



House of Commons  
Home Affairs Committee

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# The work of the Independent Inquiry into Child Sexual Abuse

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**Eleventh Report of Session 2016–17**

*Report, together with formal minutes  
relating to the report*

*Ordered by the House of Commons to be printed  
22 November 2016*

## Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

### Current membership

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The following was also a member of the Committee during the inquiry:

[Victoria Atkins MP](#) (*Conservative, Louth and Horncastle*)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via [www.parliament.uk](http://www.parliament.uk).

### Publication

Committee reports are published on the Committee's website at [www.parliament.uk/homeaffairscom](http://www.parliament.uk/homeaffairscom) and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

### Committee staff

The current staff of the Committee are Carol Oxborough (Clerk), Phil Jones (Second Clerk), Harriet Deane (Committee Specialist), Adrian Hitchins (Committee Specialist), Andy Boyd (Senior Committee Assistant), Mandy Sullivan (Committee Assistant) and Jessica Bridges-Palmer (Committee Media Officer).

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## Introduction

1. The Independent Inquiry into Child Sexual Abuse (IICSA) was established by the Home Secretary in July 2014. It faced serious challenges in its early days with the resignation of two Chairs, before Dame Lowell Goddard, a New Zealand High Court Judge, was appointed as Chair in February 2015. Our predecessor Committee published a short report following a pre-appointment hearing with Dame Lowell. That contained detailed information about the establishment and early days of the Inquiry, which we do not intend to revisit in this short interim report.<sup>1</sup>

2. In this Parliament, we initially limited our engagement with the Inquiry to following its progress, without seeking evidence or additional information about its work, in acknowledgement of its status as an independent inquiry. However, the resignation in August 2016 of Dame Lowell Goddard was not an event that we could ignore. We sought oral evidence from her, as set out below, and received written evidence. We raised the issue of the Inquiry with the new Home Secretary, Rt Hon Amber Rudd MP, and the Home Office Permanent Secretary, Mark Sedwill, when they appeared before us on 7 September.<sup>2</sup> We took oral evidence on 18 October from the new IICSA Chair, Professor Alexis Jay, and two of the Panel members, on the events surrounding the former Chair's resignation and their views on how the Inquiry would take forward its work, and we heard further oral evidence from the Permanent Secretary on the same day.<sup>3</sup>

3. Professor Jay announced in September that she had initiated “a wide-ranging internal review of the Inquiry’s ways of working”, which included “looking at different approaches to evaluating the information we receive”.<sup>4</sup> The review findings are expected to be published in the next few weeks.

4. Although IICSA’s legal team remains intact, including its Solicitor and most counsel to the Inquiry, there have been a number of well-publicised resignations of counsel. These have raised many concerns, including about: the way in which the Inquiry was conducted under Dame Lowell; its working practices; alleged misconduct by individuals involved in the Inquiry; the effectiveness of the current leadership; and the prospects for the Inquiry delivering its objectives.<sup>5</sup> On 18 November, one of the main survivor representative organisations, Shirley Oaks Survivors Association, announced its withdrawal from participation in the Inquiry.<sup>6</sup>

**5. It is important that IICSA is, and is seen to be, independent. We do not seek to undermine that independence, which has been established by statute and is vital to the credibility of its work, which is immensely important to survivors of abuse. However, that does not absolve it in any way from the need for transparency, accountability and scrutiny, particularly given that it was established by the Home Office and its**

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1 Home Affairs Committee, Twelfth Report of Session 2014–15, [Appointment of the Chair of the Independent Inquiry into Child Sexual Abuse](#), HC 710

2 Oral evidence taken on the Work of the Home Secretary, [7 September 2016](#), HC 138, Qs 1–33

3 Oral evidence taken on [18 October 2016](#)

4 IICSA News, [6 September 2016](#), Statement from Professor Alexis Jay OB

5 See for example: BBC News, [Another senior lawyer quits child abuse inquiry](#), 16 November 2016; and The Times, [Abuse inquiry in tatters after lawyer suspended](#), 29 September 2016

6 Shirley Oaks Survivors Association, [Press Statement: Shirley Oaks Survivors Association \(SOSA\) are formally pulling out of the Independent Inquiry into Child Sexual Abuse](#), 18 November 2016

**budget comes from Home Office expenditure, and that it was a lack of transparency in institutions which gave rise to the Inquiry being set up.** We cover this issue in more detail below.

6. It should also be noted that the Inquiries Act 2005 makes no provision for the relationship between independent inquiries and Parliament and its committees. The status of IICSA cannot, therefore, be regarded as making it any less open to parliamentary scrutiny than other organisations. The Government may wish to review what the appropriate accountability arrangements should be for independent inquiries, particularly in circumstances where problems emerge, as they have done in this case.

### Dame Lowell Goddard

7. Dame Lowell Goddard was appointed as IICSA Chair in February 2015 and resigned on 4 August 2016. The announcement of the appointment of Professor Alexis Jay (formerly an expert advisor to the Inquiry) as the fourth Chair was made within a week. Following her resignation, Dame Lowell received two months' salary and allowances of around £80,000.<sup>7</sup> The outturn costs related to her post amounted to £514,608, including £355,000 in salary, £29,156 in relocation costs and £119,207 for rental and utilities allowance.<sup>8</sup>

8. We have made a number of requests for Dame Lowell Goddard to give oral evidence before us, the first of which was sent on the day that her resignation was announced.<sup>9</sup> She has assisted us by providing two detailed written submissions.<sup>10</sup> However, we have consistently made clear during our exchanges with her that we do not regard written evidence as a substitute for an oral hearing with her. We offered to facilitate the provision of oral evidence by video-link from New Zealand, but Dame Lowell has continued to decline to cooperate with our request, most recently in her letter to the Committee Chair of 7 November.<sup>11</sup>

9. We are not able to invoke parliamentary procedures to summon Dame Lowell to appear before us, because she is currently located in New Zealand, and the territorial jurisdiction to which a summons of this kind applies is limited to the United Kingdom.

10. When the Home Secretary appeared before us in September, alongside the Permanent Secretary, we asked about the reasons for Dame Lowell Goddard's resignation. She informed us that "I have the information that you have", and we were given to understand that a complete account of the reasons was contained in Dame Lowell's resignation letter.<sup>12</sup> However, in response to an Urgent Question in the House on 17 October, the Home Secretary stated:

On 29 July, the secretary to the inquiry met my permanent secretary and reported concerns about the professionalism and competence of the chair. My permanent secretary encouraged the inquiry to raise those matters with

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7 Letter from the Home Secretary, [14 September 2016](#); see also The Times, [Abuse inquiry judge got £90,000 payoff](#), 11 October 2016

8 [IICSA Financial Report – 2015/16](#), published 15 September 2016

9 Letter from the former Committee Chair to Dame Lowell Goddard, [5 August 2016](#)

10 Written evidence from Dame Lowell Goddard, [5 September 2016](#) and [28 October 2016](#)

11 Letter from Dame Lowell Goddard, [7 November 2016](#)

12 Oral evidence taken on [7 September 2016](#), Q4

the chair. He reported this meeting to me the same day. My permanent secretary also met members of the inquiry panel on 4 August. Later that day, Dame Lowell tendered her resignation to me, which I accepted.<sup>13</sup>

In further evidence to us on 18 October, the Permanent Secretary sought to justify the selective version of events given to us by the Home Secretary, by saying that she was simply answering the questions put to her.<sup>14</sup> However, we believe that, from any reasonable point of view, the Home Secretary should have provided us with a significantly more complete picture. The failure of the Home Secretary and Permanent Secretary to provide us with any information, beyond that which we had already seen in the resignation letter, was regrettable.

**11. It is disgraceful that Dame Lowell Goddard has refused to provide oral evidence to this Committee. She received significant sums of public money in salary and expenses during her period as Chair, and on her departure from the post, and played a prominent role in shaping the Inquiry for most of its lifespan until then. We regard this refusal as falling well below the standards we would expect of any public servant, including the fifth Nolan Principle of Public Life on ‘openness’, and particularly one who holds high judicial rank in her own country and who agreed to take on such an important and sensitive role as Chair of the Independent Inquiry. Should Dame Lowell travel to the UK in the future, we would invoke parliamentary procedures to seek to summon her to give oral evidence.**

12. We referred earlier to parliamentary scrutiny and ministerial oversight of independent inquiries. Further considerations arise when a complaint or allegation strikes at the very fitness for office of the inquiry chair. Only the Home Secretary has the power to remove an inquiry chair and, therefore, as Professor Jay said in evidence to us, “clearly there would need to be some process external to the inquiry to deal with that”. However, there does not appear to be any clear process for this in place. Mr Sedwill acknowledged that “we are in unprecedented territory here, so this is something we are going to have to reflect upon [ ... ] We don’t have a standing procedure for that”.<sup>15</sup>

**13. It is not for us to pass comment on allegations made in the media about the former Chair of the Inquiry. However, it is important that, where allegations challenge the fitness of a chair to lead an inquiry, there is a process in place to deal with that. We understand that the Home Office is reflecting on how this should be dealt with and we regard this as important for future independent inquiries.**

## Counsel to the Inquiry

14. A number of counsel to the Inquiry have resigned since Dame Lowell’s resignation, in addition to previous resignations during her chairship. We sought the views of former counsel on their experiences of working with the Inquiry, to try to identify and understand the problems which the Inquiry encountered under Dame Lowell’s leadership, and to establish the extent to which those issues have since been resolved.<sup>16</sup> We then received a letter from the Solicitor to the Inquiry, informing us that “the Chair and Panel do not

13 HC Deb [17 October 2016](#), col 581

14 Oral evidence taken on [18 October 2016](#), Qs 126 and 165–174

15 Oral evidence taken on [18 October 2016](#), Qs 74 and 198

16 Letter from Chair of the Committee to former counsel to the Inquiry, 17 November 2016 ([CSA0020](#))

waive their rights to the confidentiality of the information the Committee is currently seeking [from former counsel]”.<sup>17</sup> Three of the four former counsel from whom we have so far received responses felt unable to provide substantive submissions, on the basis that the Inquiry has not waived its confidentiality and privilege rights.<sup>18</sup>

15. One of the reasons which IICSA cited for insisting on its confidentiality rights related to our request to former counsel that they set out their views on the appropriate methodology which the Inquiry should adopt. This arose from Dame Lowell Goddard’s assertion, in her written evidence to us, that there was a difference of views on approach within the Inquiry. She indicated that the Panel members favoured a “frame-worked compliance manner [ ... ] with an identifiable end point”, while Dame Lowell and counsel preferred an approach based on “forensic investigation and evidence gathering and analysis leading to open conclusions”.<sup>19</sup>

16. We have interpreted this to mean that there was a difference in view within the Inquiry over whether the main focus should be on inspectorate-style assessments of current safeguarding and child protection policies within institutions, or on a judicial-style investigation into specific past cases of institutional abuse, or a particular combination of both.

17. IICSA argues that it is not appropriate for counsel to be asked to provide details about their views on these different approaches, because “revealing the Inquiry’s methodology in this way may stand in the way of its ability to scrutinise the institutions it is tasked with examining, by putting them on notice of its approach before it is appropriate to do so”.<sup>20</sup>

**18. We do not accept the Solicitor to the Inquiry’s assertion that answering our general questions about the differences between an inspectorate-style approach to the Inquiry, compared to a judicial approach, would somehow “stand in the way of [the Inquiry’s] ability to scrutinise the institutions it is tasked with examining, by putting them on notice of its approach before it is appropriate to do so”. We believe that the Inquiry would benefit from greater transparency about its approach and greater public clarity about the different kinds of work it is undertaking. Similarly, we believe that survivor groups would benefit from more public clarity about the approaches to its work which the Inquiry plans to take.**

## IICSA’s duty of care to those working on the Inquiry

19. Hugh Davies QC, who resigned as Deputy Counsel to IICSA in December 2015, was willing to provide some observations, despite being bound by the Inquiry’s terms in the same way as other former counsel. However, he made clear that these were limited to matters “that arise (i) exclusively from material in the public domain; and (ii) post-date the end of the period of my instruction”.<sup>21</sup>

20. The main substantive issue which Mr Davies dealt with in his submission related to “safeguarding principles when a relevant disclosure was made” to IICSA. This refers to media coverage regarding allegations about the conduct of the Counsel to the Inquiry, Ben

17 Letter from Martin Smith, Solicitor to the Inquiry, 7 November 2016 ([CSA0019](#))

18 See, for example, letter from Toby Fisher, former Inquiry counsel, 10 November 2016 ([CSA0015](#))

19 Written evidence from Dame Lowell Goddard 28 October 2016 ([CSA0009](#))

20 Letter from Martin Smith, Solicitor to the Inquiry, 7 November 2016 ([CSA0019](#))

21 Written evidence submitted by Hugh Davies QC, 15 November 2015 ([CSA0018](#))



Emmerson QC, who resigned at the end of September. It was reported that Mr Emmerson had allegedly sexually assaulted a female “Inquiry worker” in the lift at IICSA’s offices in early September. IICSA was reported to have denied that it received any complaint, and Mr Emmerson “categorically denies” the allegations. The BBC reported that the alleged victim gave an account of the incident on the day it happened, but did not want the incident to be investigated.<sup>22</sup>

21. We also received a confidential submission relating to this alleged incident. Although it is not appropriate for us to publish this evidence, it has helped us to understand the incident and the way in which IICSA dealt with it. We are very grateful to the individual concerned for providing us with this information.

22. We questioned the Inquiry Chair about the reasons for Mr Emmerson’s resignation on 18 October (before the allegations referred to by Mr Davies appeared in the media). The response of Professor Jay was that “I cannot discuss any aspect of the circumstances surrounding Mr Emmerson’s resignation from the inquiry”. She went on to explain that: “these are HR matters [ ... ] where the individual is entitled to privacy and confidentiality as any employee of any organisation would be”. Drusilla Sharpling, a Panel member, added that by giving out information on the reasons for his departure, “we would breach the very confidentiality that we believe exists”.<sup>23</sup>

23. We also raised with the Inquiry Chair separate concerns regarding the treatment of IICSA staff under Dame Lowell’s chairship, which had been reported in the media. Her response was: “I can only say that we cannot talk about any aspect of HR or personnel experience within the inquiry. That is confidential and any individual employee has a right to privacy, as they would with any employing organisation.” However, she added that she was able to reassure us that IICSA would deal effectively with any future complaints of bullying of staff, because:

[ ... ] we have a dignity at work policy, which has been in place for most of the Inquiry’s lifespan. We have whistleblowing policies and processes whereby any incidents or alleged incidents of misconduct would be reported, usually through the Secretary to the Inquiry.<sup>24</sup>

24. The submission we received from Hugh Davies QC explores these issues in detail. He asserts, in relation to the allegations against the former Counsel to the Inquiry, that “the institution cannot abdicate responsibility to the person making the disclosure, who may be vulnerable or otherwise emotionally unable to pursue a formal process”. He also states that the purpose of investigating a disclosure of this kind “is not limited to determining a formal complaint”, but should aim to establish the facts, so that “the risk to others within the institution may be evaluated and addressed”, and “to evaluate and mitigate the risk in any other institution or workplace where the subject of disclosure may work.” He is further concerned that “as matters stand [ ... ] there is an impression that rather than investigating the disclosures [ ... ] IICSA has reached a de facto compromise agreement with the subject of the disclosures and ended the investigation”.

22 See BBC News, [Abuse inquiry dropped investigation into lawyer’s conduct](#), 28 October 2016

23 Oral evidence taken on [18 October 2016](#), Qs 98–101

24 Oral evidence taken on [18 October 2016](#), Qs 71–72. See also letter from IICSA Chair, 28 October 2016 ([CSA0010](#)).

25. Hugh Davies QC also refers to “unattributed briefings, reportedly from those within IICSA, tending to undermine the credibility of what was disclosed”, and he refers to a Daily Telegraph article which quotes “an IICSA source”.<sup>25</sup> It has also been reported in the media that other former counsel resigned, at least in part, because they were dissatisfied with the Inquiry’s handling of this incident.<sup>26</sup> A recent press report suggests that IICSA’s response to the incident had “alarmed other female staff” and had prompted the resignation of Aileen McColgan, counsel to the investigations into the Anglican and Catholic churches.<sup>27</sup>

**26. It is not for us to pass any comment on the allegations made in the media about the former Counsel to the Inquiry, which he has categorically denied. We are not in a position, and it is certainly not our responsibility, to assess either the facts of the case or the details of the processes that the Inquiry pursued. However, on the basis of the evidence we have seen, we do not believe that IICSA has taken seriously enough its responsibility to pursue allegations of bullying or disclosures of sexual assault within the Inquiry. Nor do we believe it has done enough to demonstrate publicly that it has a robust approach to such matters. IICSA’s public response has been inadequate, and the words attributed to an unidentified “IICSA source” in the press in response to the alleged assault are completely inappropriate, appearing to dismiss the serious nature of the matter and the credibility of the alleged victim. One of the Inquiry’s key purposes is to assess other organisations’ procedures for dealing with disclosures of sexual assault or abuses of power, and institutional reluctance to confront difficult issues that might jeopardise their reputation. We therefore believe that it is extremely important that the Inquiry can show that it treats these issues with appropriate rigour when they affect IICSA itself.**

27. We believe that IICSA should now seek to address concerns about the reported incident involving the former Counsel to the Inquiry, including those raised by Hugh Davies QC in his evidence to us. One option would be to appoint an external person with senior legal experience to examine the events surrounding the Counsel to the Inquiry’s resignation. This may help to allay any concerns among those involved in the Inquiry’s work about whether IICSA takes its duty of care towards them sufficiently seriously. IICSA has indicated that no formal complaint was made to it regarding the allegations. It may wish to consider whether it has done enough to create an environment in which those involved with its work feel confident that they can make complaints without the risk of adverse consequences, regardless of the level of seniority of the individuals involved.

## Role of the Committee in scrutinising the work of IICSA

28. The Solicitor to the Inquiry stated in his letter that “the Committee’s function is to examine the policy, administration and expenditure of the Home Office, not the internal decision making process of an independent public inquiry.” He argued that:

[ ... ] the Committee is placing itself in the middle of these processes by seeking opinions from others. For an Inquiry which is examining

25 Written evidence submitted by Hugh Davies QC, 15 November 2016 ([CSA0018](#)), paras 20–23

26 See for example BBC News, [Another senior lawyer quits child abuse inquiry](#), 16 November 2016

27 Daily Mail, [Woman ‘groped by top QC at child abuse probe HQ’: Father of victim reveals she is distraught following the scandal and says ‘For this to happen there of all places is astonishing’](#), 20 November 2016

substantive issues relating to politicians and the Westminster establishment, it is especially important that the boundaries between the functions of the Home Secretary, the Inquiry and the Committee are respected.<sup>28</sup>

29. **We fully respect the independence of the Inquiry, but we do not accept the views of the Solicitor to the Inquiry in relation to the proper role of this Committee. He appears to minimise the risk to public confidence in the Inquiry arising from a perceived lack of transparency in relation to handling complaints. Whilst the resolution of an internal decision is a matter for IICSA, the robustness of the process is of public interest. There is a risk to the Inquiry's authority if there is a perception of a cover-up over allegations of abuse. We recognise the importance of not interfering in the Inquiry's work, which needs to continue unhindered by external views. However, we affirm our role in holding the Inquiry to account for its progress, which was accepted by the previous Chair, and it is legitimate for us to seek the opinions of those who have previously worked for the Inquiry. The fact that politicians are within the purview of the Inquiry does not discount this Committee having a role, in terms of ensuring greater transparency in relation to the Inquiry, and thereby contributing to building confidence. We request that the Panel provides a full update to us at the conclusion of the IICSA Chair's review.**

### Future approach to the Inquiry's work

30. As already noted, the IICSA Chair is expected to publish the findings from her wide-ranging review of the Inquiry's ways of working in the next few weeks.<sup>29</sup> We have also noted the issue of the differences in view on the approach that the Inquiry should take, between the judicial approach favoured by Dame Lowell Goddard and the inspectorate-style inquiry favoured by Panel members.

31. The Terms of Reference for the Inquiry state that its purpose is:

To consider the extent to which State and non-State institutions have failed in their duty of care to protect children from sexual abuse and exploitation; to consider the extent to which those failings have since been addressed; to identify further action needed to address any failings identified; to consider the steps which it is necessary for State and non-State institutions to take in order to protect children from such abuse in future; and to publish a report with recommendations.<sup>30</sup>

32. In fulfilling this purpose, amongst other things, the Inquiry states that it will:

- Consider the experience of survivors of child sexual abuse; providing opportunities for them to bear witness to the Inquiry, having regard to the need to provide appropriate support in doing so;

28 Letter to the Chair from the Solicitor to the Inquiry, 7 November 2016 ([CSA0019](#))

29 IICSA News, [6 September 2016](#), Statement from Professor Alexis Jay OBE

30 IICSA website, [Terms of Reference](#), accessed November 2016

- Consider whether State and non-State institutions failed to identify such abuse and/or whether there was otherwise an inappropriate institutional response to allegations of child sexual abuse and/or whether there were ineffective child protection procedures in place.<sup>31</sup>

33. The Inquiry is running a Truth Project to allow victims and survivors of child sexual abuse to share their experiences, by attending a private session to discuss their experiences with a member of the Inquiry or by submitting an account in writing. Professor Jay told us in October that the Truth Project had heard from 100 people to date, and IICSA has since noted that a total of 500 people have been invited to attend a Truth Project session in England and Wales.<sup>32</sup> IICSA announced earlier this month that a Truth Project office would open in London in mid-November. It also stated that sessions have taken place in the North West and North East of England, and are scheduled to start in Wales in mid-November; and that further sessions are planned for early next year in the South West of England.<sup>33</sup>

34. The Inquiry will also hold a series of Public Hearings with evidence taken on oath, in the more conventional public inquiry style. Professor Jay described in oral evidence to us the problems IICSA had encountered in securing a suitable hearing centre, which had delayed the start of the Public Hearings strand. She subsequently informed us that a suitable premises has now been identified, and IICSA has indicated that the first Public Hearing will begin in February 2017.<sup>34</sup>

**35. The Truth Project is an important way to enable abuse survivors to share their experiences with the Inquiry. IICSA notes that 500 people have so far been invited to attend an interview, but only 100 have been able to contribute in this way to date. It is also unfortunate that identifying a suitable hearing centre has delayed the start of the Public Hearings, so that the first one will not take place until February next year, some two years after the Inquiry was established in its current form as a statutory inquiry. We regard IICSA's slow progress to date in engaging directly with survivors as being a significant weakness in its work. This issue must be addressed in Professor Jay's review findings, if IICSA is to build the confidence of survivors in its ability to deliver on its objectives, and maintain their engagement with its work.**

36. IICSA's work is currently being conducted through 13 separate investigations, under the following headings:

- Accountability and Reparations
- Cambridge House, Knowl View and Rochdale
- Children in Custodial Institutions
- Children outside the UK
- Child Sexual Exploitation by Organised Networks

31 IICSA website, [Terms of Reference](#) accessed November 2016

32 Oral evidence taken on [18 October 2016](#), Q26

33 See IICSA news release, [12 November 2016](#)

34 Oral evidence taken on [18 October 2016](#), Qs 81 and 92; and Letter to the Committee Chair from the IICSA Chair, [28 October 2016](#). See also IICSA website pages on [How we work](#), accessed 21 November 2016

- Lambeth Council
- Lord Janner
- Nottinghamshire Councils
- Residential Schools
- The Anglican Church
- The Internet
- The Roman Catholic Church
- Westminster

37. Some of these investigations are into specific, historic events. Others appear to be more thematic. The Terms of Reference for the Inquiry are broad enough to include both specific investigations into historic events, which would lend themselves to the judicial approach, and thematic assessments of current institutional policies and practices, which lend themselves to the inspectorate-style approach. However, as we have highlighted, it appears that there has been an unresolved tension within the Inquiry over the extent to which it should adopt these different approaches and priorities, and this has given rise to concern among some survivor groups that there will not be a sufficiently robust or forensic investigation into past institutional abuse. For the reasons given earlier, we have not yet been able to explore this in depth.

**38. Like our predecessors, we regard the work of the Independent Inquiry as vital. However, confidence in the Inquiry's ability to deliver its objectives in a timely and effective way has been seriously diminished by the problems it has encountered. Steps need to be taken swiftly to rebuild confidence in IICSA and its work. These should include the Inquiry setting out publicly, as part of the announcement of Professor Jay's review findings, how it intends to resolve the tensions that Dame Lowell Goddard referred to, between the judicial approach and the inspectorate approach. In particular, IICSA should provide clarity on the balance which it intends to strike between establishing the truth about past institutional abuse and assessing current institutional practice.**

**39. It is important that the Inquiry is able to conduct forensic and legal investigations into historic abuse within institutional settings. Some of these events have been hidden from view for far too long. This is understandably what most troubles survivors, and they want these matters to be dealt with. We recognise that the Inquiry will need to determine the way forward in the light of the Chair's review, which is expected to conclude shortly. As part of that process, to provide clarity and make the work of the Inquiry easier to manage, consideration could be given to dividing the work into two separate elements: one pursuing forensic and legal investigations, to establish the truth about past institutional abuse, and the other looking at thematic and compliance issues around child protection and safeguarding procedures within institutions today. Both are important, and they may require different approaches, skills and experience to deliver results, but this is a matter for the Inquiry to determine.**

### *Engagement of counsel*

40. Since the resignation of Ben Emmerson QC on 29 September, IICSA has been acting without a permanent Counsel to the Inquiry in place. Professor Jay informed us that IICSA instructs 20 barristers, who work flexible, contracted hours. She stated that the Inquiry had received “a number of expressions of interest” in the role of Counsel to Inquiry, which were volunteered “very quickly after Mr Emmerson’s resignation”, and that IICSA was “working through the process” of replacing him. She also indicated that the “first junior” role, the Counsel to the Inquiry’s de facto deputy, would not be filled until the designated Counsel could be involved in the process.<sup>35</sup>

**41. Experienced counsel have been departing from the Inquiry at an alarming rate, and we are concerned that a new senior Counsel to the Inquiry has not yet been appointed. IICSA should prioritise appointing a new Counsel to the Inquiry at the earliest opportunity, and ensure that it selects an individual with both the leadership qualities to oversee a high quality legal team and the requisite experience and prestige to command the confidence of victims and survivors.**

**42. We look forward to taking further evidence and giving further consideration to these issues in due course.**

## Conclusions and recommendations

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### Independence and accountability

1. It is important that IICSA is, and is seen to be, independent. We do not seek to undermine that independence, which has been established by statute and is vital to the credibility of its work, which is immensely important to survivors of abuse. However, that does not absolve it in any way from the need for transparency, accountability and scrutiny, particularly given that it was established by the Home Office and its budget comes from Home Office expenditure, and that it was a lack of transparency in institutions which gave rise to the Inquiry being set up. (Paragraph 5)
2. It should also be noted that the Inquiries Act 2005 makes no provision for the relationship between independent inquiries and Parliament and its committees. The status of IICSA cannot, therefore, be regarded as making it any less open to parliamentary scrutiny than other organisations. The Government may wish to review what the appropriate accountability arrangements should be for independent inquiries, particularly in circumstances where problems emerge, as they have done in this case. (Paragraph 6)

### Dame Lowell Goddard

3. It is disgraceful that Dame Lowell Goddard has refused to provide oral evidence to this Committee. She received significant sums of public money in salary and expenses during her period as Chair, and on her departure from the post, and played a prominent role in shaping the Inquiry for most of its lifespan until then. We regard this refusal as falling well below the standards we would expect of any public servant, including the fifth Nolan Principle of Public Life on ‘openness’, and particularly one who holds high judicial rank in her own country and who agreed to take on such an important and sensitive role as Chair of the Independent Inquiry. Should Dame Lowell travel to the UK in the future, we would invoke parliamentary procedures to seek to summon her to give oral evidence. (Paragraph 11)
4. It is not for us to pass comment on allegations made in the media about the former Chair of the Inquiry. However, it is important that, where allegations challenge the fitness of a chair to lead an inquiry, there is a process in place to deal with that. We understand that the Home Office is reflecting on how this should be dealt with and we regard this as important for future independent inquiries. (Paragraph 13)

### Counsel to the Inquiry

5. We do not accept the Solicitor to the Inquiry’s assertion that answering our general questions about the differences between an inspectorate-style approach to the Inquiry, compared to a judicial approach, would somehow “stand in the way of [the Inquiry’s] ability to scrutinise the institutions it is tasked with examining, by putting them on notice of its approach before it is appropriate to do so”. We believe that the Inquiry would benefit from greater transparency about its approach and greater public clarity about the different kinds of work it is undertaking. Similarly, we believe that survivor groups would benefit from more public clarity about the approaches to its work which the Inquiry plans to take. (Paragraph 18)

### IICSA's duty of care to those working on the Inquiry

6. It is not for us to pass any comment on the allegations made in the media about the former Counsel to the Inquiry, which he has categorically denied. We are not in a position, and it is certainly not our responsibility, to assess either the facts of the case or the details of the processes that the Inquiry pursued. However, on the basis of the evidence we have seen, we do not believe that IICSA has taken seriously enough its responsibility to pursue allegations of bullying or disclosures of sexual assault within the Inquiry. Nor do we believe it has done enough to demonstrate publicly that it has a robust approach to such matters. IICSA's public response has been inadequate, and the words attributed to an unidentified "IICSA source" in the press in response to the alleged assault are completely inappropriate, appearing to dismiss the serious nature of the matter and the credibility of the alleged victim. One of the Inquiry's key purposes is to assess other organisations' procedures for dealing with disclosures of sexual assault or abuses of power, and institutional reluctance to confront difficult issues that might jeopardise their reputation. We therefore believe that it is extremely important that the Inquiry can show that it treats these issues with appropriate rigour when they affect IICSA itself. (Paragraph 26)
  
7. We believe that IICSA should now seek to address concerns about the reported incident involving the former Counsel to the Inquiry, including those raised by Hugh Davies QC in his evidence to us. One option would be to appoint an external person with senior legal experience to examine the events surrounding the Counsel to the Inquiry's resignation. This may help to allay any concerns among those involved in the Inquiry's work about whether IICSA takes its duty of care towards them sufficiently seriously. IICSA has indicated that no formal complaint was made to it regarding the allegations. It may wish to consider whether it has done enough to create an environment in which those involved with its work feel confident that they can make complaints without the risk of adverse consequences, regardless of the level of seniority of the individuals involved. (Paragraph 27)

### Role of the Committee in scrutinising the work of IICSA

8. We fully respect the independence of the Inquiry, but we do not accept the views of the Solicitor to the Inquiry in relation to the proper role of this Committee. He appears to minimise the risk to public confidence in the Inquiry arising from a perceived lack of transparency in relation to handling complaints. Whilst the resolution of an internal decision is a matter for IICSA, the robustness of the process is of public interest. There is a risk to the Inquiry's authority if there is a perception of a cover-up over allegations of abuse. We recognise the importance of not interfering in the Inquiry's work, which needs to continue unhindered by external views. However we affirm our role in holding the Inquiry to account for its progress, which was accepted by the previous Chair, and it is legitimate for us to seek the opinions of those who have previously worked for the Inquiry. The fact that politicians are within the purview of the Inquiry does not discount this Committee having a role, in terms of ensuring greater transparency in relation to the Inquiry, and thereby contributing to building confidence. We request that the Panel provides a full update to us at the conclusion of the IICSA Chair's review. (Paragraph 29)



### Future approach to the Inquiry's work

9. The Truth Project is an important way to enable abuse survivors to share their experiences with the Inquiry. IICSA notes that 500 people have so far been invited to attend an interview, but only 100 have been able to contribute in this way to date. It is also unfortunate that identifying a suitable hearing centre has delayed the start of the Public Hearings, so that the first one will not take place until February next year, some two years after the Inquiry was established in its current form as a statutory inquiry. We regard IICSA's slow progress to date in engaging directly with survivors as being a significant weakness in its work. This issue must be addressed in Professor Jay's review findings, if IICSA is to build the confidence of survivors in its ability to deliver on its objectives, and maintain their engagement with its work. (Paragraph 35)
10. Like our predecessors, we regard the work of the Independent Inquiry as vital. However, confidence in the Inquiry's ability to deliver its objectives in a timely and effective way has been seriously diminished by the problems it has encountered. Steps need to be taken swiftly to rebuild confidence in IICSA and its work. These should include the Inquiry setting out publicly, as part of the announcement of Professor Jay's review findings, how it intends to resolve the tensions that Dame Lowell Goddard referred to, between the judicial approach and the inspectorate approach. In particular, IICSA should provide clarity on the balance which it intends to strike between establishing the truth about past institutional abuse and assessing current institutional practice. (Paragraph 38)
11. It is important that the Inquiry is able to conduct forensic and legal investigations into historic abuse within institutional settings. Some of these events have been hidden from view for far too long. This is understandably what most troubles survivors, and they want these matters to be dealt with. We recognise that the Inquiry will need to determine the way forward in the light of the Chair's review, which is expected to conclude shortly. As part of that process, to provide clarity and make the work of the Inquiry easier to manage, consideration could be given to dividing the work into two separate elements: one pursuing forensic and legal investigations, to establish the truth about past institutional abuse, and the other looking at thematic and compliance issues around child protection and safeguarding procedures within institutions today. Both are important, and they may require different approaches, skills and experience to deliver results, but this is a matter for the Inquiry to determine. (Paragraph 39)
12. Experienced counsel have been departing from the Inquiry at an alarming rate, and we are concerned that a new senior Counsel to the Inquiry has not yet been appointed. IICSA should prioritise appointing a new Counsel to the Inquiry at the earliest opportunity, and ensure that it selects an individual with both the leadership qualities to oversee a high quality legal team and the requisite experience and prestige to command the confidence of victims and survivors. (Paragraph 41)
13. We look forward to taking further evidence and giving further consideration to these issues in due course. (Paragraph 42)

## Formal Minutes

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**Tuesday 22 November 2016**

Members present:

Yvette Cooper, in the Chair

James Berry	Tim Loughton
Mr David Burrowes	Stuart C. McDonald
Byron Davies	Naz Shah
Nusrat Ghani	Mr Chuka Umunna
Mr Ranil Jayawardena	Mr David Winnick

\* \* \* \*

Draft Report (*The work of the Independent Inquiry into Child Sexual Abuse*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 42 read and agreed to.

*Resolved*, That the Report be the Eleventh Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 30 November at 2.00 pm.]

## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Tuesday 18 October 2016

*Question number*

**Professor Alexis Jay OBE**, Chair, **Ivor Frank**, Panel Member, and **Drusilla Sharpling CBE**, Panel Member, Independent Inquiry into Child Sexual Abuse [Q1–125](#)

**Mark Sedwill**, Permanent Secretary, Home Office [Q126–219](#)

## Published written evidence

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The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

CSA numbers are generated by the evidence processing system and so may not be complete.

- 1 Rt Hon Amber Rudd MP, Home Secretary, letter dated 4 August 2016 ([CSA0001](#))
- 2 Rt Hon Amber Rudd MP, Home Secretary, letter dated 11 August 2016 ([CSA0002](#))
- 3 Dame Lowell Goddard QC ([CSA0003](#))
- 4 Chair to Rt Hon Amber Rudd MP, Home Secretary, letter dated 5 August 2016 ([CSA0004](#))
- 5 Chair to Dame Lowell Goddard QC, letter dated 5 August 2016 ([CSA0005](#))
- 6 Chair to Rt Hon Amber Rudd MP, Home Secretary, letter dated 12 August 2016 ([CSA0006](#))
- 7 Rt Hon Amber Rudd MP, Home Secretary, letter dated 11 October 2016 ([CSA0007](#))
- 8 Dame Lowell Goddard QC correspondence, August – October 2016 ([CSA0008](#))
- 9 Dame Lowell Goddard QC, letter dated 28 October 2016 ([CSA0009](#))
- 10 Professor Alexis Jay OBE, Chair of the Independent Inquiry into Child Sexual Abuse, letter dated 28 October 2016 ([CSA0010](#))
- 11 Mark Sedwill, Permanent Secretary, Home Office, letter dated 28 October 2016 ([CSA0011](#))
- 12 Chair to Dame Lowell Goddard QC, letter dated 2 November 2016 ([CSA0012](#))
- 13 Dame Lowell Goddard QC, letter dated 7 November 2016 ([CSA0013](#))
- 14 Chair to former counsel to the Inquiry, letter dated 2 November 2016 ([CSA0014](#))
- 15 Toby Fisher, former counsel to the Inquiry, letter dated 10 November 2016 ([CSA0015](#))
- 16 Ben Emmerson QC, former Counsel to the Inquiry, letter dated 11 November 2016 ([CSA0016](#))
- 17 Elizabeth Prochaska, former counsel to the Inquiry, letter dated 11 November 2016 ([CSA0017](#))
- 18 Hugh Davies QC, former counsel to the Inquiry, letter dated 15 November 2016 ([CSA0018](#))
- 19 Martin Smith, Solicitor to the Inquiry, letter dated 7 November 2016 ([CSA0019](#))
- 20 Chair to former counsel to the Inquiry, letter dated 17 November 2016 ([CSA0020](#))
- 21 Hugh Davies QC, former counsel to the Inquiry, letter dated 21 November 2016 ([CSA0021](#))
- 22 Toby Fisher, former counsel to the Inquiry, letter dated 21 November 2016 ([CSA0022](#))
- 23 Chair to Professor Alexis Jay OBE, Inquiry Chair, letter dated 18 November 2016 ([CSA0023](#))
- 24 Professor Alexis Jay OBE, Inquiry Chair, and Drusilla Sharpling, Ivor Frank and Professor Sir Malcolm Evans, Inquiry panel members, letter dated 22 November 2016 ([CSA0024](#))

## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the [publications page](#) of the Committee's website.

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

### Session 2015–16

First Report	Psychoactive substances	HC 361 (HC 755)
Second Report	The work of the Immigration Directorates (Q2 2015)	HC 512 (HC 693)
Third Report	Police investigations and the role of the Crown Prosecution Service	HC 534
Fourth Report	Reform of the Police Funding Formula	HC 476
Fifth Report	Immigration: skill shortages	HC 429 (HC 857)
Sixth Report	The work of the Immigration Directorates (Q3 2015)	HC 772 (HC 213)
Seventh Report	Police and Crime Commissioners: here to stay	HC 844 (HC 822)
First Special Report	The work of the Immigration Directorates: Calais: Government Response to the Committee's Eighteenth Report of Session 2014–15	HC 380
Second Special Report	Out-of-court Disposals: Government Response to the Committee's Fourteenth Report of Session 2014–15	HC 379
Third Special Report	The work of the Immigration Directorates (Q2 2015): Government Response to the Committee's Second Report of Session 2015–16	HC 693
Fourth Special Report	Psychoactive substances: Government Response to the Committee's First Report of Session 2015–16	HC 755
Fifth Special Report	Immigration: skill shortages: Government Response to the Committee's Fifth Report of Session 2015–16	HC 857

### Session 2016–17

First Report	Police diversity	HC 27 (HC 612)
Second Report	The work of the Immigration Directorates (Q4 2015)	HC 22 (HC 675)
Third Report	Prostitution	HC 26
Fourth Report	College of Policing: three years on	HC 23 (HC 678)

Fifth Report	Proceeds of crime	HC 25 (HC 805)
Sixth Report	The work of the Immigration Directorates (Q1 2016)	HC 151
Seventh Report	Migration Crisis	HC 24
Eighth Report	Radicalisation: the counter-narrative and identifying the tipping point	HC 135
Ninth Report	Female genital mutilation: abuse unchecked	HC 390
Tenth Report	Antisemitism in the UK	HC 136
First Special Report	The work of the Immigration Directorates (Q3 2015): Government Response to the Committee's Sixth Report of Session 2015–16	HC 213
Second Special Report	Police diversity: Government Response to the Committee's First Report of Session 2016–17	HC 612
Third Special Report	The work of the Immigration Directorates (Q4 2015): Government Response to the Committee's Second Report of Session 2016–17	HC 675
Fourth Special Report	College of Policing: three years on: Government and College of Policing responses to the Committee's Fourth Report of Session 2016–17	HC 678
Fifth Special Report	Proceeds of crime: Government response to the Committee's Fifth Report of Session 2016–17	HC 805
Sixth Special Report	Police and Crime Commissioners: here to stay: Government response to the Committee's Seventh Report of Session 2015–16	HC 822