



DEBATE PACK

Number CDP-2016-0244, 12 December 2016

Operation Midland and the Henriques report

Westminster Hall Debate

13 December 2016 at 1430hrs

A Westminster Hall debate on Operation Midland and the report of Sir Richard Henriques has been scheduled for 1430hrs on Tuesday 13 December 2016. The Member in charge of the debate is Sir Gerald Howarth MP.

Pat Strickland, Sarah
Pepin

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The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

1. Introduction

Summary

The Henriques inquiry was set up to review the Metropolitan Police's handling of a series of allegations by a single individual that high profile individuals had been involved in the sexual abuse and deaths of boys in the 1970s and 1980s. The investigation, Operation Midland, ended in March 2016 with no charges being brought.

There have been multiple investigations into historic, or "non-recent" child sexual abuse. In October 2012, the Metropolitan Police launched Operation Yewtree following a very large number of allegations of sexual abuse after the exposure of Jimmy Savile in an ITV documentary.

The Metropolitan Police set up an umbrella inquiry, Operation Fairbank, to investigate series of allegations against politicians and other public figures. It went on to establish a number of criminal investigations.

A number of these allegations were made by one individual with the pseudonym "Nick". These include some particularly serious allegations about abuse of boys on the Dolphin Square estate in Pimlico. The names of several of the prominent individuals against whom allegations were made were reported in the press. They included the former Conservative Home Secretary Lord Brittan, the former chief of defence staff Field Marshall Lord Bramall, the former Prime Minister Edward Heath, and the former Labour MP Greville Janner.¹

Operation Midland was started in November 2014. It was closed in March 2016 closed without any charges being brought against any of the former politicians, military officers or government officials alleged to be involved.²

In February 2016 the Metropolitan Police Commissioner, Sir Bernard Hogan Howe, asked a retired High Court Judge, Sir Richard Henriques, to conduct a review into the actions of the Metropolitan Police Service in relation to these allegations. The objective was to identify any lessons for the Service and make recommendations. In particular, the Review was asked to examine:

- The way in which information got into the public domain;
- Problems associated with investigations initially based on the evidence of a single complainant, and how far an investigation should go in order to corroborate a complainant's account;
- The approach adopted toward establishing the veracity of complainants;
- The length of time such investigations have taken;

¹ See for example, "[Operation Midland: who are the nine people accused of being part of a 'VIP paedophile ring'?](#)," *Telegraph*, 12 October 2015

² "[Operation Midland: inquiry into alleged VIP paedophile ring collapses](#)", *Guardian*, 21 March 2016

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- What steps can be taken to protect the interests of complainants to ensure victims can come forward with confidence;
- Any other matters the Review considered relevant.

The Henriques Review was published on 31 October 2016.³ It made 25 recommendations.

³ Henriques, Richard , [*An Independent Review of the Metropolitan Police Service's handling of non-recent sexual offence investigations alleged against persons of public prominence*](#), 31 October 2016

2. Media

2.1 Articles and blogs

FACT, [Henriques Report an opportunity to rebalance the scales of justice](#), 11 November 2016

Max Saffman, [Operation Midland Review](#), Olliers Solicitors, 10 November 2016

Jon Robins, [Hogan-Howe finally apologies for disastrous Operation Midland](#), The Justice Gap, 9 November 2016

Goold, Kate, [Henriques Review paves the way to reform](#), Bindmans, 9 November 2016

[Operation Midland: peers demand release of unredacted report](#), The Guardian, 9 November 2016

[Operation Midland: Police helped Nick claim compensation for false allegations](#), The Telegraph, 9 November 2016

[Operation Midland police fell for 'false claims' of VIP abuse, report says](#), The Guardian, 8 November 2016

[Henriques report: Met Police in the dock as review finds string of 'significant failings' in sex abuse inquiry](#), The Telegraph, 8 November 2016

[Operation Midland inquiry riddled with blunders, review finds](#), The Times, 8 November 2016 [registration required]

Humphreys, John, [Operation Midland: the Police Call in the Judge](#), YouGov, 11 February 2016

2.2 Press releases

Mayor of London, [Sir Richard Henriques' Independent Inquiry](#), 16 November 2016

Association of Police and Crime Commissioners, [APCC Response to Henriques Review](#), 8 November 2016

College of Policing, [College statement following Sir Richard Henriques Review](#), 8 November 2016

Independent Police Complaints Commission, [Metropolitan Police service to refer five officers in relation to Operation Midland](#), 8 November 2016

Metropolitan Police, [Commissioner's statement following Sir Richard Henriques Review](#), 8 November 2016

NAPAC (National Association for People Abused in Childhood), [Comment on the Henriques report](#), 8 November 2016 [via Twitter]

NSPCC Press Office, [Response to the Operation Midland report](#), 8 November 2016 [via Twitter]

3. Parliamentary Business

3.1 Debates

[Operation Midland](#)

HL Deb 9 November 2016 c1151-4 [Extract]

Asked by Baroness Miller of Chilthorne Domer:

To ask Her Majesty's Government what urgent steps they will take to restore confidence in the Metropolitan Police following the conclusions of Sir Richard Henriques report into Operation Midland.

The Minister of State, Home Office (Baroness Williams of Trafford):

My Lords, allegations of sexual offences are among the most serious to be investigated by the police. The police have a responsibility to investigate such allegations, thoroughly, sensitively and with rigour, so that the facts can be established. Sir Bernard Hogan-Howe was right to ask Sir Richard Henriques to carry out this independent report, and it is now for the Metropolitan Police to address the findings and take action where necessary.

Baroness Miller of Chilthorne Domer:

I thank the Minister for her reply. An initial reading of the report suggests that the operation fell short on a number of issues of natural justice. I want to ask the Minister about one: will she make sure that her department issues guidance that people under investigation should remain anonymous until the police are in a position to bring charges?

Baroness Williams of Trafford:

My Lords, we had a very good debate on this in the last couple of weeks and there is a general principle: people should remain anonymous before charge, but there are circumstances in which names may be released and it is in order for victims to come forward. I must say to the noble Baroness that victims' groups support that principle.

Lord Lamont of Lerwick:

My Lords, is the Minister aware that some of us saw at first hand the suffering of Lord Brittan, who died before his name could be cleared? Can the Minister explain why the text of this report, which appears an appalling indictment of the Metropolitan Police, cannot be published absolutely in full? Secondly, why could a copy of it not have been given to Lady Brittan before it was made public? Why could she not see the full report? Lastly, is it correct—as reported in some newspapers—that the search warrant for Lord Brittan's house after he died was made out in the name of Lord Brittan, which, if true, would surely be improper procedure?

Baroness Williams of Trafford:

I am sure my noble friend will understand if I do not talk about individual cases, but I certainly concur with his point: suffering arises when people have their names released and are guilty of nothing. However, by the same token, victims often do not come forward because they are frightened, but they need to feel that they can in these situations. The report was commissioned by the Metropolitan Police Commissioner, and therefore its publication arrangements and who he distributes it to are matters for him to decide.

Lord Morris of Aberavon:

My Lords, since manifest injustice results from the publication of names before charge, is it not a matter of urgency that the whole law and practice should be reviewed independently at the highest level, and should not rely solely on the views of the police?

Baroness Williams of Trafford:

My Lords, it is the view of the Government that there should be a presumption of pre-charge anonymity, unless it is for victims who previously felt unable to come forward to do so. I must stress that victims' groups are very supportive of some situations where it is right that names are released.

Lord Cormack:

Was Lord Bramall given a copy of this report prior to publication in full? Two Members of your Lordships' House, one tragically dead, the other still alive, have been traduced in the most vile and improper way. The reputation of a former Prime Minister has been trashed. A former Member of Parliament, who was certainly not guilty of the appalling things with which he was charged, has also had his life ruined. We must, I suggest to your Lordships and my noble friend, have a further debate on this. Can we please have copies of the report in the Library before we have such a debate?

Baroness Williams of Trafford:

My Lords, there will be a debate later today, if my noble friend would care to sit through the Committee stage of the Policing and Crime Bill. However, my noble friend and I do not disagree that there should be a presumption of anonymity, but it is important, in certain cases, for the police to be able to release names. The publication arrangements for the report are, as I have said, a matter for the commissioner to decide on.

The Lord Bishop of Leeds:

My Lords, can the Minister comment on the criteria for deciding which names should be divulged and which should not? To use the language of victimhood, we are creating victims as well as defending victims.

Baroness Williams of Trafford:

Could the right reverend Prelate repeat the last bit of that question?

The Lord Bishop of Leeds:

My point was that we are creating victims as well as defending them; we are creating new ones. What are the criteria—that was the essential question—for deciding when anonymity ought to be breached and names put out?

Baroness Williams of Trafford:

The criterion is generally that it should be in the public interest for a name to be released. We can all think of examples where names have been released and somebody has been found not to have committed any crime at all. However, it is important in law to balance that with the importance of victims coming forward and not being frightened to do so.

Lord Rosser:

My Lords, we note that, by remarkable coincidence, this report appears to have come out on the same day as the American presidential election result, which is very interesting. The Government's reply to the Question appeared to be that it is for the Metropolitan Police to act. Does that mean that the Government will not even ask the Metropolitan Police what they are doing, including, for example, ensuring that at least in future there are adequate internal systems for regularly reviewing such major investigations to determine, among other things, whether there is still a case for continuing with them? Surely the Government do not intend just to sit back, do nothing and say that this is purely a matter for the Metropolitan Police.

Baroness Williams of Trafford:

My Lords, it was the commissioner who asked Sir Richard Henriques to carry out the independent report. It is now for the Metropolitan Police to address the findings of that report, and to take action where necessary.

Lord Dear:

My Lords, running throughout this report are two palpably obvious issues: the quality of officers at the top of any police service in this country and leadership. I spoke on this matter in Committee on the Policing and Crime Bill last week, as did the noble Lords, Lord Condon and Lord Blair, two former Commissioners of the Metropolitan Police. We raised very grave concerns that the requirements for training and selection of senior officers had been allowed to diminish to a point almost of invisibility, one example of which was the sale of the Police Staff College, which has not been replaced. Given that I am to have a meeting at the Home Office next week, will the Minister reassure your Lordships' House that the issues of quality and leadership will be elevated to a point of prime concern in the Home Office, and will not remain almost invisible, as they are at the moment?

Baroness Williams of Trafford:

My Lords, I preface my comments by saying that the sale of a building is not, in itself, the most important aspect of those issues. However, what the noble Lord says about the quality of leaders and officers in the

Metropolitan Police, and the police in general, is very important. We will have further debates on this. Certainly, the training and leadership of police forces that protect the public are of the utmost importance.

Baroness Butler-Sloss:

My Lords, it is patently unsatisfactory that the full report is not produced for the public to read. Should not the Home Office urge the commissioner of police to make it public?

Baroness Williams of Trafford:

My Lords, policing is independent of government. It is entirely up to the Commissioner of the Metropolitan Police whether he releases an independent report.

3.2 Parliamentary Questions

[Sexual Abuse: Harassment of Suspects](#)

Asked by: Lord Lexden

To ask Her Majesty's Government, further to the answer by Baroness Williams of Trafford on 9 November concerning the report by Sir Richard Henriques into Operation Midland, what guidance they have given to police forces about measures to prevent the harassment by third parties of suspects under investigation in connection with claims of sexual abuse.

Answered by: Baroness Williams of Trafford | Department: Home Office

My Lords, the protection of suspects experiencing harassment is an operational matter and one that forces should consider on a case-by-case basis. However, I can confirm that the College of Policing is currently developing general guidance on stalking and harassment and updating existing guidance on police relationships with the media.

8 December 2016 | Oral questions | c862

Asked by: Lord Lexden

Do the Government share the widespread feelings of disappointment that the Metropolitan Police's response to the truly damning Henriques report has so far been—to use polite words—rather muted? In the aftermath of Operation Midland and other scandals, do we not need to be sure that certain misdeeds will never be repeated—for instance, that the BBC and the police will never again collude in the manner that they did in the case of the wholly innocent Sir Cliff Richard? Do we need a binding police code of conduct to which all those unfairly and falsely accused—indeed, everyone—can have ready access?

Answered by: Baroness Williams of Trafford | Department: Home Office

I hope I can reassure my noble friend that the Metropolitan Police will be consulting on all the review's recommendations with the National Police Chiefs' Council, the police and crime commissioners, the College of Policing, and the statutory and voluntary partners in the criminal justice system. In addition, police investigations into persons of public prominence and institutions are now nationally co-ordinated under Operation Hydrant.

8 December 2016 | Oral questions - supplementary | c862-3

Offences against Children

Asked by: Earl Attlee

To ask Her Majesty's Government whether they have the power or ability to refer Operation Midland to the Independent Police Complaints Commission.

Answered by: Lord Bates | Department: Home Office

The Home Office is unable to refer matters to the Independent Police Complaints Commission (IPCC) and cannot comment on individual cases which are a matter for individual forces.

Schedule 3 to the Police Reform Act 2002 places a duty on the appropriate authority to refer a matter to the IPCC under certain prescribed circumstances. The appropriate authority would usually be the chief constable or, where the complaint or conduct matter relates to a chief officer, the local policing body for the force in question.

The appropriate authority may also refer a complaint to the IPCC if it considers it appropriate to do so because of the gravity of the subject-matter or there are any exceptional circumstances involved. Where the appropriate authority is the chief constable and a case is not referred, the local policing body for the force may refer the matter to the Commission on the same grounds. The IPCC can, at any time, require the appropriate authority to refer a matter to it for consideration.

As part of the measures to strengthen the powers of the IPCC in the forthcoming Policing and Crime Bill, the IPCC will in future have the power to investigate allegations of police misconduct, death or serious injury and complaints against the police without first awaiting or requiring a referral from a force.

2 February 2016 | Written questions | HL5295

4. Further reading

College of Policing, [Media relations \(consultation\)](#) , 23 May 2016 [Now closed]

College of Policing, [Guidance on relationships with the media](#) , May 2013

Sir Richard Henriques, [An Independent Review of the Metropolitan Police Service's handling of non-recent sexual offence investigations alleged against persons of public prominence](#), 31 October 2016

House of Commons Home Affairs Committee, [Police investigations and the role of the Crown Prosecution Service](#) , 20 November 2015, HC 534

House of Commons Home Affairs Committee, [Stop shaming suspects and holding them in indefinite limbo](#) , 20 March 2015

House of Commons Home Affairs Committee, [Police bail](#) , 20 March 2015, HC 962

House of Commons Home Affairs Committee, [Police, the media, and high-profile criminal investigations](#) , 24 October 2014, HC 629

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