As an HMI, and I bring that independence to the panel.

Q255 Chair: Excellent. How many people are here from the Secretariat sitting behind you? Hands up if you are from the Secretariat. All of you on the back rows, the row behind you. That is five of them. The Secretariat, Professor Pearce, are they all Home Office employees or seconded to the Home Office, civil servants, or have you appointed any of these members or did you just get them sent to you?
Professor Pearce: We have not been responsible for the individual selection and appointment of the Secretariat.

Q256 Chair: So they are all Home Office appointees?
Professor Pearce: They are a selection of Home Office secondments or appointees and will be other secondments from different departments.

Q257 Chair: You do not see any problem with the fact that they are civil servants who may work for the Home Office, being the Secretariat, for what is supposed to be an independent panel?
Professor Pearce: The selection of the Secretariat has been undertaken with the independence in mind, the capabilities of the people appointed so that they will maintain the independence.

Q258 Chair: But not by you or your panel?
Professor Pearce: Not by the panel.

Q259 Chair: It has all been done independently, but they are from the Home Office?
Drusilla Sharpling: I do beg your pardon. They have demonstrated that independence on a daily basis.

Q260 Chair: How would you see a demonstration of independence?
Drusilla Sharpling: Very clear about dealing with the panel and the decisions made, very clear to us that they are acting independently. I have witnessed them myself and I simply would say that I can see that they are.

Q261 Chair: Give me an example of some great act of independence and defiance where you see that they are standing with you rather than with the Home Office.
Drusilla Sharpling: I can see from the telephone calls that are often made that they are clearly reflecting the panel’s views in what they say and what they do, and that seems to me to be the principal answer.

Q262 Chair: So on the basis of what you have heard. Sharon Evans, what about you? There are two survivors on this panel. The rest are social workers, barristers, professors, HMI.
You defend the panel and your colleagues and you say very clearly that this is a panel that has a future. Is that right?

*Sharon Evans:* I do believe that, yes.

**Q263 Chair:** That seems to be the view of all you. Professor Jay is quite separate; I mean the other members of the panel. You like the work you are doing and you believe this is important work and you want to continue with that work?

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

**Q264 Chair:** The Home Secretary’s option to say, “Thank you very much for what you have done. We have to start again” is not on for any of you?

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

**Q265 Chair:** Yes, we know that. We know it is a decision of the Home Secretary, but I am asking about your view. What is your view, Jenny Pearce? Not the Home Secretary’s view, not Ben Emmerson’s, but your own view?

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

**Q266 Chair:** No. Do you want the work to carry on?

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

**Chair:** Of the panel?

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

**Q267 Chair:** Yes. Dru Sharpling, of the three options that were put forward, you again, like Sharon Evans and Professor Pearce, are of the view that you are doing valuable work and you want the work of the panel to continue, so you reject the option that talks about the disbanding of the panel?

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

**Q268 Chair:** But what is your view? Do you think the panel’s work should carry on or do you think not, or are you saying it is up to the Home Secretary?

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

**Q269 Chair:** Professor Jay, you have heard these deliberations, you have been to one of the meetings. Having produced the definitive report that everyone is quoting about what you have done, you have told this Committee that you do not think it is satisfactory. If you were ensuring that the good work of the panel was retained, the views of this Committee that it should be statutory, and indeed, the views of some of these other members of the panel is that it should be statutory, what is the way forward? Is it that there should be a pause until a new chair is appointed or should they continue with their work in what you have said to this Committee is one that is not led at the moment?

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

Q270 Chair: Sharon, your main concern is you joined this as an independent member and you think that the biggest amount of transparency possible ought to be available, that when there is criticism in the press, they should be answered—

Sharon Evans: Yes.

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

Sharon Evans: Absolutely.

Q271 Chair: Do you think he is at the moment?

Sharon Evans: Yes, I do.

Q272 Chair: You would like to see that stopped?

Sharon Evans: Yes.

Q273 Chair: But you would like to see the work of the Committee continue?

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

Q274 Chair: You would like to be left alone to get on with your job, because looking down the list of members of the panel, there are some pretty impressive people, including yourselves, on that list. You just want to get on with the job as quickly as you can?

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

Q275 Chair: Free from interference?

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

Chair: Mr Winnick has a final question.

Q276 Mr Winnick: Recognising the work that you have put in, the input, which is appreciated—all of us on the Committee certainly appreciate that—if it was a question of disbanding the present panel, you would not make a point, would you, that it should not be done in these circumstances? Surely the essence of the matter, and I am sure Ms Evans would agree, is to have the confidence of the survivors. You have admitted the present situation is a mess, through no fault of your own—in no way are you responsible—but if it is necessary to start afresh with a new panel, you would not wish to stand in the way. Am I right?

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

Mr Winnick: That is the answer I expected.
Q277 Chair: Sharon Evans, should you have any more reason to contact your Member of Parliament or this Committee about any intimidation of yourself in speaking to this Committee or in writing to this Committee, you must contact me immediately.

Sharon Evans: Thank you.

Chair: Thank you very much for coming.