



**BRIEFING PAPER**

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# The Independent Inquiry into Child Sexual Abuse and background

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## Summary

On 4 February 2015, the then Home Secretary, Theresa May, announced that a new, statutory, inquiry would take place into child sexual abuse. An Inquiry Panel was formed, led by the New Zealand judge, Lowell Goddard, although she subsequently resigned on 4 August 2016. Professor Alexis Jay, a panel member of the inquiry, was announced as the new Chair on 11 August 2016.

The Inquiry Panel was formally established by Mrs May on 12 March 2015, and following preparatory work the Inquiry was formally opened by the then Chair on 9 July 2015.

Justice Goddard described the Inquiry's task as "daunting" and hoped that the Inquiry's work will be concluded before the end of 2020. In the mean-time, the Inquiry Panel would published annual reports from 2016 and updates on its work.

The inquiry is limited in scope to England and Wales (with some exceptions) but as a statutory inquiry has the power to compel people to give evidence. Exemptions from the *Official Secrets Act 1989* for whistleblowers has been granted by the Solicitor General.

The Inquiry Panel wishes to hear from survivors of child sexual abuse:

- an online form is available to submit evidence at: <https://www.iicsa.org.uk/share-your-experience>
- a guide on submitting evidence is available, entitled [\*Truth Project – Sharing your experience: what to expect.\*](#)

The current Inquiry replaced the previous, non-statutory, Inquiry established in July 2014. As well as having less powers than the current Inquiry, its terms of reference limited it to matters dating from 1970; there is no cut-off date for the current Inquiry.

In addition, the previous Inquiry lacked a Chair for most of its existence: the two Chairs of the Panel who were appointed both resigned over concerns from victims and survivors of alleged links they had with individuals under the remit of the investigation.

# 1. The statutory inquiry

## 1.1 Establishment of a statutory inquiry

In February 2015, the then Home Secretary, Theresa May, announced a new Inquiry would be established under the *Inquiries Act 2005*, thereby replacing the non-statutory Independent Inquiry Panel into Child Sexual Abuse that was established in July 2014 (see section 2).

The alternatives were to form a Royal Commission – rejected because there would be a less “clarity over its powers to compel witnesses to give evidence” – or to convert the existing Inquiry into a statutory Inquiry. Mrs May said that the decision to dissolve the non-statutory Inquiry “is by no means a criticism of the current panel members”, and said she hoped that they would put themselves forward to join the new Inquiry Panel.<sup>1</sup>

## 1.2 The Chair of the inquiry

### The appointment of Justice Goddard

Mrs May announced that the Chair of the inquiry would be Justice Dame Lowell Goddard, a judge of the High Court of New Zealand with experience of criminal law and who had conducted an inquiry into the policing of child abuse in New Zealand.<sup>2</sup>

Justice Goddard’s appointment was subject to a pre-appointment hearing before the Home Affairs Committee. The Committee’s report of 13 February 2015 read: “based on the information available to us, we are pleased to endorse the appointment of Justice Lowell Goddard to the post of Chair of the Independent Inquiry into Child Sexual Abuse”.<sup>3</sup>

The then Home Secretary confirmed the appointment of Justice Goddard as Chair of the Inquiry on 12 March 2015,<sup>4</sup> and she took up her post on 13 April 2015.<sup>5</sup>

### The resignation of Justice Goddard

Justice Goddard resigned with immediate effect on 4 August 2016 in a move that was reported as being unexpected. Her resignation letter to the Home Secretary, Amber Rudd, gave no indication as to her reasons,<sup>6</sup> although in a statement published the following day she noted that it had been a difficult decision to accept the role because it meant “relinquishing my career in New Zealand and leaving behind my beloved family”. She added:

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<sup>1</sup> [HC Deb 4 February 2015 cc276–277](#)

<sup>2</sup> [HC Deb 4 February 2015 c276](#)

<sup>3</sup> Home Affairs Committee, *Appointment of the Chair of the Independent Inquiry into Child Sexual Abuse*, 13 February 2015, HC710 2014-15, p11, para 20

<sup>4</sup> [HCWS371](#) [Statutory Inquiry into Child Sexual Abuse], 12 March 2015

<sup>5</sup> Independent Inquiry into Child Sexual Abuse, *Opening Statement*, 9 July 2015, p1, para 1

<sup>6</sup> Independent Inquiry into Child Sexual Abuse, *Dame Lowell Goddard letter to the Home Secretary*, 4 August 2016

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The conduct of any public inquiry is not an easy task, let alone one of the magnitude of this. Compounding the many difficulties was its legacy of failure which has been very hard to shake off and with hindsight it would have been better to have started completely afresh.<sup>7</sup>

The Mail on Sunday subsequently reported that “when probed as to whether Dame Lowell was effectively fired, a Home Office spokeswoman last night insisted it was ‘her decision’ to offer her resignation. But asked whether this had been suggested to Dame Lowell by officials because her position was becoming untenable, she refused to comment”.<sup>8</sup> A Home Office spokesperson later said: “was she asked to resign following concerns about her performance or anything? The answer is no, from our sense...From the Home Office perspective, we did not ask her to resign”.<sup>9</sup>

The Chair of the Home Affairs Select Committee has asked Justice Goddard to give oral evidence on 7 September, and has stated that it will be seeking information on this matter from the Home Secretary when she gives evidence on the same date.<sup>10</sup>

### Next steps and appointment of Alexis Jay

In her letter accepting Justice Goddard’s resignation, the Home Secretary said:

I know you will want to be reassured that work continues without delay, and most importantly that victims and survivors know that the Government’s commitment to this Inquiry is undiminished. I want to be absolutely clear. The success of this Inquiry remains an absolute priority for this Government. I am determined to keep the process on track and am taking immediate steps to appoint a new Chair as soon as possible. I will, of course, consult with victims and survivors groups before making a public announcement about the appointment.<sup>11</sup>

A week after Justice Goddard’s resignation, Ms Rudd announced that Professor Alexis Jay, who had been a member of the inquiry’s panel (see section 1.3 below), would be the new Chair. The Home Secretary said: “She has a strong track record in uncovering the truth and I have no doubt she will run this independent inquiry with vigour, compassion and courage”.

In accepting her appointment, Professor Jay said:

Be in no doubt – the inquiry is open for business and people are busier than ever working hard to increase momentum. The panel and I are determined to make progress on all parts of the inquiry’s work, including speaking to victims and survivors.

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<sup>7</sup> Independent Inquiry into Child Sexual Abuse, [Statement from Hon. Dame Lowell Goddard](#), 5 August 2016

<sup>8</sup> [“Insiders reveal the ‘autocratic style, poor memory and shaky grasp of British law’ that meant Dame Lowell Goddard had to go as head of child abuse inquiry”](#), *Mail on Sunday*, 7 August 2016

<sup>9</sup> [“Home Office denies asking Dame Lowell Goddard to resign”](#), *Stuff*, 8 August 2016

<sup>10</sup> Home Affairs Committee, [Committee Chair writes to outgoing Child Sex Abuse Inquiry Chair and Home Secretary](#), 5 August 2016

<sup>11</sup> Home Office, [Home Secretary’s response to Dame Lowell Goddard](#), 4 August 2016, p2

I am determined to overcome the challenges along the way. I will lead the largest public inquiry of its kind and together with my fellow panel members we will fearlessly examine institutional failures, past and present and make recommendations so that the children of England and Wales are better protected now and in the future.<sup>12</sup>

It is not clear at this stage if a new member will be appointed to the panel.

### 1.3 Membership of the Panel

On 12 March 2015, the then Home Secretary informed the House of the membership of the new inquiry's panel, and the skills and experience that they would bring:

- Drusilla Sharpling – “a qualified barrister with expertise in both policing and the Crown Prosecution Service”
- Professor Alexis Jay (who is now the Chair) – who had “expertise in social work and led the important work on the Independent Inquiry into Child Sexual Exploitation in Rotherham”
- Ivor Frank – had “extensive experience in family and human rights law, and expertise in child protection matters”; and
- Malcolm Evans – “Chairman of the United Nations Subcommittee for the Prevention of Torture and professor of Public International Law at the University of Bristol. Malcolm also brings with him a Welsh perspective, which survivors have called for”.<sup>13</sup>

The Home Office published the criteria against which the selection of panel members was judged.<sup>14</sup> The panel members were chosen by the then Home Secretary “in consultation with Justice Goddard”.<sup>15</sup>

Mrs May added that the Panel “will be informed by a number of expert advisers in the fields of health, education, and a psychologist with expertise in this sensitive area”.<sup>16</sup>

### 1.4 Terms of reference

In her March 2015 written statement, Mrs May told the House:

I have consulted with Justice Goddard and have agreed with her the final Terms of Reference which will also be placed in the House Library today and published on the Inquiry website.

The terms of reference set out the purpose, scope (in terms of institutions to be considered and geographical extent) and principles of the inquiry. A full copy can be found in Annex A at the end of this paper.

<sup>12</sup> Home Office, [New chair to lead independent inquiry into child sexual abuse](#), News story, 11 August 2016

<sup>13</sup> [HCWS371](#) [Statutory Inquiry into Child Sexual Abuse], 12 March 2015

<sup>14</sup> GOV.UK, [Independent inquiry into child sexual abuse: criteria for panel](#), 13 February 2015

<sup>15</sup> [HCWS371](#) [Statutory Inquiry into Child Sexual Abuse], 12 March 2015

<sup>16</sup> As above

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The purpose of the inquiry was stated as:

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>17</sup>

### 1.5 Opening remarks by the then Chair

The Independent Inquiry into Child Sexual Abuse was established by the then Home Secretary, Theresa May, on 12 March 2015,<sup>18</sup> and was officially opened by its Chair at that time, Justice Goddard on 9 July 2015 following “intense and essential preparatory work”.<sup>19</sup>

In her opening statement, Justice Goddard admitted that “the task ahead of us is daunting”, saying:

An Inquiry on this scale requires a focused approach, with defined objectives from the outset, and a working structure that is clear and practical. It also requires complete objectivity. That implies a commitment to hear all sides with an open mind, without any pre-judgment about the issues, and under conditions which provide a fair opportunity for all of those affected by the Inquiry to share their experiences and put their points across.<sup>20</sup>

She added that “the Panel has adopted three guiding principles that will shape the Inquiry’s work – it must be comprehensive; it must be inclusive; and it must be thorough”, and in regard to transparency said that she was “determined to put as much information into the public domain as I properly can, as soon as I can”.<sup>21</sup>

### 1.6 Timescale for the final report

The then Home Secretary did not set a date by which the inquiry was to publish its final report, although the terms of reference state that the inquiry was to “produce regular reports, and an interim report by the end of 2018”.<sup>22</sup>

Previously, during questions on her February statement, Mrs May had said:

it is important that it does not go on endlessly, seemingly being pushed ever and ever further into the future, with no report. This will of course be for the chairman of the inquiry to determine, but my own view is that it would be helpful to set a date by which a report will be made, even if at that point the inquiry says that it needs to do further work in certain areas. People need to see that there will be a report. Indeed, the inquiry will need to consider how to keep people updated on an ongoing basis during its work

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<sup>17</sup> [DEP2015-0320](#)

<sup>18</sup> [HCWS371](#) [Statutory Inquiry into Child Sexual Abuse], 12 March 2015

<sup>19</sup> Independent Inquiry into Child Sexual Abuse, [Opening Statement](#), 9 July 2015, p2, para 6

<sup>20</sup> As above, p1, para 2

<sup>21</sup> As above, pp1 and 2, paras 3 and 4

<sup>22</sup> [DEP2015-0320](#), p1, para 2(g)

so that they do not feel that it is just going on behind closed doors.<sup>23</sup>

In her opening remarks, Justice Goddard noted that “this is the largest and most ambitious public inquiry ever established in England and Wales”, but expressed her “sincere hope and expectation ... that it will be possible to conclude the Inquiry’s work before the end of 2020”, adding that the Inquiry Panel was “committed to fulfilling its terms of reference within a credible timescale”.<sup>24</sup>

In the mean-time, the Inquiry Panel would publish “regular annual reports, beginning in 2016” which would “include tangible and achievable recommendations, so that the Inquiry process can itself act as an engine for driving accountability and change”. In addition, it would “also publish more frequent updates on the Inquiry’s work as it proceeds”.<sup>25</sup>

## 1.7 Information gathering powers

In February 2015, Mrs May said the Government had “received a very clear message that the inquiry needed statutory powers, which is why I have brought them forward. It is important that the inquiry is able to compel people to give evidence and that appropriate sanctions are in place in relation to that”.<sup>26</sup> She was therefore “clear that the inquiry should have the power to compel witnesses to give evidence”, and decided the establishment of a new statutory inquiry under the 2005 Act was the best approach.<sup>27</sup>

In terms of other information gathering, Mrs May told the House:

I wish once more to reassure the House that the Official Secrets Act will not be a bar to giving evidence to this inquiry. I am clear that the inquiry will have the full co-operation of Government and access to all relevant information, including secret information where appropriate. I shall be writing to Secretaries of State to ask for their full co-operation, and I will ask the Cabinet Secretary to write to all Departments and agencies, and to public sector organisations, including local authorities, setting out the need for full transparency and co-operation with the inquiry.<sup>28</sup>

In contrast to the previous inquiry,<sup>29</sup> there is no cut-off date specified before which the Inquiry Panel could not investigate. In her March 2015 statement, Mrs May said that the “removal of any cut-off date for the work of the Inquiry” was one of the two most important changes compared to the previous inquiry’s terms of reference, the other being “the explicit statement that survivors will be able to bear witness to the Inquiry and that support will be made available”, which “reflected[ed] the importance of survivors to the Inquiry”.<sup>30</sup>

<sup>23</sup> [HC Deb 4 February 2015 c283](#)

<sup>24</sup> Independent Inquiry into Child Sexual Abuse, [Opening Statement](#), 9 July 2015, pp5 and 7, paras 13 and 15

<sup>25</sup> As above, p7, para 15

<sup>26</sup> [HC Deb 4 February 2015 c286](#)

<sup>27</sup> [HC Deb 4 February 2015 c276](#)

<sup>28</sup> [HC Deb 4 February 2015 c277](#)

<sup>29</sup> [DEP2014-1359](#), p1

<sup>30</sup> [HCWS371](#) [Statutory Inquiry into Child Sexual Abuse], 12 March 2015

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Noting that the *Inquiries Act 2005* “makes it clear that while a statutory inquiry cannot determine criminal or civil liability, it can make findings of fact about alleged conduct that would amount to a crime or a civil wrong”, in her opening statement in July 2015 Justice Goddard said that “this Inquiry will use its fact-finding powers to the full, and will not hesitate to make findings in relation to named individuals or institutions where the evidence justifies this”, adding that “the naming of people that have been responsible for the sexual abuse of children, or institutions that have been at fault in failing to protect children from abuse, is a core aspect of the Inquiry’s function”.<sup>31</sup>

In addition to the powers of the statutory Inquiry under the *Inquiries Act 2005*, it was announced that whistleblowers would be able to submit information to the inquiry without fear of prosecution. Justice Goddard said:

an agreement was reached pursuant to which the Attorney General issued an undertaking on 15 June 2015 that no document or evidence provided to the Inquiry will result in, or be used in, any prosecution under the Official Secrets Acts or any prosecution for unlawful possession of the evidence in question.<sup>32</sup>

The full text of the undertaking is available [online](#).

### 1.8 Geographical scope

In her February 2015 statement to the House, the then Home Secretary told the House that, as with the previous inquiry, there were “good reasons for confining the inquiry’s scope to England and Wales”, explaining:

The Hart inquiry in Northern Ireland and the Oldham inquiry in Jersey are already under way, while the Scottish Government have announced their own inquiry into child abuse—but I shall discuss this with the new chairman. In the event that the geographical scope remains the same, I propose that a clear protocol is agreed to make sure that no information falls through the cracks and that no people or institutions escape scrutiny, censure or justice.<sup>33</sup>

The issue of the geographical scope was raised by the Home Affairs Select Committee in its report, [Appointment of the Chair of the Independent Inquiry into Child Sexual Abuse](#). The Committee recommended that “the scope of the inquiry be extended to include cases of abuse in Scotland and Northern Ireland, where there is reason to believe that material relevant to the case might be held by the UK Government”.<sup>34</sup>

The then Home Secretary returned to the matter in her March 2015 written statement, where she reaffirmed the scope of the new inquiry:

I know that survivors were also keen that the Inquiry extended beyond England and Wales. However, as child protection is a

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<sup>31</sup> Independent Inquiry into Child Sexual Abuse, [Opening Statement](#), 9 July 2015, pp7–8, para 16

<sup>32</sup> As above, pp7–26, para 78

<sup>33</sup> [HC Deb 4 February 2015 c277](#)

<sup>34</sup> Home Affairs Committee, [Appointment of the Chair of the Independent Inquiry into Child Sexual Abuse](#), 13 February 2015, HC710 2014-15, p13, para 27

devolved matter, it is right that other jurisdictions in the United Kingdom look at the issues within their own geographical remit so that they can take the action which is right to address the specific issues uncovered. I have said before, I am clear that no institution or individual should be able to fall through the gaps because of geographical boundaries.

The Terms of Reference make clear that the Inquiry will liaise with its counterparts elsewhere in the United Kingdom. To that end my officials have had initial discussions with the Scottish Government, who are in the process of setting up their own inquiry, the Hart Inquiry in Northern Ireland and the Independent Jersey Care Inquiry and have agreed with them and with the Child Sexual Abuse Inquiry that joint protocols will be set up with each inquiry to ensure that information can be shared and lines of investigation can be followed across geographical boundaries.

The protocols will be published by the Child Sexual Abuse Inquiry in due course. Additionally, as I made clear when I addressed the House on the 4 February, the Inquiry will have the full cooperation of Government and access to all relevant information.<sup>35</sup>

While the Inquiry was limited to England and Wales, the Inquiry Panel would be seeking a “reciprocal approach” in terms of information sharing with abuse inquiries in Scotland and Northern Ireland. Further, “in certain circumstances the Inquiry may need to look at events occurring outside England and Wales”; examples cited were the Armed Forces overseas, and where children in English and Welsh institutions had been abused outside of the jurisdiction. Additionally, the remit of the Inquiry was limited to institutional sexual abuse, but Justice Goddard noted that cases involving both this and familial sexual abuse or other forms of abuse “are squarely within our terms of reference”.<sup>36</sup>

## 1.9 Workstreams and investigations

### Workstreams

Justice Goddard explained that in order to manage investigations effectively, the Inquiry Panel had “decided to divide the various institutional sectors that fall within the terms of reference into five distinct but complementary workstreams”, with each workstream led by a member of the Panel or the Chair.<sup>37</sup>

The five workstreams are:

- (a) Allegations of abuse by people of prominence in public life - led by the [then] Chair, Hon. Lowell Goddard DNZM
- (b) Education and religion - led by Panel member, Prof. Malcolm Evans OBE
- (c) Criminal Justice and law enforcement - led by Panel member, Drusilla Sharpling CBE
- (d) Local authorities and voluntary organisations - led by Panel member, Prof. Alexis Jay OBE

<sup>35</sup> [HCWS371](#) [Statutory Inquiry into Child Sexual Abuse], 12 March 2015

<sup>36</sup> Independent Inquiry into Child Sexual Abuse, [Opening Statement](#), 9 July 2015, pp8–9, paras 17 and 18

<sup>37</sup> As above, p9, para 21

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- (e) National and private service organisations - led by Panel member, Ivor Frank.<sup>38</sup>

In addition, the Inquiry's work was divided into three projects that reflected the Inquiry's three principles – comprehensive, inclusive, and thorough – and each would contribute to the work of all five workstreams:

- (a) The Research Project will involve a comprehensive literature review to bring together, for the first time, analysis of all the published work addressing institutional failures in child protection. Led by an expert Academic Advisory Board, the Inquiry will also commission sector-specific research to better understand the scale of the problem and to identify recommendations for change. The Research Project is already under way.
- (b) The Truth Project will allow victims and survivors of child sexual abuse to share their experiences with the Inquiry. Those who wish to take part can contact the Inquiry via our dedicated helpline, by email, post or online. They will have the option to attend a private session to share their experience with a member of the Inquiry. Their accounts will not be tested, challenged or contradicted. Every person who shares their experience with the Inquiry will be given the opportunity to leave an anonymised message to be published alongside the Inquiry's reports. The first Truth Project sessions are likely to commence in October 2015.
- (c) The Public Hearings Project will resemble a conventional public inquiry, where witnesses give evidence on oath and are subject to cross examination. The Inquiry will select case studies from a range of institutions that appear to illustrate a wider pattern of institutional failings. Evidence is likely to be taken from both representatives of the institutions under investigation and from victims and survivors of sexual abuse. Each hearing will last for around six weeks and the Inquiry expects to hold up to 30 separate hearings. Collectively, the evidence heard in the range of case studies will assist the Inquiry in drawing conclusions about the patterns of child protection failings across a range of institutions in England and Wales. The first Public Hearings are likely to start in 2016.<sup>39</sup>

Also:

- a Victims and Survivors' Consultative Panel (VSCP)<sup>40</sup> was established "to advise the Inquiry on its engagement with victims and survivors generally and will also assist in the substantive work of the Inquiry" – the terms of reference are currently under development;<sup>41</sup>

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<sup>38</sup> Independent Inquiry into Child Sexual Abuse, [Opening Statement – Key Announcements](#), 9 July 2015, p9, para 21

<sup>39</sup> As above, pp1–2, para 3

<sup>40</sup> The members of the VSCP are Sheila Coates, Lucy Duckworth, Peter McKelvie, Fay Maxted, Michael May, Peter Saunders, Chris Tuck and Daniel Wolstencroft.

<sup>41</sup> Independent Inquiry into Child Sexual Abuse, [Victims and Survivors' Consultative Panel Collective Statement](#), 9 July 2015

- a Victims and Survivors' Forum to act as a "self-nominating network to discuss the work of the Inquiry and to contribute its views on progress".<sup>42</sup>

## Investigations

The Inquiry published its [criteria for the selection of investigations](#) and, based on this, announced 13 investigations which "constitute the first phase of the Inquiry's work and further investigations will be announced as the Inquiry progresses". The investigations are:

- Accountability and Reparations
- Cambridge House, Knowl View and Rochdale
- Children in Custodial Institutions
- Children outside the UK
- Child Sexual Exploitation by Organised Networks
- Lambeth Council
- Lord Janner
- Nottinghamshire Councils
- Residential Schools
- The Anglican Church
- The Internet
- The Roman Catholic Church
- Westminster.<sup>43</sup>

The Inquiry began its preliminary hearings in relation to seven of the investigations during the last full week in July 2016.<sup>44</sup>

## 1.10 Hearing from child abuse survivors and how to submit evidence

The Inquiry has stated that:

Although we are investigating institutional failures, rather than individual cases of sexual abuse, the experiences of victims and survivors are central to our task. We cannot begin to understand the patterns of institutional failures without hearing from those who suffered as a consequence of those failures.<sup>45</sup>

As noted above, the Truth Project "will allow victims and survivors of child sexual abuse to share their experiences with the Inquiry".

The Inquiry has published a guide entitled [Truth Project – Sharing your experience: what to expect](#) which is available online.

The Inquiry's website also has an online form, which notes that:

We want to hear from:

- anyone who was sexually abused as a child in an institutional setting like a care home, a school or a religious, community or state organisation, or who first

<sup>42</sup> Independent Inquiry into Child Sexual Abuse, [Opening Statement – Key Announcements](#), 9 July 2015, p2, para 5

<sup>43</sup> Independent Inquiry into Child Sexual Abuse, [Investigations](#), webpage [taken on 9 August 2016]

<sup>44</sup> Independent Inquiry into Child Sexual Abuse, [Inquiry to hold preliminary hearings for seven investigations](#), News, 21 July 2016

<sup>45</sup> Independent Inquiry into Child Sexual Abuse, [About the Inquiry – Victims and survivors](#), webpage [taken on 25 September 2015]

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came into contact with their abuser in an institutional setting

- anyone who was sexually abused as a child, and reported their sexual abuse to a person in authority, like a police officer or teacher, where the report was ignored or not properly acted on.<sup>46</sup>

The online form is available at:

<https://www.iicsa.org.uk/share-your-experience>

The Inquiry can also be contacted at:

- Telephone: 0800 917 1000
- Email: [contact@iicsa.org.uk](mailto:contact@iicsa.org.uk)
- Post: Independent Inquiry into Child Sexual Abuse, PO Box 72289, London, SW1P 9LF

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<sup>46</sup> Independent Inquiry into Child Sexual Abuse, [Share your experience](#), webpage [taken on 25 September 2015]

## 2. The previous, non-statutory, Inquiry

### 2.1 Announcement launching the Inquiry

In a statement to the House on 7 July 2014, the then Home Secretary, Theresa May, announced the launch of the Independent Inquiry Panel into Child Sexual Abuse:

I can now tell the House that the Government will establish an independent inquiry panel of experts in the law and child protection to consider whether public bodies and other non-state institutions have taken seriously their duty of care to protect children from sexual abuse. The inquiry panel will be chaired by an appropriately senior and experienced figure. It will begin its work as soon as possible after the appointment of the chairman and other members of the panel. Given the scope of its work, it is not likely to report before the general election, but I will make sure that it provides an update on its progress to Parliament before May next year. I will report back to the House when the inquiry panel chairman has been appointed and the full terms of reference have been agreed.<sup>47</sup>

In terms of the form of the Inquiry, Mrs May told the House that it would be a “non-statutory panel inquiry” which “means that it can begin its work sooner”. However, the then Home Secretary said that she would convert it to a statutory inquiry under the *Inquiries Act 2005* “if the inquiry panel chairman deems it necessary”.<sup>48</sup>

### 2.2 Terms of reference and time limit of the Inquiry’s remit

On 21 October 2014, the then Home Secretary announced the terms of reference of the Inquiry; a copy of them can be found in Annex B at the end of this note.<sup>49</sup>

In particular, the terms of reference stated the period that the Inquiry would consider was to be “from 1970 to the present”, with the caveat that “the Inquiry Panel may be presented with evidence that will lead it to conclude that this timeframe should be extended further”.<sup>50</sup>

### 2.3 Chair and membership of the Panel

#### Appointment and resignation of the first Chair, Baroness Butler-Sloss

In her statement to the House on 7 July 2014, the then Home Secretary announced that the Chair of the Inquiry would be an “appropriately senior and experienced figure”.<sup>51</sup> A day later, the Home Office announced that the Rt Hon Baroness (Elizabeth) Butler-Sloss GBE would

<sup>47</sup> [HC Deb 7 July 2014 c25](#)

<sup>48</sup> [HC Deb 7 July 2014 c25](#)

<sup>49</sup> [DEP2014-1359](#)

<sup>50</sup> [DEP2014-1359](#)

<sup>51</sup> [HC Deb 7 July 2014 c25](#)

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chair the Inquiry Panel; a day later, in a statement to the House, Mrs May said that Baroness Butler-Sloss “brings with her many years of experience in the field of child protection and law, and I am confident that she will deliver the thorough, robust and independent review that I have promised”.<sup>52</sup> Her experience included being the former President of the Family Division of the High Court.

However, the appointment was immediately met by negative coverage in the media: the *Daily Mail's* headline “[Can a member of the House of Lords investigate an Establishment cover-up? Surprise as ex-judge Butler-Sloss leads wide-ranging review into sex abuse claims](#)”, while *The Guardian's* headline was “[Butler-Sloss's child abuse role in doubt as conflict of interest row grows](#)”, which highlighted that “she has been criticised on the basis that her brother, the late Lord Havers, was attorney general at the time some of the controversy over the failure to prosecute child abuse cases may have occurred”, quoting one lawyer who said she was “just too close to the establishment”.

On 10 July 2014, the *Daily Telegraph* reported that the Chair “was compromised by the refusal of her late brother, Sir Michael Havers, to pursue a case against a paedophile diplomat when he was attorney general in the Eighties”. The article also noted that Baroness Butler-Sloss had led a 2011 investigation into how the “Church of England handled the cases of two ministers in Sussex who had sexually abused boys ... Eight months after her report was published she had to issue a six-page addendum in which she apologised for ‘inaccuracies’ which, she admitted, arose from her failure to corroborate information which was given to her by senior Anglican figures as part of the inquiry”.<sup>53</sup> On 12 July 2014, *The Guardian* said that Baroness Butler-Sloss’s 2011 inquiry had been a “cover-up” after it emerged that she had allegedly told a child abuse survivor that the report would not include claims against a bishop “because she ‘cared about the Church’”;<sup>54</sup> the bishop in question subsequently pleaded guilty to charges of indecent assault.<sup>55</sup>

On 14 July, Baroness Butler-Sloss resigned as Chair of the Inquiry Panel, saying:

It has become apparent over the last few days, however, that there is a widespread perception, particularly among victim and survivor groups, that I am not the right person to chair the inquiry. It has also become clear to me that I did not sufficiently consider whether my background and the fact my brother had been attorney general would cause difficulties.<sup>56</sup>

Mrs May said that she was “very sorry” that Baroness Butler-Sloss had resigned, adding: “I reject entirely any suggestion that she was not the

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<sup>52</sup> [HC deb 9 July 2014 c20WS](#)

<sup>53</sup> “Brother of sex abuse inquiry head ‘failed to prosecute paedophile’; Baroness Butler-Sloss under pressure over decision by Sir Michael Havers”, *Daily Telegraph*, 10 July 2014

<sup>54</sup> “[Home Office defends Butler-Sloss amid claims of abuse cover-up](#)”, *The Guardian*, 12 July 2014; “[Baroness Butler-Sloss hid claims of bishop's sex abuse](#)”, *Daily Telegraph*, 12 July 2014

<sup>55</sup> “[Retired bishop Peter Ball admits sex offences](#)”, *BBC News*, 8 September 2015

<sup>56</sup> “[Lady Butler-Sloss stands down from child-abuse inquiry](#)”, *The Guardian*, 14 July 2014

right person to do the job, but she has taken the decision herself. I am disappointed. I continue to consider her to be somebody of impeccable integrity".<sup>57</sup>

## Appointment and resignation of the second Chair, Fiona Woolf

On 5 September 2014, the then Home Secretary announced that Fiona Woolf, the then Lord Mayor of London, would be the new Chair of the Inquiry Panel. Mrs May said that Mrs Woolf "had a long and distinguished career holding high-profile and challenging positions, including President of the Law Society and Chairman of the Association of Women Solicitors".<sup>58</sup>

However, on 6 September the *Mail on Sunday* reported that it had "discovered her astonishing links to [former Home Secretary] Leon Brittan – a key figure embroiled in the scandal".<sup>59</sup>

Mrs Woolf did not comment on the reports, but on 21 October she gave evidence to the Home Affairs Select Committee. During the hearing, it transpired that Mrs Woolf's letter to the Home Secretary explaining her links to Leon Brittan had been drafted with the assistance of Home Office civil servants; Mrs Woolf told the Committee that in drafting the letter "I sat down with the Home Office and the QC to the inquiry and explored this in enormous detail", although Mrs Woolf contested the reason for involving Home Office officials in the drafting process was so that "the lawyers to the Home Office and the lawyer to the inquiry were absolutely satisfied that I met the test in section 9 of the Inquiries Act". The Committee asked to see the drafts.<sup>60</sup>

A day later, it emerged that Mrs Woolf had met Leon Brittan's wife in October 2013, whereas she had told the Committee they last met in April 2013.<sup>61</sup>

Further, on 29 October Mrs Woolf submitted further evidence to the Home Affairs Select Committee, including the drafts of her letter to the Home Secretary. This revealed that there were seven drafts of the letter, with the first draft written by the Solicitor and Counsel to the Inquiry, and the drafts were "copied to the Inquiry secretariat and Home Office".<sup>62</sup> The Chair of the Committee observed that "The final version gave a sense of greater detachment between Lord and Lady Brittan and Mrs Woolf than her previous attempts".<sup>63</sup> The *Daily Telegraph* observed

<sup>57</sup> Home Affairs Committee, *Oral evidence: The work of the Home Secretary*, 2014–15 HC 500, 14 July 2014, p2, Q3

<sup>58</sup> [HC Deb 5 September 2014 c28WS](#)

<sup>59</sup> ["Revealed: New boss of investigation into VIP child abuse claims is linked to Leon Brittan: The Mail On Sunday exposes family friendship of SECOND inquiry chief with the ex-MP accused of abuse file cover-up"](#), *Mail on Sunday*, 6 September 2014

<sup>60</sup> Home Affairs Committee, *Oral evidence: Historic child abuse*, 2014–15 HC 710, Qq13–19 and Q65

<sup>61</sup> ["Fiona Woolf faces new questions from MPs over links with Lord Brittan"](#), *The Guardian*, 22 October 2014

<sup>62</sup> Home Affairs Committee, [Letter from Fiona Woolf, Chair of the independent inquiry into historical child sexual abuse, to the Chair of the Committee, 29 October 2014](#), 30 October 2014

<sup>63</sup> ["Fiona Woolf re-wrote letter playing down links to Lord Brittan"](#), *The Guardian*, 31 October 2014

that “the letter gave the impression of being a personal statement of impartiality by Mrs Woolf. However, the truth was very different. The final draft had been altered beyond recognition when compared with the original version. Furthermore, an unknown number of lawyers and civil servants were allowed to have input into the letter”.<sup>64</sup>

In addition to the matters before the Select Committee, on 22 October, the BBC reported that Peter McKelvie, a former child protection manager, had said that child abuse survivors he had spoken to had “no trust in the whole process”, adding: “It’s [the Inquiry Panel] a process that survivors I’m talking to say they really don’t want to be part of. I really don’t think they will cooperate with this particular process at all”. It was also reported that a victim of historical child sexual abuse “had launched a legal challenge to the choice of Fiona Woolf” through a judicial review.<sup>65</sup>

On 31 October, Fiona Woolf resigned as Chair of the Inquiry Panel. It was reported that “victims’ groups earlier told government officials they were ‘unanimous’ she should quit, citing her social links with ex-Home Secretary Lord Brittan”.<sup>66</sup> Mrs Woolf said:

“I’ve clearly destroyed their confidence in the inquiry with me leading it. These are the last people I had wanted to upset.”

She said: “I was determined that the inquiry got to the bottom of the issues and if I don’t command their confidence to run the panel fairly and impartially then I need to get out of the way”.<sup>67</sup>

The then Home Secretary said in a statement to the House on 3 November:

Almost four months after I announced my intention to establish a panel inquiry, it is obviously very disappointing that we do not yet have a panel chairman, and for that I want to tell survivors that I am sorry. To put it bluntly, it will not be straightforward to find a chairman who has both the expertise to do this hugely important work, and has had no contact at all with an institution or an individual about whom people have concerns. I still believe, however, that it is possible to find somebody who is suitably qualified and can win the confidence of survivors.<sup>68</sup>

### Membership of the Panel

The other members of the Inquiry Panel were Sharon Evans, Ivor Frank, Dame Moira Gibb, Barbara Hearn, Professor Jenny Pearce, Drusilla Sharpling, Professor Terence Stephenson and Graham Wilmer. They were supported by Ben Emmerson QC, counsel to the Inquiry, and Professor Alexis Jay, the Panel’s expert adviser.

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<sup>64</sup> [“Fiona Woolf faces renewed calls to step down”, \*Daily Telegraph\*, 30 October 2014](#)

<sup>65</sup> [“Legal challenge launched over abuse inquiry chair”, \*BBC News\*, 22 October 2014](#)

<sup>66</sup> [“Abuse inquiry: Fiona Woolf steps down as chairwoman”, \*BBC News\*, 31 October 2014](#)

<sup>67</sup> [“Abuse inquiry: Fiona Woolf steps down as chairwoman”, \*BBC News\*, 31 October 2014](#)

<sup>68</sup> [HC Deb 3 November 2014 cc543–544](#)

## 2.4 Work of the Inquiry Panel

In a November 2014 debate in Westminster Hall, the then Parliamentary Under-Secretary of State for the Home Department, Karen Bradley, explained that, despite the lack of a Chair:

the panel will continue to go about its vital work. It is meeting weekly in the run-up to Christmas. Panel members have already attended two listening meetings with victims and survivors. Two further regional meetings will be held before Christmas, and four regional meetings will be held in the new year. The meetings will provide an early opportunity for survivors to give their views, and they will help to inform the panel on how to go about its work.

[...]

The panel is considering as a priority the best ways in which to engage with victims and survivors, and how to ensure that the right package of support is available to those who take part in the inquiry. Those giving evidence will share and relive some of the most appalling experiences anyone can live through. The panel will endeavour to make the process of giving evidence the most supportive and least traumatic for survivors that it is possible to make it.

[...]

The panel is working on the approach it will take and the methodology it will use in the collection and analysis of information and evidence. These fundamentals for the inquiry will be the way in which it ensures that the terms of reference are met, that survivors and victims of sexual abuse are given a voice, and that that voice is heard and makes a difference for future generations. The panel is also seeking to learn lessons from the Australian royal commission into institutional responses to child sexual abuse about what worked well and what did not.<sup>69</sup>

# Annex A: Terms of reference of the statutory inquiry

## Independent Panel Inquiry into Child Sexual Abuse

### Terms of Reference

#### Purpose

1. 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.
2. In doing so to:
  - (a) Consider all the information which is available from the various published and unpublished reviews, court cases, and investigations which have so far concluded;
  - (b) 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;
  - (c) 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;
  - (d) Advise on any further action needed to address any institutional protection gaps within current child protection systems on the basis of the findings and lessons learnt from this inquiry;
  - (e) Disclose, where appropriate and in line with security and data protection protocols, any documents which were considered as part of the inquiry;
  - (f) Liaise with ongoing inquiries, including those currently being conducted in Northern Ireland and Scotland, with a view to (a) ensuring that relevant information is shared, and (b) identifying any State or non-State institutions with child protection obligations that currently fall outside the scope of the present Inquiry and those being conducted in the devolved jurisdictions;
  - (g) Produce regular reports, and an interim report by the end of 2018; and

- (h) Conduct the work of the Inquiry in as transparent a manner as possible, consistent with the effective investigation of the matters falling within the terms of reference, and having regard to all the relevant duties of confidentiality.

### **Scope**

3. State and non-State institutions. Such institutions will, for example, include:
  - (a) Government departments, the Cabinet Office, Parliament and Ministers;
  - (b) Police, prosecuting authorities, schools including private and state-funded boarding and day schools, specialist education (such as music tuition), Local Authorities (including care homes and children's services), health services, and prisons/secure estates;
  - (c) Churches and other religious denominations and organisations;
  - (d) Political Parties; and
  - (e) The Armed Services.
4. The Inquiry will cover England and Wales. Should the Inquiry identify any material relating to the devolved administrations, it will be passed to the relevant authorities;
5. The Inquiry will not address allegations relating to events in the Overseas Territories or Crown Dependencies. However, any such allegations received by the Inquiry will be referred to the relevant law enforcement bodies in those jurisdictions;
6. For the purposes of this Inquiry "child" means anyone under the age of 18. However, the panel will consider abuse of individuals over the age of 18, if that abuse started when the individual was a minor.

### **Principles**

7. The Inquiry will have full access to all the material it seeks.
8. Any allegation of child abuse received by the Inquiry will be referred to the Police;
9. All personal and sensitive information will be appropriately protected; and will be made available only to those who need to see it; and
10. It is not part of the Inquiry's function to determine civil or criminal liability of named individuals or organisations. This should not, however, inhibit the Inquiry from reaching findings of fact relevant to its terms of reference.<sup>70</sup>

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<sup>70</sup> [DEP2015-0320](#)

# Annex B: Terms of reference of the disbanded non-statutory Inquiry

## Purpose

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; and to publish a report with recommendations.

In doing so to:

- consider all the information which is available from the various published and unpublished reviews, court cases, investigations etc. (hereinafter “the reports”) which have so far concluded;
- consider whether such institutions failed to identify such abuse and/or whether there was otherwise an inappropriate institutional response to allegations of child abuse and/or whether there were ineffective child protection procedures in place;
- advise on any further action needed to address any institutional gaps or failings within our current child protection systems on the basis of the findings and lessons learnt from these reports;
- disclose, where appropriate and in line with security and data protection protocols, any documents which were considered as part of the inquiry; and
- publish a report with recommendations.

## Scope

- State and non-State institutions. Such institutions will, for example, include:
  - Government departments, Parliament and Ministers;
  - Police, prosecuting authorities, schools including private and state-funded boarding and day schools, Local Authorities including care homes and children’s services, health services, prisons/secure estates;
  - Churches and other religious denominations and organisations;
  - Political Parties;
  - The Armed Services.
- The Inquiry Panel will cover England and Wales. Should the Inquiry Panel identify any material relating to the devolved administrations, it will be passed to the relevant authorities;

- The Inquiry Panel will consider these matters from 1970 to the present. However, the Inquiry Panel may be presented with evidence that will lead it to conclude that this timeframe should be extended further;
- The Inquiry will not address allegations relating to events in the Overseas Territories or Crown Dependencies. However, any such allegations received by the Panel will be referred to the relevant law enforcement bodies in those jurisdictions;
- For the purposes of this Inquiry “child” means anyone under the age of 18. However, the Panel will consider abuse of individuals over the age of 18, if that abuse started when the individual was a minor.

### **Principles**

- The Inquiry Panel will have full access to all the material it seeks, unless there is a statutory impediment to it doing so;
- Any allegation of child abuse received by the Inquiry Panel will be referred to the Police;
- All personal and sensitive information will be appropriately protected; and will be made available only to those who need to see it;
- It is not part of the Inquiry’s function to determine civil or criminal liability of named individuals or organisations. This should not, however, inhibit the Inquiry from reaching findings of fact relevant to its terms of reference.<sup>71</sup>

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<sup>71</sup> [DEP2014-1359](#)

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