



Library Note

Historical Child Sex Abuse Investigations

A number of investigations into historical child sex abuse in the UK have been launched by the police and public institutions in recent years. This follows allegations that claims of child sex abuse made against public figures had not been properly investigated in the past. This briefing focuses on the existing guidance for conducting these investigations and provides background information on recent investigations that have taken place. It has been written in preparation for a debate that is due to take place in the House of Lords on 30 June 2016 on the case for introducing statutory guidelines relating to the investigation of cases of historical child sex abuse.

Current Guidelines

A number of non-statutory guidance documents have been published concerning the conduct of police investigations into allegations of historical child sex abuse. In addition, the Department for Education has produced *Working Together to Safeguard Children* which contains statutory guidance about the duties of organisations with a role in safeguarding children, although this guidance does not make specific reference to the investigation of historical allegations.

Recent Investigations

Operation Yewtree was established in 2012 by the Metropolitan Police, to investigate allegations of child sexual abuse by the radio and TV presenter Jimmy Savile and others. Operation Fairbank, an investigation of allegations of sexual abuse amongst politicians was also launched in 2012. Operation Midland, an investigation of a paedophile ring allegedly operating in the 1970s and 1980s involving a property in Dolphin Square in London, was launched in 2014. Operation Midland was subsequently closed in 2016 with none of the suspects being charged. Other police operations include the investigation into allegations against the former Prime Minister, Sir Edward Heath, conducted by Wiltshire Police. These operations have been coordinated nationally as part of Operation Hydrant.

Internal investigations by organisations including the Church of England and the BBC have also taken place and, in some cases, allegations have been referred to the police. This includes allegations made against the former Bishop of Chichester, George Bell, who died in 1958.

Goddard Inquiry

In March 2015, the Home Secretary, Theresa May, established a statutory inquiry, the Independent Inquiry into Child Sexual Abuse, into the handling of investigations into allegations of child sex abuse in the past. The inquiry is chaired by the New Zealand High Court Judge, Dame Lowell Goddard, who was appointed in April 2015.

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1. Introduction

This House of Lords Library briefing provides a summary of the existing guidance for investigations into cases of historical child sex abuse. It also provides a summary of recent investigations which have taken place concerning public figures and institutions, and comment on the way in which those investigations have been conducted.

2. Investigations by Organisations and Institutions

The duty of the UK Government to protect the rights of children is set out in the UN Convention on the Rights of the Child, to which the UK is a signatory.¹ Section 11 of the Children Act 2004 requires bodies with responsibility for the safety of children to have “regard to the need to safeguard and promote the welfare of children”. Bodies including the NHS, local authorities, the police, young offender institutions and probation boards are specified as having this responsibility in this section of the 2004 Act. Local authorities also have a duty to investigate where they have child protection concerns, under the Children Act 1989.²

Statutory guidance regarding child safeguarding duties is provided in the Department for Education’s publication [Working Together to Safeguard Children](#), the most recent edition of which was issued in 2015. *Working Together to Safeguard Children* specifies that organisations are required, when meeting their child welfare obligations under the Children Act 2004, to have in place arrangements including clear policies for dealing with allegations against people who work with children. The guidance states:

Such policies should make a clear distinction between an allegation, a concern about the quality of care or practice or a complaint. An allegation may relate to a person who works with children who has:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.³

Working Together to Safeguard Children also states that such procedures must be in place in organisations with a role in safeguarding children that are not listed in section 11 of the 2004 Act. This includes voluntary organisations and private sector bodies delivering services to children and churches, as well as places of worship and faith-based organisations.⁴

The guidance provides the following information on the way in which investigations into allegations against people in these organisations should be conducted:

Employers and voluntary organisations should ensure that they have clear policies in place setting out the process, including timescales, for investigation and what support and advice will be available to individuals against whom allegations have been made. Any

¹ Office of the UN High Commissioner for Human Rights, ‘[Convention on the Rights of the Child](#)’, accessed 22 June 2016.

² Department for Education, [Working Together to Safeguard Children](#), 2015, p 15.

³ *ibid*, p 54.

⁴ *ibid*, pp 63–4.

allegation against people who work with children should be reported immediately to a senior manager within the organisation. The designated officer, or team of officers, should also be informed within one working day of all allegations that come to an employer's attention or that are made directly to the police.⁵

3. Existing Guidelines for Police Investigations

3.1 Powers of the Police to Investigate

The investigation of alleged crimes is the primary responsibility of the police. A summary of the law in England concerning the investigatory powers of the police is provided in *Halsbury's Laws of England*.⁶ This states that, while the powers of the police derive from common law, they are principally regulated by statute. Most of the powers of the police to carry out criminal investigations and to arrest or detain suspects are contained in the Police and Criminal Evidence Act 1984.⁷ There are eight statutory codes of practice established under the 1984 Act covering areas including arrests, detention and investigation.⁸

The day-to-day investigation of child sexual abuse is an operational matter which is the responsibility of the relevant chief officer.⁹ The College of Policing is responsible for publishing authorised professional practice (APP) guidance which is intended to provide frontline officers and staff with up-to-date information regarding policing practice.¹⁰ The APP guidance for the investigation process sets out a series of stages of evaluation which an investigation must go through, from initial investigations through further investigation and—in those cases that the police and Crown Prosecution Service (CPS) have chosen to pursue—to court.¹¹

During the course of an investigation, suspects may be arrested and placed on bail before being charged, although this is not an indication of guilt.¹² A suspect may be placed on pre-charge bail when there is insufficient evidence to charge a suspect, if the police wish to continue the investigation or while the case is referred to the CPS.¹³

The CPS makes the decision regarding whether or not a suspect is to be charged with an offence. When making a charging decision, prosecutors apply what is known as the 'Full Code Test'.¹⁴ This has two stages: firstly, the evidential test requires prosecutors to be "satisfied that there is sufficient evidence to provide a realistic prospect of conviction".¹⁵ The second stage requires prosecutors "to consider whether a prosecution is required in the public interest".¹⁶ In cases where the suspect presents a substantial bail risk if released, and not all the evidence is available at the time when he or she must either be charged or released from custody,

⁵ Department for Education, [Working Together to Safeguard Children](#), 2015, pp 54–6.

⁶ *Halsbury's Laws of England*, 2013, 'Police and Investigatory Powers', vol 84, para 425.

⁷ *ibid.*

⁸ Home Office, [Police and Criminal Evidence Act 1984 Codes of Practice](#), 26 March 2013.

⁹ House of Lords, [Written Question: Offences against Children, 23 February 2015, HL5027](#).

¹⁰ College of Policing, [Authorised Professional Practice: Guiding the Service](#), February 2014.

¹¹ College of Policing, [Authorised Professional Practice: Investigation—Investigation Process](#), 23 October 2013.

¹² House of Commons Home Affairs Committee, [Police Bail](#), 20 March 2015, HC 962 of session 2014–15, p 2.

¹³ *ibid.*

¹⁴ Crown Prosecution Service, [The Director's Guidance on Charging 2013: Fifth Edition, May 2013 \(Revised Arrangements\)](#), 6 May 2013, para 11.

¹⁵ Crown Prosecution Service, [The Code for Crown Prosecutors](#), January 2013, para 4.4.

¹⁶ *ibid.*, para 4.7.

prosecutors may apply the ‘Threshold Test’ when making a charging decision.¹⁷ The Threshold Test requires prosecutors to “be satisfied that there is at least reasonable suspicion that the person to be charged has committed the offence” and that “there are reasonable grounds for believing that the continuing investigation will provide further evidence, within a reasonable period of time” to meet the evidential threshold of the Full Code Test.¹⁸

The CPS Guidelines on Prosecuting Cases of Child Sexual Abuse set out the approach that prosecutors should take when dealing with child sexual abuse cases, including cases of adult victims of child sexual abuse in childhood.¹⁹ The guidelines state that there should be early consultation between the police and the CPS in large or complex child sexual abuse cases:

The CPS should be consulted on and informed of the investigation strategy so that early advice can be provided to the police if necessary. The decision to involve the CPS at an early stage is a matter for the police but experience has shown that early CPS involvement can help address some of the evidential or presentational issues that may arise at a later stage of the case.

It is important that the police and CPS work closely together and, in more complex cases, joint case review meetings should take place periodically so that progress can be checked and advice on case matters can be given. The frequency and timing of meetings will be dictated by the size and scale of the investigation and prosecution. However, it is important that these take place so that a strong prosecution can be built.²⁰

3.2 Guidance on Complex Child Abuse Investigations

The College of Policing has published APP guidance on managing complex child abuse investigations.²¹ This lists the factors that might be considered by a senior investigating officer (SIO) when deciding whether to classify an investigation as being complex. Many of these factors are likely to be relevant in cases of historical child sex abuse investigations. They include the “time parameters of concern including dates of alleged offences, the length of time between the offences and any delayed reporting” and “media interest and its impact on the investigation”.²²

The APP guidance covers a number of aspects of an investigation, including the need to collect and retain evidence and provide training to staff.²³ In regard to victim and/or witness identification, the guidance states that “an evidence or intelligence-led approach” should be adopted, and that SIOs should avoid “trawling” for witnesses.²⁴ The guidance outlines the following challenges during complex investigations concerning victims and witnesses:

A complex child abuse investigation will potentially involve vulnerable victims and witnesses. The SIO should recognise this and consider how the defence may try to

¹⁷ Crown Prosecution Service, [‘The Director’s Guidance on Charging 2013: Fifth Edition, May 2013 \(Revised Arrangements\)’](#), 6 May 2013, para 11.

¹⁸ Crown Prosecution Service, [‘The Code for Crown Prosecutors’](#), January 2013, paras 5.5 and 5.8.

¹⁹ Crown Prosecution Service, [‘Guidelines on Prosecuting Cases of Child Sexual Abuse’](#), accessed 26 June 2016, para 1.

²⁰ *ibid*, paras 4–5.

²¹ College of Policing, [‘Authorised Professional Practice: Major Investigation and Public Protection—Managing Complex Child Abuse Investigations’](#), 26 May 2015.

²² *ibid*, section 1.

²³ *ibid*, sections 3 and 4.

²⁴ *ibid*, section 5.1.

discredit a number of complainants in the trial process. The SIO should also recognise the unique nature of an investigation, when a length of time has elapsed between the alleged offences and disclosure of allegations. Careful consideration should be given to ensuring the integrity of the victim's evidence. This should include risk assessing the issues confronting the SIO and how they can be mitigated so that a prosecution can still proceed.²⁵

In regard to the strategy for suspects, the guidance states the following about the potential impact on those being investigated:

Suspect enquiries should be balanced against the impact that such actions may have on the suspect's personal life. These enquiries carry risks that need to be planned for, assessed and documented. The suspect may face suspension from employment, media coverage and a criminal prosecution. Care should be taken to ensure that, wherever possible, steps are taken to reduce the adverse impact that an investigation of this nature could have on the suspect's family.²⁶

3.3 Guidance on Relationships with the Media

The APP guidance on managing complex child abuse investigations states that investigators should take account of separate guidance on relationships with the media when considering "whether it is necessary or appropriate to disclose the name of a suspect on arrest".²⁷ The College of Policing's 2013 publication [Guidance on Relationships with the Media](#) states that the decision to disclose such information to the press should be made:

[...] on a case-by-case basis but, save in clearly identified circumstances, or where legal restrictions apply, the names or identifying details of those who are arrested or suspected of a crime should not be released by police forces to the press or the public. Such circumstances include a threat to life, the prevention or detection of crime or a matter of public interest and confidence.²⁸

3.4 National Coordination of Investigations: Operation Hydrant

Operation Hydrant was established in June 2014, with the remit of overseeing and coordinating all "non-recent" child abuse investigations concerning persons of public prominence as well those offences which took place historically in institutional settings.²⁹ Operation Hydrant is overseen by the national policing lead for child protection and abuse investigations, the Chief Constable of Norfolk Police, Simon Bailey.³⁰ In December 2015, the BBC reported that, as part of Operation Hydrant, the police had identified 2,228 suspects who were being investigated.³¹

²⁵ College of Policing, '[Authorised Professional Practice: Major Investigation and Public Protection—Managing Complex Child Abuse Investigations](#)', 26 May 2015, section 6.

²⁶ *ibid*, section 7.1.

²⁷ *ibid*, section 8.1.

²⁸ College of Policing, '[Guidance on Relationships with the Media](#)', May 2013, p 8, para 3.5.2.

²⁹ National Police Chiefs' Council, '[Operation Hydrant](#)', accessed 20 June 2016.

³⁰ National Crime Agency, '[UK-wide Operation Snares 660 Suspected Paedophiles](#)', July 2014.

³¹ BBC News, '[Operation Hydrant: UK Police Identify 2,228 Child Abuse Suspects](#)', 1 December 2015.

3.5 Operation Hydrant Guidance on Belief in Victims' Allegations

The remit of Operation Hydrant is also to identify and disseminate best practice for those carrying out investigations.³² It has produced best practice guidance for senior investigating officers (SIOs). The guidance addresses issues including belief in allegations made by those identified by the police as victims. Extracts from this guidance have been made publically available by the College of Policing, including the following:

- 1.1 SIOs are responsible for ensuring victims are supported from the outset, and that a robust investigative approach is applied throughout.
- 1.2 The purpose of a victim strategy is to support and add value to the operational activity, to identify good practice to ensure that victims are fully supported during the investigation and to identify and address any ongoing risks to other potential victims. Adult victims who have been abused as children will often have experienced not being believed, being dismissed and silenced and feeling unable to share their experiences over many years. It is, therefore, essential that officers and staff now deal with their disclosures sensitively so that they can begin a process of recovery and have trust and confidence in any subsequent investigation.

1.3.1 Investigative focus

The focus of the investigation is on proving or disproving the allegation against the suspect, and not on the credibility of the victim. Investigators will need to consider issues relative to the victim's credibility but this should not be the primary focus of the investigation. It is likely that cases will require access to third-party material when building the evidential case. This includes using expert advisers and their testimonies. APP on child abuse provides further information relating to proving the allegation.³³

4. Investigations into Historical Child Sex Abuse

Recent cases have highlighted a number of issues related to the way that investigations into historical allegations of abuse have been handled including: debates about at what stage it is appropriate for suspects to be named publicly; whether the police should apologise for publicly naming suspects in cases where no charges are brought; concerns about whether allegations of abuse were properly investigated in the past; delays in keeping suspects informed of the progress of their case; and how to proceed in cases where the alleged abuser has died or is medically unfit to stand trial. The following paragraphs summarise some recent high-profile investigations to provide the background context to such concerns.

4.1 Operation Yewtree

Operation Yewtree was established in 2012 by the Metropolitan Police to investigate allegations of child sexual abuse by the radio and TV presenter Jimmy Savile and others. Savile died in 2011. In January 2013, the Metropolitan Police Service (MPS) published a report jointly with the National Society for the Prevention of Cruelty to Children entitled [Giving Victims a](#)

³² National Police Chiefs' Council, '[Operation Hydrant](#)', accessed 20 June 2016.

³³ College of Policing, '[Summary of College of Policing National Guidance on Belief in Victims' Allegations](#)', 22 March 2016.

[Voice: Joint Report Into Sexual Allegations Made Against Jimmy Savile](#). This stated that, following the beginning of the operation, 214 criminal offences had been formally recorded across 28 force areas in which Savile was a suspect. As part of Operation Yewtree, a number of people in the entertainment industry have been convicted of offences, including the publicist Max Clifford, the TV presenter Rolf Harris, the radio presenter Dave Lee Travis and the pop performer Gary Glitter.³⁴

In November 2015, the retired Metropolitan Police commander and former national lead for Operation Yewtree, Peter Spindler, stated that officers had underestimated the amount of coverage its investigations were going to receive and did not initially have sufficient resources in place to respond.³⁵ However, Mr Spindler argued that the police had benefited from the naming of suspects in the media, as this had encouraged other victims to come forward.

In February 2016, following the launch of Operation Yewtree, the BBC published the findings of a review into the culture and practices of the corporation during the period when the allegations made against Savile were said to have taken place.³⁶ The review, conducted by Dame Janet Smith, concluded that Savile had committed “many acts of inappropriate sexual conduct in connection with his work for the BBC”.³⁷

4.2 Recent Investigations Involving Public Figures

There have been a number of high profile investigations into historical cases of child sex abuse following allegations regarding prominent public figures. These include Operation Midland, an investigation into a paedophile ring allegedly operating in the 1970s and 1980s involving a property in Dolphin Square in London, and Operation Fairbank, an investigation into allegations of sexual abuse amongst senior politicians.³⁸

Individual police forces have conducted their own investigations outside of these operations, coordinated as part of Operation Hydrant. In 2015, Wiltshire Police began an investigation, involving seven other police forces, following an allegation made against the former Prime Minister, Sir Edward Heath.³⁹ At the time of writing this investigation is ongoing. An Independent Police Complaints Commission (IPCC) investigation found no evidence to support a claim that Wiltshire Police had deliberately caused a criminal prosecution to fail in 1994 to prevent the defendant publicly making allegations that Sir Edward Heath had been involved in sexual offences against young men.⁴⁰ Wiltshire Police’s handling of the investigation into Sir Edward Heath has been criticised by the former Head of the Home Civil Service, Lord Armstrong of Ilminster (Crossbench), including the decision by the police to make a public announcement regarding this investigation before “proper evidence was collected”.⁴¹

³⁴ [Telegraph](#), ‘[Operation Yewtree: The Successes and Failures](#)’, 5 February 2015; BBC News, ‘[Jimmy Savile: Gary Glitter Arrested Over Sex Offences](#)’, 28 October 2012.

³⁵ BBC News, ‘[Police “Got Things Wrong” with Operation Yewtree](#)’, 12 November 2015.

³⁶ Dame Janet Smith, [The Jimmy Savile Investigation Report](#), February 2016.

³⁷ *ibid*, p 1.

³⁸ House of Commons Home Affairs Committee, [Police Investigations and the Role of the Crown Prosecution Service](#), 20 November 2015, HC 534 of session 2015–16, p 4.

³⁹ BBC News, ‘[Edward Heath Abuse Claims: Wiltshire Police to Lead Investigation](#)’, 11 August 2014.

⁴⁰ Independent Police Complaints Commission, ‘[Conclusion of Investigation into Alleged Historical Corruption in Wiltshire Police Concerning Child Abuse Allegations](#)’, 12 May 2016.

⁴¹ Charles Moore, ‘[The Allegations of Child Sex Abuse Against Sir Edward Heath are Driven by Hysteria](#)’, [Telegraph](#), 14 August 2015.

In July 2015, Northamptonshire Police closed an investigation into allegations made against the former Liberal MP for Rochdale, Sir Cyril Smith, who died in 2010.⁴² The force stated that this decision was taken due to a lack of evidence. In March 2015, the Independent Police Complaints Commission stated that it would investigate an allegation that Greater Manchester Police failed to adequately investigate an incident involving the former MP in 1988.⁴³

In January 2013, Leicestershire Police began an investigation into allegations made against Lord Janner of Braunstone.⁴⁴ The Crown Prosecution Service stated in April 2015 that Lord Janner would not face prosecution because the severity of his dementia made him unfit to stand trial. The Director of Public Prosecutions, Alison Saunders, issued a statement saying that, based on the CPS's analysis, the evidence collected as part of this investigation would have been sufficient to have warranted charging and prosecuting Lord Janner were it not for his ill health.⁴⁵ The Director of Public Prosecutions caveated this by emphasising that CPS were in “no sense deciding or implying” in this statement that Lord Janner was guilty of any offence.⁴⁶ A review under the CPS Victims' Right to Review scheme found in June 2015 that it was in the public interest to bring criminal proceedings against Lord Janner before the court.⁴⁷ Lord Janner was found unfit to plead and a trial of the facts was scheduled for April 2016.⁴⁸ This did not proceed as Lord Janner died in December 2015.⁴⁹

4.3 Operation Midland

Operation Midland included an investigation of the former Chief of the Defence Staff, Lord Bramall, following allegations made against him of child sex abuse.⁵⁰ The investigation against him was ultimately concluded without any charges being brought. In April 2016, the Commissioner of the MPS, Sir Bernard Hogan-Howe, met with Lord Bramall to express his regret about the distress felt by Lord Bramall and his family caused by “having his innocence publicly called into question”.⁵¹ In March 2016, the MPS issued a statement announcing that, following the end of investigations involving other individuals against whom allegations had been made, Operation Midland had been closed.⁵²

Letter from the Chief Executive of the College of Policing

Following the end of Operation Midland, the Chief Executive of the College of Policing, Chief Constable Alex Marshall, published a letter addressed to chief constables and commissioners, police and crime commissioners and the heads of public protection units.⁵³ This followed a discussion about the investigation of historic child sex abuse allegations that took place

⁴² *Guardian*, '[Cyril Smith Police Inquiry Closes Due to Lack of Evidence](#)', 30 July 2015.

⁴³ Independent Police Complaints Commission, '[IPCC to Manage Investigation into Historic Allegation Against GMP](#)', 27 March 2015.

⁴⁴ Crown Prosecution Service, '[The Decision not to Prosecute Lord Janner: Statement from the DPP](#)', 16 April 2015.

⁴⁵ *ibid.*

⁴⁶ *ibid.*

⁴⁷ Crown Prosecution Service, '[Greville Janner to be Prosecuted for Child Sex Offences](#)', 29 June 2015.

⁴⁸ BBC News, '[Lord Janner Unfit to Stand Trial, Judge Rules](#)', 7 December 2015.

⁴⁹ BBC News, '[Lord Janner Dies, Aged 87, After Long Illness](#)', 19 December 2015.

⁵⁰ Vikram Dodd, '[Met Explains Why It Investigated Lord Bramall Over Child Abuse Allegations](#)', *Guardian*, 20 January 2016.

⁵¹ Metropolitan Police Service, '[Meeting with Lord Bramall](#)', 8 April 2016.

⁵² Metropolitan Police Service, '[Statement on Operation Midland](#)', 21 March 2016.

⁵³ Police Professionalism, '[College: We are Not for Turning When it Comes to “Belief in Victims”](#)', 22 March 2016.

between the College of Policing, the National Police Chiefs' Council, the Home Office, the Metropolitan Police Service, and HM Inspectorate of Constabulary. The letter stated that:

[a] succession of high profile cases concerning non-recent child abuse has focused public attention on the approach police take to victims, first at the point of reporting, and then in investigating crime. In cases involving sexual offences, substantial efforts have been made to improve the confidence of victims to come forward and report crimes to the police. It is important that progress is not lost.⁵⁴

The letter referred those in charge of investigations to the published guidance, including the College of Policing's Authorised Professional Practice (APP) guidance, as well as other guidance on crime reporting and investigation:

[...] College of Policing APP on crime investigation and specific guidance relating to child abuse and non-recent child abuse should be followed. This guidance calls for a thorough investigation of the facts and allegation(s) made. This is consistent with CPS Guidelines on Prosecuting Cases of Child Sexual Abuse, which state: "when assessing the credibility of a child or young person, police and prosecutors should focus on the credibility of the allegation, rather than focussing solely on the victim." All evidence should be identified and gathered. The evidence of the victim is but one part of the investigation. The CPS will decide whether to prosecute a case (against the Full Code Test of evidential and public interest stages). It is for a court to decide if a case is proved against any alleged perpetrator.⁵⁵

4.4 Investigation of George Bell

In 2013, allegations against the former Bishop of Chichester, George Bell, that he had committed a sexual offence against an individual when she was a young girl, were submitted to Sussex Police by the safeguarding team at the Diocese of Chichester. George Bell had died in October 1958. On 22 October 2015, the Church of England issued a statement which referred to a formal apology issued by the current Bishop of Chichester, Dr Martin Warner, following the settlement of a legal civil claim for compensation.⁵⁶ This statement included reference to the view expressed by Sussex Police that, based on their investigations, they would have had enough evidence to have arrested and interviewed George Bell had he been alive.

On 17 March 2016, the George Bell Group published [Review of the Treatment by the Church of England of the Late Bishop of Chichester, George Bell](#). The George Bell Group included, amongst others, a number of historians, members of both the House of Commons and the House of Lords, and theologians. In its review, the George Bell Group noted that the impact of the Church of England's statement had caused damage to the late Bishop's reputation as a theologian and campaigner, with results including press coverage which referred to him as a paedophile and the renaming of schools which had been named after him. The group argued that the claims against George Bell were not proven to a standard of proof required for a criminal conviction and the fact the police had stated that he would have been arrested was not an indication of his guilt.⁵⁷ The Group argued that reference by the Church of England to the

⁵⁴ Chief Executive of the College of Policing, Alex Marshall, '[Letter: Recording and Investigating Crime](#)', 18 March 2016.

⁵⁵ *ibid.*

⁵⁶ Church of England, '[Statement on the Rt Revd George Bell \(1883–1958\)](#)', 22 October 2015.

⁵⁷ George Bell Group, '[Review of the Treatment by the Church of England of the Late Bishop of Chichester, George Bell](#)', 17 March 2016, pp 3 and 11.

comments by Sussex Police, in the context of its 22 October 2015 statement, was “prejudicial”.⁵⁸

4.5 Home Affairs Committee Reports into Recent Investigations

During the 2014–15 and 2015–16 sessions, the House of Commons Home Affairs Committee published two reports concerning the investigation of historical cases of sexual abuse. In March 2015, the Committee published a report entitled [Police Bail](#) which considered issues including the anonymity of defendants while on bail and police communications with the media. The Committee heard evidence from witnesses including the radio presenter Paul Gambaccini, who was investigated as part of Operation Yewtree, arrested and kept on bail, but who was subsequently not charged. In his evidence, Mr Gambaccini argued that he had been the subject of a “witch hunt” and that allegations against him had been published on the presumption that people would come forward to make further allegations while he was kept on bail.⁵⁹ He also stated that during this process, the CPS had not kept him properly informed as to why he remained on bail. The Committee recommended that newspapers and the media should be prohibited from naming a person accused of a sexual offence until they are charged with an offence.⁶⁰ The Committee also recommended that there should be an initial limit on the length of time someone is held on bail.⁶¹

In November 2015, the Home Affairs Committee published a report on the way in which recent investigations into historic child sex abuse cases had been conducted. The report, entitled [Police Investigations and the Role of the Crown Prosecution Service](#), focused on the investigation into a rape allegation made against Lord Brittan of Spennithorne, and the Metropolitan Police Service’s (MPS) subsequent apology to Lord Brittan’s family.⁶² Following an investigation by the MPS, the investigation against Lord Brittan was concluded without any charges being brought. Lord Brittan died before the end of that investigation. The Committee concluded that there were similarities in Lord Brittan and Mr Gambaccini’s treatment by the MPS and the CPS, in that both cases were unnecessarily delayed and suspects were not informed of the progress of their case.⁶³

In the case of Lord Brittan, this delay was in part caused by an unsuccessful appeal by the MPS to the Director of Public Prosecutions.⁶⁴ This appeal was made regarding the CPS’s decision that the MPS’s evidence did not meet the test that there would be a realistic prospect of conviction. The MPS had argued that public interest should be taken into account. However, the Home Affairs Committee noted that the evidence test was necessary prior to any consideration by the CPS of public interest regarding the case.⁶⁵

⁵⁸ George Bell Group, [Review of the Treatment by the Church of England of the Late Bishop of Chichester, George Bell](#), 17 March 2016,, p 2.

⁵⁹ House of Commons Home Affairs Committee, [Police Bail](#), 20 March 2015, HC 962 of session 2014–15, p 10.

⁶⁰ *ibid.*, p 13.

⁶¹ *ibid.*

⁶² Home Affairs Committee, [Police Investigations and the Role of the Crown Prosecution Service](#), 20 November 2015, HC 534 of session 2015–16.

⁶³ *ibid.*, p 19.

⁶⁴ *ibid.*, p 16.

⁶⁵ *ibid.*

4.6 Independent Inquiry into Child Sexual Abuse

The handling of investigations into allegations of child sex abuse in the past is currently the subject of the Independent Inquiry into Child Sexual Abuse. This is a statutory inquiry, established by the Home Secretary, Theresa May, in March 2015, under the 2005 Inquiries Act.⁶⁶ The aim of the Independent Inquiry into Child Sexual Abuse is to conduct:

[...] an overarching national review of the extent to which institutions in England and Wales have discharged their duty of care to protect children against sexual abuse.⁶⁷

The inquiry is chaired by the New Zealand High Court Judge, Dame Lowell Goddard, who was appointed in April 2015. One of the objectives of this inquiry is to draw “conclusions about the patterns of child protection failings across a range of institutions in England and Wales”.⁶⁸ These institutions include the police and the criminal justice system and the Church of England.⁶⁹

⁶⁶ Independent Inquiry into Child Sexual Abuse, [Opening Statement](#), 9 July 2015.

⁶⁷ *ibid.*

⁶⁸ Independent Inquiry into Child Sexual Abuse, [Opening Statement: Key Announcements](#), 9 July 2015, pp 1–2, para 3.

⁶⁹ Independent Inquiry into Child Sexual Abuse, [Statement by the Chair of the Independent Inquiry into Child Sexual Abuse](#), 27 November 2015.

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