

<p>1 Thursday, 14 March 2019</p> <p>2 (10.00 am)</p> <p>3 THE CHAIR: Good morning, everyone. Welcome to Day 9 of</p> <p>4 this public hearing. Mr Altman?</p> <p>5 MR ALTMAN: Thank you, chair.</p> <p>6 MS ELIZABETH REASON (affirmed)</p> <p>7 Examination by MR ALTMAN</p> <p>8 MR ALTMAN: May we have your full name, please.</p> <p>9 <b>A. Elizabeth Reason.</b></p> <p>10 Q. Known as "Liz"?</p> <p>11 <b>A. Known as "Liz".</b></p> <p>12 Q. Turn, if you would, across the hearing room, rather than</p> <p>13 looking at me. Thank you for that, but there is no</p> <p>14 reason for it. Is it Miss or Mrs?</p> <p>15 <b>A. Ms.</b></p> <p>16 Q. I will try to remember that, Ms Reason. You have made</p> <p>17 a statement to the inquiry dated 10 January 2019. We</p> <p>18 will put it up on our screens. You have it in your</p> <p>19 tab 1. I also know you have your own file. It is</p> <p>20 GNP001004. You were asked, in effect, to consider two</p> <p>21 matters, which are linked. First of all, the</p> <p>22 safeguarding policy which the Green Party has, and</p> <p>23 I think first adopted in 2016. Am I right about that?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. And an affair in relation to the Challenor family, Aimee</p> <p style="text-align: center;">Page 1</p>	<p>1 and David, and, really, how the safeguarding policy</p> <p>2 failed to work in relation to them. So I am going to</p> <p>3 ask you about those two interlinked matters.</p> <p>4 First of all, Ms Reason, tell us about yourself and</p> <p>5 where you sit, as it were, within the Green Party?</p> <p>6 <b>A. So I was elected as chair of the Green Party Executive</b></p> <p>7 <b>in August 2018. So I've been in role for about six</b></p> <p>8 <b>months.</b></p> <p>9 Q. How long have you been a member of the Green Party?</p> <p>10 <b>A. Since 2013.</b></p> <p>11 Q. What does that role involve?</p> <p>12 <b>A. Well, it means that -- the chair has responsibility for</b></p> <p>13 <b>overseeing the operational aspects of the organisation,</b></p> <p>14 <b>the party -- as opposed to the Green Party Regional</b></p> <p>15 <b>Council, which looks after its well-being and political</b></p> <p>16 <b>strategy.</b></p> <p>17 Q. So can you speak to the safeguarding policy and the</p> <p>18 matters which I have already indicated I wish to ask you</p> <p>19 about?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. Presumably, you have some personal knowledge of it,</p> <p>22 given the fact that you were in the hot seat at the</p> <p>23 relevant period?</p> <p>24 <b>A. I was not in the hot seat when the first safeguarding</b></p> <p>25 <b>policy was produced in 2016, but I have been responsible</b></p> <p style="text-align: center;">Page 2</p>
<p>1 <b>for overseeing the development of the revised policy.</b></p> <p>2 Q. You were certainly in your position when the Challenor</p> <p>3 affair blew up, presumably?</p> <p>4 <b>A. I'm not sure that I was. It was August.</b></p> <p>5 Q. August last year?</p> <p>6 <b>A. August last year. I was just coming into post.</b></p> <p>7 Q. I see.</p> <p>8 <b>A. The former chair was still in post when the story broke.</b></p> <p>9 Q. Who was the former chair?</p> <p>10 <b>A. Emma Carter.</b></p> <p>11 Q. Let's, please, have a look at the policy document. You</p> <p>12 produce it in your statement beginning on the second</p> <p>13 page. Is that correct?</p> <p>14 <b>A. Yes, I think so.</b></p> <p>15 Q. Formally produced by another member of the Green Party,</p> <p>16 I think, Matt Browne?</p> <p>17 <b>A. Yes, he's the governance officer.</b></p> <p>18 Q. He's the governance officer, but this is the document.</p> <p>19 Therefore, the second page -- it has just been copied</p> <p>20 and pasted, as it were, into your statement, by the look</p> <p>21 of it?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. I don't want to run through every aspect of it -- in</p> <p>24 fact, it is not the second page.</p> <p>25 <b>A. I can see it.</b></p> <p style="text-align: center;">Page 3</p>	<p>1 Q. I'm looking at the wrong thing. It is a completely</p> <p>2 different document. It is GNP001005. The second page</p> <p>3 of your statement is where you answer certain questions</p> <p>4 about it. But it is behind divider 4 in the bundle, and</p> <p>5 it was attached to Matt Browne's statement, not yours,</p> <p>6 and copied and pasted into that?</p> <p>7 <b>A. He offered the existing policy before it was updated.</b></p> <p>8 Q. What we are looking at here, and this comes with the</p> <p>9 statement of Matt Browne in October 2018, so do we take</p> <p>10 it that this is the policy as it was in 2016 or the</p> <p>11 policy as it is today?</p> <p>12 <b>A. The policy as it was in 2016.</b></p> <p>13 Q. So before, I imagine, further revisions have been</p> <p>14 applied to it?</p> <p>15 <b>A. Yes. Although it was, I think, in July 2018 that we had</b></p> <p>16 <b>already decided that it would be appropriate to update</b></p> <p>17 <b>it.</b></p> <p>18 Q. That was before the --</p> <p>19 <b>A. Before the Aimee Challenor/David Challenor story broke.</b></p> <p>20 Q. We will come back to that. I don't want to read through</p> <p>21 every word of it, because we have it and it is adduced</p> <p>22 as evidence for the purposes of the inquiry, but tell</p> <p>23 us, please, what its purpose is? What was the policy</p> <p>24 aiming to protect? You can look, please, at the policy</p> <p>25 itself, if that helps you, in giving us a sketch of what</p> <p style="text-align: center;">Page 4</p>

<p>1 it does?</p> <p>2 <b>A. So it's designed to protect children, young people and</b></p> <p>3 <b>adults at risk who attend Green Party meetings and</b></p> <p>4 <b>events and to provide members, volunteers and staff with</b></p> <p>5 <b>the overarching principles that guide our approach to</b></p> <p>6 <b>safeguarding.</b></p> <p>7 Q. It applies to children and young people who, for the</p> <p>8 purposes of the policy, is anyone under 18?</p> <p>9 <b>A. Correct.</b></p> <p>10 Q. You define at the top of the next page -- I say "you";</p> <p>11 the policy does -- page 3 of GNP001005:</p> <p>12 "Safeguarding is a broadly preventative and</p> <p>13 precautionary organisational approach to planning and</p> <p>14 procedures required to protect children, young people</p> <p>15 and adults at risk from any actual or potential harm</p> <p>16 resulting from their contact with any part of</p> <p>17 the organisation. Safeguarding involves recognising</p> <p>18 signs of physical or emotional abuse, and acting on that</p> <p>19 recognition appropriately."</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. Then, in the last third of the page, you set out</p> <p>22 safeguarding principles?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. The membership of the Green Party individually and</p> <p>25 corporately recognise:</p> <p style="text-align: center;">Page 5</p>	<p>1 "The welfare of children, young people and adults at</p> <p>2 risk is paramount.</p> <p>3 "All people, regardless of age, disability, gender,</p> <p>4 racial heritage, religious belief, sexual orientation or</p> <p>5 identity, or any other undue social separation, have</p> <p>6 a right to equal protection from all forms of harm or</p> <p>7 abuse.</p> <p>8 "Some people are additionally vulnerable because of</p> <p>9 the impact of previous experiences, their level of</p> <p>10 dependency, communication needs or other issues.</p> <p>11 "Our underlying safeguarding principle is that all</p> <p>12 children, young people and adults at risk will be</p> <p>13 protected at all times from behaviour and attitudes they</p> <p>14 find uncomfortable and upsetting. To achieve this aim,</p> <p>15 GPEW ..."</p> <p>16 That's the Green Party --</p> <p>17 <b>A. Green Party of England and Wales.</b></p> <p>18 Q. "... will ensure that:</p> <p>19 "The needs of the children, young people and adults</p> <p>20 at risk are central to the planning of all activity in</p> <p>21 which they are involved.</p> <p>22 "Open communication with members of all ages and</p> <p>23 effective planning will support the safeguarding of</p> <p>24 vulnerable people at risk.</p> <p>25 "All have the right to speak out about behaviour and</p> <p style="text-align: center;">Page 6</p>
<p>1 attitudes they find uncomfortable, that they know to</p> <p>2 whom they should speak, and be confident their concerns</p> <p>3 will be listened to.</p> <p>4 "Any physical contact should be instigated by the</p> <p>5 vulnerable person, and should be appropriate and</p> <p>6 relevant to their needs or ensure their safety.</p> <p>7 "Any members organising an activity must ensure they</p> <p>8 understand their responsibilities in the safeguarding of</p> <p>9 vulnerable people, especially those not accompanied by</p> <p>10 a parent, guardian or carer -- these are set out in the</p> <p>11 'Procedure for delivering the safeguarding policy'."</p> <p>12 Skating over whose responsibility it is, although,</p> <p>13 in general terms, all staff, Green Party staff,</p> <p>14 volunteers and members working at national, regional and</p> <p>15 local party level are included, but procedures for</p> <p>16 delivering the safeguarding policy are to be found, are</p> <p>17 they not, on the fifth page?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Under the heading "Procedures for delivering the</p> <p>20 Green Party safeguarding policy". Focusing on what is</p> <p>21 said right at the bottom:</p> <p>22 "If at any point you suspect that abuse is or may be</p> <p>23 happening, it's critical that you act. There are two</p> <p>24 things you should do:</p> <p>25 "1. Act to stop the abuse and reassure those</p> <p style="text-align: center;">Page 7</p>	<p>1 affected.</p> <p>2 "2. Act to report the abuse."</p> <p>3 Then you have over the page a diagram, a flow</p> <p>4 diagram, about what to do, and then headings, "Stopping</p> <p>5 it and reassuring"; second, "Reporting the abuse", on</p> <p>6 page 6; is that right?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. On the next page, page 7:</p> <p>9 "Do you need a Disclosure and Barring Service check</p> <p>10 when working with vulnerable people?"</p> <p>11 Then if we turn to page 9 of the document, there is</p> <p>12 a form for reporting abuse?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. Do you happen to know, this was adopted in 2016. Was</p> <p>15 this the first time the Green Party had any policy of</p> <p>16 this nature?</p> <p>17 <b>A. I believe it was, though I can check with the office as</b></p> <p>18 <b>to whether we had anything before that.</b></p> <p>19 Q. Who drafted it?</p> <p>20 <b>A. It was drafted by one of the coordinators, so the</b></p> <p>21 <b>Executive is made up of coordinators. That's the</b></p> <p>22 <b>terminology that we use. And it was drafted by one of</b></p> <p>23 <b>the -- I think she was the Young Green coordinator.</b></p> <p>24 Q. With or without the help or advice from any other</p> <p>25 sources?</p> <p style="text-align: center;">Page 8</p>

2 (Pages 5 to 8)

<p>1 <b>A. I'm sure that there was advice, but I would have to go</b>  2 <b>back and check with whom she had taken advice.</b>  3 Q. It was just an idle question from me whether she was  4 sufficiently skilled to draft a policy without any  5 outside advice such as legal or from any other partner  6 agencies, or whether it's likely she had some assistance  7 with it?  8 <b>A. I'm afraid I'm not going to be able to answer that</b>  9 <b>question directly now.</b>  10 Q. Can we go to the Challenor incident, please? First of  11 all, tell us who Aimee Challenor is, or was, insofar as  12 the Green Party is concerned?  13 <b>A. Yes. Aimee joined the party in December 2014, and she</b>  14 <b>was appointed spokesperson for the LGBTIQ group, and</b>  15 <b>she is a transwoman. She subsequently was elected onto</b>  16 <b>the executive.</b>  17 Q. Her father, David, what about him?  18 <b>A. She gifted him membership a year later.</b>  19 Q. When you say "gifted him", what does that mean?  20 <b>A. Well, you can do that. You can buy a membership on</b>  21 <b>behalf of somebody else, and I believe her relationship</b>  22 <b>with her father had not been a happy one, and this was</b>  23 <b>one of the ways of conciliating between them.</b>  24 Q. If she became a member, joined the party,  25 in December 2014, a year later, 2015, possibly 2016?</p> <p style="text-align: center;">Page 9</p>	<p>1 <b>A. 2015, December 2015.</b>  2 Q. We will come to the roles that they both had. I have  3 worked out a chronology of events from the material.  4 Can we see, if I take you through the chronology,  5 without expecting you to remember it, and some of it is  6 culled from your own statement, but also a report to  7 which we will come, the Verita Report, and other  8 sources.  9 Let me see if I have got this correct:  10 David Challenor was charged in November 2016, so a year  11 after -- a good year after, presumably, he became  12 a member of the party, with a series of serious sexual  13 offences -- is that correct -- as regards a 10-year-old  14 girl?  15 <b>A. Correct.</b>  16 Q. Perhaps we can put up -- we will come back to it -- the  17 Verita Report: GNP001003_007. The Verita Report is --  18 the party instructed Verita to look at all the processes  19 and what happened and to make recommendations?  20 <b>A. Yes. Correct.</b>  21 Q. So this is part of the executive summary, but just  22 looking at the chronology at the foot of the page:  23 "David Challenor was charged with 22 serious  24 criminal offences, including taking indecent  25 photographs, false imprisonment, rape and sexual assault</p> <p style="text-align: center;">Page 10</p>
<p>1 of a child, assault by penetration, and assault causing  2 actual bodily harm ..."  3 The date of charge, I think is what that sentence  4 means:  5 "... on 5 November 2016."  6 <b>A. Yes.</b>  7 Q. We can keep that report up, because we will come back to  8 it.  9 Aimee, David Challenor's daughter, was selected  10 in April 2017 to be the Green Party General Election  11 candidate for Coventry South?  12 <b>A. She was.</b>  13 Q. So that's the year after her father is charged with  14 those offences. When the father was charged, she  15 informed two people who worked for the Green Party,  16 presumably members of the party, a Matt Hawkins and  17 Clare Phipps, of the fact that her father had been  18 charged?  19 <b>A. I will just correct you there. They were not employees</b>  20 <b>of the party. They were coordinators. I just want to</b>  21 <b>explain that the party has been going through</b>  22 <b>a transition, so when it had few members five years ago,</b>  23 <b>and before that, the party was effectively run by its</b>  24 <b>Executive Committee, who were given different roles to</b>  25 <b>help run the party, and that's where the terminology</b></p> <p style="text-align: center;">Page 11</p>	<p>1 <b>"coordinator" comes from. So Clare Phipps and</b>  2 <b>Matt Hawkins were external communications coordinators.</b>  3 <b>But, of course, by this time, because we're a much</b>  4 <b>bigger party, we're better funded, so we have</b>  5 <b>professional staff who can undertake those roles, but</b>  6 <b>we're still, you know, and particularly a bit back then,</b>  7 <b>in a hybrid situation where you ended up with volunteers</b>  8 <b>overseeing sort of the work of professional staff, and</b>  9 <b>it's something that we're correcting. We are changing</b>  10 <b>our governance arrangements.</b>  11 Q. But she, Aimee, informed Matt Hawkins and Clare Phipps,  12 external communications coordinators, of her father  13 being charged on 5 November 2016 in general terms?  14 <b>A. Yes.</b>  15 Q. And she did this through a private Facebook message; is  16 that right?  17 <b>A. Yes, that's correct.</b>  18 Q. On the same date, she informed Coventry Pride. Tell us  19 a little about Coventry Pride. Who are they?  20 <b>A. Well, that's a local group that obviously is set up to</b>  21 <b>support and promote the needs of LGBT individuals, and</b>  22 <b>she was a trustee.</b>  23 Q. That's the reason why she told them, because of her  24 links with Coventry Pride?  25 <b>A. We are assuming that to be the case.</b></p> <p style="text-align: center;">Page 12</p>

1 Q. Did you understand that she was saying at that time that  
 2 she didn't know what the actual allegations were, but  
 3 that her father had been charged with 22 offences?  
 4 **A. Some of them sexual, I think she said.**  
 5 Q. I was just going to add, the majority sexual?  
 6 **A. The majority sexual, yes, that is what she said.**  
 7 Q. But the message, the Facebook message, to Matt Hawkins  
 8 and Clare Phipps said nothing about them being in  
 9 relation to a child?  
 10 **A. No.**  
 11 Q. I think you have just said "no"?  
 12 **A. I said no. More loudly.**  
 13 Q. Thank you. On the same day, 5 November 2016, Mr Hawkins  
 14 informed three Green Party staff members in the press  
 15 team by email --  
 16 **A. Yes.**  
 17 Q. -- that a close relative of a Green Party spokesperson  
 18 had been arrested and had asked the staff members to  
 19 contact him if anyone got in touch with them concerning  
 20 the matter?  
 21 **A. That's what he told them, yes.**  
 22 Q. Was Aimee also a spokesperson by this time for the  
 23 party?  
 24 **A. I believe she was, yes.**  
 25 Q. What is a spokesperson for the Green Party? Is there

Page 13

1 **a candidate.**  
 2 Q. Then the very next month, August 2018, David Challenor  
 3 was convicted of the offences --  
 4 **A. Yes.**  
 5 Q. -- which I have listed in general terms, and he was  
 6 sentenced to 22 years' imprisonment?  
 7 **A. He was.**  
 8 Q. If we look at your witness statement, Ms Reason, you set  
 9 out certain questions you were asked, and you give  
 10 answers to it. But if we look at the witness statement,  
 11 GNP001004\_002, under the first paragraph you say:  
 12 "No members of Green Party staff were aware of  
 13 the investigation into David Challenor. They were only  
 14 informed after David Challenor's conviction  
 15 in August 2018."  
 16 Do you remember how the information came to their  
 17 knowledge? Was it because of publicity or for any other  
 18 reason?  
 19 **A. This was the private Facebook message that Aimee gave**  
 20 **them.**  
 21 Q. Well, the private Facebook message was in November 2016?  
 22 **A. Oh, sorry.**  
 23 Q. He's been convicted in August 2018, almost but not quite  
 24 two years later?  
 25 **A. Sorry, how did it happen in August 2018? Sorry.**

Page 15

1 more than one, or was she the only one, or what?  
 2 **A. No, there are several spokespeople, and it just depends**  
 3 **on the topic. It's the equivalent of being, you know,**  
 4 **your front bench, a shadow equivalent.**  
 5 Q. Am I right in saying that both Aimee and her father  
 6 David were not named in the communication?  
 7 **A. Correct.**  
 8 Q. And that this was the only communication passed to any  
 9 Green Party staff?  
 10 **A. Yes.**  
 11 Q. As you've said, in April 2017, Aimee was selected to be  
 12 the Green Party General Election candidate for  
 13 Coventry South?  
 14 **A. Yes.**  
 15 Q. In the following month, May 2017, was David Challenor,  
 16 her father, her election agent for the election?  
 17 **A. Yes, she appointed him as her agent.**  
 18 Q. In the following year, May 2018, was David Challenor  
 19 appointed to, and did he act as, election agent for  
 20 Aimee and for Tina Challenor, his wife, in the May 2018  
 21 local elections?  
 22 **A. Yes, that's correct.**  
 23 Q. In June or July 2018, was Aimee selected as a candidate  
 24 for deputy leader of the Green Party?  
 25 **A. She wasn't selected; she put herself forward as**

Page 14

1 Q. Yes, how did it come to your attention?  
 2 **A. I believe that Aimee then contacted us and told us --**  
 3 **told the -- probably the head of communications, the**  
 4 **professional staff.**  
 5 Q. If you go, please -- in your bundle you may have this  
 6 elsewhere, but let's just look at some of the publicity  
 7 that arose as a result of the convictions. I think it  
 8 is right to say there was no publicity beforehand?  
 9 **A. There was none, as far as I'm aware, no.**  
 10 Q. No. But if we look -- we can put up on screen tab 5 to  
 11 begin with, INQ004081?  
 12 **A. Yes.**  
 13 Q. There is a picture of David Challenor?  
 14 **A. Yes.**  
 15 Q. With the byline:  
 16 "Man held 10-year-old girl captive in 'torture den'  
 17 attic as he played out sado-masochistic fantasies."  
 18 It reads:  
 19 "A man who held a 10-year-old girl captive in his  
 20 'torture den' attic where he electrocuted her while  
 21 playing out his sado-masochistic fantasies has been  
 22 jailed for 22 years."  
 23 I'm not going to read any more because it's pretty  
 24 dreadful stuff. Then over the page, or over the tab,  
 25 I should say, tab 6, we have a Guardian article. That

Page 16

<p>1 one I have just read was in The Independent. This is                  2 The Guardian, of 27 August. The last one was 22 August.                  3 INQ004080. That's Aimee?                  4 <b>A. Yes.</b>                  5 Q. With the heading or the headline "Greens rising star                  6 quits deputy leader race after father jailed for rape".                  7 Just reading, perhaps, the first paragraph or so:                  8 "A rising young member of the Greens has pulled out                  9 of the race to become the party's deputy leader after                  10 her father, who was previously her election agent, was                  11 jailed for abusing and raping a child.                  12 "Aimee Challenor, the Greens' equalities                  13 spokeswoman, who was among the front runners in the                  14 leadership contest, said she had had no idea about the                  15 crimes, but was withdrawing to prevent the election                  16 process becoming 'dominated by what my father has                  17 done!."                  18 Then it adds:                  19 "David Challenor, 50, was jailed for 22 years last                  20 week after being convicted of torturing and raping                  21 a 10-year-old girl in the attic of the family home in                  22 Coventry. He had served as Aimee Challenor's election                  23 agent when she stood in the 2017 General Election and in                  24 the local elections in May this year -- after his                  25 arrest."</p> <p style="text-align: center;">Page 17</p>	<p>1 Now, if we go back to your witness statement,                  2 please, GNP001004_003 under your paragraph 3, so it is                  3 the second page of your witness statement in relation to                  4 what actions were taken. Can you tell us what actions                  5 were taken once you understood the enormity of what had                  6 happened?                  7 <b>A. Yes. David Challenor was immediately expelled from the                  8 party and Amy and Tina, her mother, were both suspended                  9 pending an inquiry, which is the normal disciplinary                  10 practice.</b>                  11 Q. I didn't ask you this, and it wasn't in the chronology,                  12 because I don't think I found information about it, but                  13 when did Tina become a member of the party?                  14 <b>A. I'm afraid I haven't got that information in front of me                  15 either. I can find it out and let you have it.</b>                  16 Q. It's not terribly important. Do you have any idea, in                  17 general terms, if it was around the same time as the --                  18 <b>A. It would have been around the same time as David, I'm                  19 guessing.</b>                  20 Q. As David was gifted the membership?                  21 <b>A. (Witness nods).</b>                  22 Q. So David Challenor was expelled from the party with                  23 immediate effect, and tell us -- I'm sorry if I missed                  24 it -- what became of Amy at that point?                  25 <b>A. Amy and Tina were both given what we call a no-fault</b></p> <p style="text-align: center;">Page 18</p>
<p>1 <b>suspension, and GPRC, the Green Party Regional Council,                  2 immediately instigates a disciplinary process to                  3 establish the facts.</b>                  4 Q. What happened in that disciplinary process?                  5 <b>A. Aimee resigned before the disciplinary process got under                  6 way.</b>                  7 Q. And resigned when? Do you remember? I don't want an                  8 exact date, but how long after the disciplinary                  9 process --                  10 <b>A. Very soon after.</b>                  11 Q. And the mother? What about her?                  12 <b>A. I'm afraid I don't know when the mother -- what happened                  13 to Tina. I'll establish it and let you know.</b>                  14 Q. That's very kind of you. Paragraph 5, there is another                  15 twist, because, was it discovered that Tina Challenor,                  16 who was standing in the local elections in May 2018 as                  17 a councillor in the Binley and Willenhall ward in                  18 Coventry had been a witness for the husband during the                  19 course of his trial?                  20 Now, of course, she stood for the elections in May.                  21 The trial was clearly in the August. So that postdated                  22 her standing in the local council elections. But would                  23 that have been something that had troubled the party and                  24 the Executive in particular if it had been known about?                  25 <b>A. Had it been known about, absolutely. We have dealt with</b></p> <p style="text-align: center;">Page 19</p>	<p>1 <b>a number of cases over the years where you can see that                  2 we immediately take prompt action when something is                  3 brought to our attention. But we really had no idea                  4 what was going on here, and neither, apparently, did the                  5 Coventry party.</b>                  6 Q. Paragraph 6. You were asked to explain why                  7 David Challenor was able to be registered as the                  8 election agent for his daughter in the May 2017                  9 and May 2018 elections when there were outstanding                  10 criminal charges against him, in particular relating to                  11 child sexual abuse?                  12 <b>A. The decision to appoint David as her agent was Aimee's                  13 and Aimee's alone.</b>                  14 Q. So if she hadn't disclosed the full detail to the party,                  15 and what she did disclose, if that had been perhaps                  16 notified in a different way to others, rather than just                  17 the press office, then are you saying events may have                  18 taken a different turn?                  19 <b>A. Yes. When you sign up as a candidate, you are required                  20 or -- you know, you sign something which says that you                  21 are revealing anything that may be -- may cause the                  22 party difficulty. But she signed without revealing                  23 these issues.</b>                  24 Q. Would that have been the position in the May                  25 General Election of 2017 and the May 2018 local</p> <p style="text-align: center;">Page 20</p>

<p>1 elections?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. So she would have been expected to sign a full and</p> <p>4 complete disclosure form indicating any areas which the</p> <p>5 party ought to know about, and may presumably cause</p> <p>6 political embarrassment or other difficulty?</p> <p>7 <b>A. That's right.</b></p> <p>8 Q. And she was silent on both occasions?</p> <p>9 <b>A. We ask people, if need be, to ask us if there is</b></p> <p>10 <b>something in their background or life that may cause</b></p> <p>11 <b>problems, but she didn't choose to do that either.</b></p> <p>12 Q. Which rather suggests that her ambition got in the way</p> <p>13 of doing the right thing?</p> <p>14 <b>A. It does suggest that.</b></p> <p>15 Q. In relation to the Challenor affair, has the party</p> <p>16 received internal or external complaints about that</p> <p>17 matter from party members or others?</p> <p>18 <b>A. I don't know how many people were -- approached the</b></p> <p>19 <b>party to ask what was going on or to say that it had</b></p> <p>20 <b>upset them, and, to be honest, I think that us</b></p> <p>21 <b>commissioning the Verita Report made people feel</b></p> <p>22 <b>comfortable that we were dealing with it in an</b></p> <p>23 <b>appropriate way.</b></p> <p>24 Q. But up to that point, were there complaints, either</p> <p>25 internally or externally, about what had happened, and</p> <p style="text-align: center;">Page 21</p>	<p>1 perhaps --</p> <p>2 <b>A. Not that I'm aware of.</b></p> <p>3 Q. You're not aware?</p> <p>4 <b>A. No.</b></p> <p>5 Q. So you're not even aware if people may still be</p> <p>6 complaining about it?</p> <p>7 <b>A. I don't think they are, but I'm quite happy to go back</b></p> <p>8 <b>and find out if --</b></p> <p>9 Q. No, no, I'm simply asking. If it is necessary, we will</p> <p>10 ask you to do so.</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. But I simply wanted to know, in general terms, whether</p> <p>13 you were aware of any such complaints?</p> <p>14 <b>A. No.</b></p> <p>15 Q. I'm not suggesting there are, I just want to ask if</p> <p>16 there are, to your knowledge?</p> <p>17 <b>A. No.</b></p> <p>18 Q. All right. You commissioned the Verita Report.</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. Do you know offhand -- the report itself is</p> <p>21 dated January this year.</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. The events we are talking about, certainly the</p> <p>24 convictions arose in August 2018.</p> <p>25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 22</p>
<p>1 Q. So it's been a relatively short period of time --</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. -- for the report to be commissioned and to have been</p> <p>4 finalised with its recommendations and conclusions. How</p> <p>5 quickly was the Verita Report commissioned after these</p> <p>6 events?</p> <p>7 <b>A. Within a week. It might have been a fortnight, but</b></p> <p>8 <b>I mean very quickly. As the story blew up, we realised</b></p> <p>9 <b>we had to do something.</b></p> <p>10 Q. If we can put it back on screen, please, GNP001003.</p> <p>11 I wonder if we can go to the very first page, if we have</p> <p>12 it. The front page. Because there we can see its</p> <p>13 title:</p> <p>14 "Verita.</p> <p>15 "Improvement through investigation.</p> <p>16 "Independent investigation into the Green Party's</p> <p>17 actions following the allegations and charges brought</p> <p>18 against David Challenor.</p> <p>19 "A report for:</p> <p>20 "The Green Party of England and Wales.</p> <p>21 "January 2019."</p> <p>22 Who are Verita as an organisation? Maybe the clue</p> <p>23 is in the name, but who are they?</p> <p>24 <b>A. They are a very reputable organisation that undertake</b></p> <p>25 <b>enquiries of this sort and have legal counsel that</b></p> <p style="text-align: center;">Page 23</p>	<p>1 <b>assist.</b></p> <p>2 Q. Obviously I'm not going to go through all of it. It is</p> <p>3 now adduced into evidence, all of it. But you will</p> <p>4 confirm, Ms Reason, that it runs, including appendices,</p> <p>5 to 80 pages.</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. If we look on page 2, they tell us a little about</p> <p>8 themselves: who the authors are. Kieran Seale,</p> <p>9 David Scott and Lucy Scott-Moncrieff. If my memory</p> <p>10 serves me, a solicitor?</p> <p>11 <b>A. I wouldn't like to say. Sorry, I don't know.</b></p> <p>12 Q. "Verita is an independent consultancy that specialises</p> <p>13 in conducting and managing investigations, reviews and</p> <p>14 inquiries for regulated organisations."</p> <p>15 And it gives the limitations on the further use of</p> <p>16 the report, with details about the organisation. Then</p> <p>17 on page 3, we see its contents: introduction; terms of</p> <p>18 reference; the executive summary; and then the other</p> <p>19 chapters. Chapter 9 in particular, conclusions and</p> <p>20 policy and procedural issues arising. And then the</p> <p>21 appendices, of which I have made mention.</p> <p>22 Page 4 at paragraph 1.2:</p> <p>23 "Nick Martin, the chief executive of the party,</p> <p>24 asked Verita to conduct an independent investigation</p> <p>25 in September 2018."</p> <p style="text-align: center;">Page 24</p>

<p>1 So that links in with what you have told us about                  2 the speed with which the matter was dealt with. Then if                  3 we look, please, on page 5, there we see the terms of                  4 reference. Paragraph 2.1:                  5 "The following are the main elements of the terms of                  6 reference for the investigation. The full terms of                  7 reference are in appendix B."                  8 "Purpose of the investigation" sets out the short                  9 background:                  10 "The purpose of the investigation is to examine the                  11 party's response to the allegations and charges brought                  12 against David Challenor. The investigation will be                  13 completed in two stages."                  14 Then those stages are set out. They include                  15 establishing the chronology; actions taken by members of                  16 the party; who was made aware of the allegations and/or                  17 the charges; and so on and so forth. Then over the                  18 page, please, to stage 2:                  19 "Consider whether any form of disciplinary action                  20 should be considered ...                  21 "... whether any changes to be made to party                  22 policies and procedures ...                  23 "Consider whether any new policies or procedures                  24 need to be developed ...                  25 "Summary report."</p> <p style="text-align: center;">Page 25</p>	<p>1 Page 8 sets out really the chronology of matters in                  2 relation to David Challenor once he was released on                  3 bail, in paragraph 3.9 under the heading "The charges".                  4 Paragraph 3.10:                  5 "The nature of the charges against David Challenor                  6 raises the issue of whether other children or vulnerable                  7 adults were at risk from the time of the charges through                  8 to his conviction and imprisonment. This type of                  9 concern is generally referred to as 'safeguarding'.                  10 Although legislation and policies relating to                  11 safeguarding can be complex, in this context it amounts                  12 to a simple question: 'Is any vulnerable person at                  13 risk'? In this report, we use the term safeguarding to                  14 mean the general responsibility of every citizen to                  15 protect vulnerable people."                  16 As I say, I'm not going to go through it all, but                  17 I'm just going to select a couple of pages. Page 12,                  18 please. If we look at paragraph 3.27, "Reasons for                  19 informing the party":                  20 "Many of the people we spoke to during the                  21 investigation raised the fear of adverse publicity as                  22 a major concern."                  23 Was that of concern to you when you read the report,                  24 that, in effect, people were more worried about the risk                  25 of adverse publicity than they were to the</p> <p style="text-align: center;">Page 26</p>
<p>1 vulnerabilities of children who, as earlier pointed out                  2 in the report, might still be subject to abuse by                  3 David Challenor, presumably while he was on bail                  4 awaiting trial?                  5 <b>A. I think it's fair to say that we -- the party was                  6 concerned about reputational risk. We do take                  7 safeguarding seriously, and I don't think that we made                  8 a connection between David Challenor and young members                  9 or those who are vulnerable in the party itself.</b>                  10 Q. What I think you're saying is that, because -- albeit he                  11 was an election agent and a member of the party, if                  12 anybody had applied their mind to the possibility of                  13 whether he was continuing to abuse a child or children                  14 whilst he was on bail, that had no reference to the                  15 party, and if it was occurring, it was occurring                  16 outside?                  17 <b>A. That is what I think we assumed, yes.</b>                  18 Q. Do you think that was, looking back, a legitimate                  19 approach?                  20 <b>A. We had no evidence that his behaviour was impacting on                  21 the party at the time. Perhaps with our new                  22 safeguarding procedure, if anyone in the local party had                  23 any concerns, they would raise them up to the national                  24 party, which in the previous safeguarding policy was not                  25 a requirement, I think.</b></p> <p style="text-align: center;">Page 27</p>	<p>1 Q. So the thought processes were geared towards "What's                  2 going on within our organisation", albeit                  3 David Challenor had been a member of your organisation?                  4 <b>A. Yes, I think the response was at the national level                  5 rather than thinking down at the local party level.</b>                  6 Q. At 3.28:                  7 "We reviewed the party's safeguarding policy and                  8 procedures. We found that the party members we                  9 interviewed had a low level of awareness of safeguarding                  10 issues and risks."                  11 Did that tend to suggest -- "a low level of                  12 awareness" means that some probably didn't even know                  13 that there was a safeguarding policy?                  14 <b>A. The safeguarding policy that we had approved in 2016 was                  15 put on the members' website, but we did not have                  16 a system of ensuring that that filtered down to the                  17 local party, and so I think you're right, it's possible                  18 that people didn't know that there was a policy, and                  19 that's what we're changing with the new policy.</b>                  20 Q. 3.29:                  21 "Prioritising the safety of children and vulnerable                  22 people is an individual responsibility of every member                  23 of society. There could hardly be a bigger 'red flag'                  24 in this respect than someone being charged with                  25 22 sexual offences. Irrespective of where the</p> <p style="text-align: center;">Page 28</p>

<p>1 responsibility lies, one of the effects of the way this                  2 case was handled was that someone who had committed                  3 serious sexual offences was given roles of                  4 responsibility within the Green Party during a period of                  5 almost two years after a major safeguarding risk should                  6 have been apparent. David Challenor bears some                  7 responsibility for this, but Aimee Challenor, as an                  8 officer of the party both nationally and locally, should                  9 have considered safeguarding issues."                  10 If anyone should have known, she should?                  11 <b>A. Exactly. And it was kept within the family.</b>                  12 Q. Then the report deals with the reasons for not                  13 disclosing the charges more widely within the party. As                  14 I say, I'm not going to go through it, because otherwise                  15 we shall be here a very long time. Can we go, please,                  16 to page 19, to look at how Coventry Pride, by way of                  17 contradistinction, dealt with the matter, because, as                  18 you've confirmed, because she was a trustee of                  19 the organisation, Aimee told them or gave them similar                  20 information. Paragraph 3.60 on page 19:                  21 "Aimee Challenor was a trustee of Coventry Pride.                  22 She told us that she informed them on the same day, or                  23 the following day, that she had messaged Matt Hawkins.                  24 In response to being told about the charges,                  25 Coventry Pride took immediate safeguarding actions, such</p> <p style="text-align: center;">Page 29</p>	<p>1 as preventing David Challenor from volunteering for the                  2 charity."                  3 Paragraph 3.61:                  4 "The contrast between the actions Coventry Pride                  5 took and the Green Party took is stark. Coventry Pride                  6 knew of David Challenor's involvement as a volunteer in                  7 their work and acted."                  8 Can you explain the difference in approach?                  9 <b>A. What we haven't been told is how much Aimee told</b>                  10 <b>Coventry Pride.</b>                  11 Q. Yes.                  12 <b>A. Perhaps if she'd told them as little as our coordinators</b>                  13 <b>were told, they might not have reacted. Equally, this</b>                  14 <b>was a local organisation, a local party, and it could be</b>                  15 <b>that the reaction, therefore, was more robust.</b>                  16 Q. I think paragraph 3.62 may assist in this regard:                  17 "Members of the Coventry Green Party knew locally of                  18 his membership and his involvement in party activities,                  19 while people in the national party knew about his arrest                  20 and charges. However, party members in Coventry were                  21 not informed of the charges against David Challenor and                  22 were unable to take action."                  23 It is a case of not joining the dots, by the look of                  24 it?                  25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 30</p>
<p>1 Q. If we move on, please, to page 20, paragraph 3.65. If                  2 we go back, please -- I'm sorry, if we just go back to                  3 page 19, we see that's where the conclusions begin.                  4 Within, I think, the executive summary, "Roles and                  5 responsibilities within the Green Party". Then there is                  6 a reference to the code of conduct on page 20. What is                  7 the code of conduct? What does it relate to?                  8 <b>A. It sets out the behaviours that are expected of all</b>                  9 <b>members of the party and to which they will be held if</b>                  10 <b>there are issues. Until now, the code of conduct has</b>                  11 <b>been something people are expected to abide by, but we</b>                  12 <b>have actually changed that rule now, so that when people</b>                  13 <b>become members of the party, they actually have to</b>                  14 <b>indicate that they have read it and accept it. So we</b>                  15 <b>have strengthened the way in which it is used.</b>                  16 Q. The report here, at 3.65, says:                  17 "We have identified several areas where the code of                  18 conduct for party members should be tightened. The code                  19 of conduct needs to make clear what should be reported                  20 and how it should be reported."                  21 Then there are several other paragraphs in that                  22 vein.                  23 Page 21. The report highlights the importance of                  24 safeguarding. Paragraph 3.72:                  25 "It is disappointing that many people we spoke to in</p> <p style="text-align: center;">Page 31</p>	<p>1 the party failed to see the safeguarding issues that                  2 arise here."                  3 Which is a bit alarming?                  4 <b>A. Well, it is, but, as I say, I have actually got a record</b>                  5 <b>of other cases that were brought to the party's</b>                  6 <b>attention well before this happened, and we took</b>                  7 <b>immediate action in all of those instances. It's the</b>                  8 <b>failure to know what was happening that resulted in our</b>                  9 <b>failure. So I think the party has taken safeguarding</b>                  10 <b>seriously, but will do yet more on training at local</b>                  11 <b>party level.</b>                  12 Q. But that's really what 3.72 is aimed at. It looks as                  13 if, even now, people fail to see how safeguarding issues                  14 arise on these facts as known, and that's a problem:                  15 "Those in the party who were told about                  16 David Challenor's activities saw the issue as primarily                  17 a communications one -- about protecting the reputation                  18 of the party. Awareness of safeguarding issues in the                  19 party in general appears to be low."                  20 So that's the problem that we highlighted a little                  21 earlier: far too narrow a focus on the party and not                  22 a wide enough focus on the vulnerable, the children, the                  23 abused and what's going on outside the impact on the                  24 party itself. Do you agree?                  25 <b>A. I suppose you could say that.</b></p> <p style="text-align: center;">Page 32</p>



<p>1 Q. That's what I do. 2 3.73: 3 "The party therefore needs to raise awareness of 4 the importance of safeguarding issues, including when 5 and how they should be raised." 6 3.74: 7 "The chief executive of the party ..." 8 Is that you in this report? 9 <b>A. No, I'm the chair.</b> 10 Q. You're the chair. Who was the chief executive? 11 <b>A. The chief executive, Nick Martin.</b> 12 Q. Who commissioned the report? 13 <b>A. Who commissioned the report, yes.</b> 14 Q. "... acknowledged weaknesses in the party's safeguarding 15 record in the past. However, he told us that these 16 predated the party's growth as an organisation employing 17 significant numbers of professional staff. He told us 18 that the party has made significant improvements to 19 safeguarding procedures and practice in recent years and 20 is fully committed to continuing to improvement them [is 21 how it reads] in the future." 22 It should be "to improving them in the future". 23 Recommendations on page 22 within the executive 24 summary: 25 "1. The Green Party should discuss with</p> <p style="text-align: center;">Page 33</p>	<p>1 West Midlands Police as soon as possible whether it is 2 their policy to draw to the party's attention charges 3 against a party member that could give rise to 4 safeguarding concerns." 5 Pausing there, one of the problems was, 6 West Midlands Police probably knew all about 7 David Challenor, but they never passed it on to the 8 party? 9 <b>A. No.</b> 10 Q. So there was a problem, putting it at its lowest, of 11 communication? 12 <b>A. We have asked the West Midlands Police to let us know 13 what their responsibilities are in these circumstances 14 and how this might have been handled differently, but 15 they have not been able to provide us with an answer.</b> 16 Q. Did they provide any answer at all as to why it was they 17 never communicated in the first place? 18 <b>A. No. We haven't had an answer, other than a holding 19 answer.</b> 20 Q. How long has that answer been waiting? 21 <b>A. Around three months. Two months, at least.</b> 22 Q. The second recommendation is: 23 "The Green Party's code of conduct should, as 24 a matter of urgency, be made clearer about what members 25 should report. In particular, it should emphasise the</p> <p style="text-align: center;">Page 34</p>
<p>1 importance of raising issues that give rise to 2 safeguarding concerns. 3 3. The Green Party should urgently review its 4 safeguarding policy and procedures to strengthen its 5 approach to raising awareness and improving processes 6 for reporting safeguarding concerns and risks to people 7 outside the party." 8 Then finally, please -- as I say, I'm not going to 9 go through all of the findings in between the executive 10 summary and conclusions to which I turn on page 71. In 11 effect, over these three or four pages, the report 12 expands the conclusions within the executive summary and 13 sets out similar recommendations for -- have you got it, 14 Ms Reason? 15 <b>A. Yes, sorry, I'm looking for something in response to the 16 confusion of roles between volunteers and professional 17 staff.</b> 18 Q. By all means. Take your time. I will wait for you to 19 see if you want to find that document and then tell us 20 what you want to say about it. 21 <b>A. The main point that I'd like to say is that we have 22 undertaken, over the course of the last 12 months, 23 something we call the holistic review, which has 24 proposed significant changes to the governance 25 arrangements. A key change is that the Executive, which</b></p> <p style="text-align: center;">Page 35</p>	<p>1 <b>I say is made up of a lot of volunteers, will become an 2 appointed body rather than an elected body.</b> 3 Q. Yes. 4 <b>A. So the board will be a more professional organisation 5 that is selected on the basis of their knowledge and 6 experience, rather than because they have been elected 7 by the membership, which is how they get there at the 8 moment.</b> 9 Q. Does that mean that the ambition is to appoint people 10 with real skill and talent that they can bring to all of 11 the issues that a party like yours has to confront on, 12 I suspect, a daily basis? 13 <b>A. That's right. It's the key, day-to-day organisational 14 management that is key here, and then there will be 15 a Green Party council of many elected members to whom 16 the board will be answerable.</b> 17 Q. Thank you. As I say, in the conclusions, policy and 18 procedural issues arising build on the executive summary 19 and the recommendations. We don't need to go through 20 that, but they are there for all to read. 21 Has that review begun? I know it is early days. 22 This report is only a couple of months old now. But has 23 a review of the safeguarding policy begun? 24 <b>A. It has been undertaken. A new policy was approved on 25 Saturday at our executive meeting. And we are now</b></p> <p style="text-align: center;">Page 36</p>

<p>1 starting to develop a training programme. The idea is</p> <p>2 that we will have trained three or four members of</p> <p>3 the party, people in field officer roles, those who work</p> <p>4 at local level, who will then be able to pass that</p> <p>5 training on all over the country at local level and</p> <p>6 bring it to the attention of many more members.</p> <p>7 Q. What about the issue you mentioned earlier, the failure</p> <p>8 by Amy to make appropriate declarations? Has that been</p> <p>9 beefed up a little?</p> <p>10 <b>A. Yes. We have strengthened the candidate's statement,</b></p> <p>11 <b>what people are expected to tell us of any issue that</b></p> <p>12 <b>may arise which would cause a problem for them or for</b></p> <p>13 <b>the party.</b></p> <p>14 Q. Is there a strengthening of disciplinary procedures?</p> <p>15 Will that follow as a result of the revision of these</p> <p>16 policies?</p> <p>17 <b>A. The disciplinary procedures were introduced in 2016, and</b></p> <p>18 <b>we have a disciplinary committee, a disputes resolution</b></p> <p>19 <b>committee and a referral group that decides actually</b></p> <p>20 <b>which direction complaints should go in. So that has</b></p> <p>21 <b>now been operating for over two years and is probably</b></p> <p>22 <b>going to undertake a review of its effectiveness. But</b></p> <p>23 <b>it seems to operate well at the moment.</b></p> <p>24 Q. Let's just look, please, to see what you had to say in</p> <p>25 paragraph 9 of your witness statement, GNP001004_004.</p> <p style="text-align: center;">Page 37</p>	<p>1 You say:</p> <p>2 "As soon as Green Party staff and current members on</p> <p>3 governance bodies were made aware of the conviction of</p> <p>4 David Challenor in August 2018, a number of actions were</p> <p>5 instigated in response:</p> <p>6 "Disciplinary: David Challenor was expelled from the</p> <p>7 Green Party. Aimee and Tina Challenor were both</p> <p>8 suspended from the party, pending internal</p> <p>9 investigation. Aimee Challenor has now resigned from</p> <p>10 the Green Party."</p> <p>11 Which you told us before:</p> <p>12 "The party commissioned the investigations</p> <p>13 consultancy Verita to consider the matter in full and to</p> <p>14 provide a report to the party."</p> <p>15 We have seen that now:</p> <p>16 "Safeguarding: the Green Party's safeguarding</p> <p>17 policy, adopted in 2016 and previously sent to the</p> <p>18 inquiry, is being reviewed. This review will take</p> <p>19 recommendations from the Verita inquiry into account,</p> <p>20 along with recommendations commissioned from an external</p> <p>21 safeguarding consultant."</p> <p>22 So you have actually taken somebody from outside to</p> <p>23 help you with the safeguarding policy as well:</p> <p>24 "Spokespeople: the Green Party has started a review</p> <p>25 of its system for appointing and managing spokespeople."</p> <p style="text-align: center;">Page 38</p>
<p>1 Again, I think you have told us that. Then:</p> <p>2 "Guidance to candidates: the Green Party has</p> <p>3 prepared new guidance for all Green Party candidates in</p> <p>4 local and national elections, stressing that all</p> <p>5 potential criminal matters involving themselves [or]</p> <p>6 family members should be reported in full to the party</p> <p>7 at once. This guidance provides examples of matters</p> <p>8 that should be declared."</p> <p>9 Have things moved on from even this, since you have</p> <p>10 written the statement?</p> <p>11 <b>A. Yes, I can say, first of all, on the spokespeople on the</b></p> <p>12 <b>inquiry, that is nearing its end and we have come up</b></p> <p>13 <b>with a lot of recommendations, but already at the end of</b></p> <p>14 <b>2017 we had developed a code of conduct for spokespeople</b></p> <p>15 <b>which they are all required to sign, and all our</b></p> <p>16 <b>spokespeople have now signed that and, should anything</b></p> <p>17 <b>occur that causes the party concern, they can be</b></p> <p>18 <b>summarily dismissed from their role. But that's</b></p> <p>19 <b>actually been going on for quite a while.</b></p> <p>20 Q. I think you said only as recently as last weekend you</p> <p>21 signed off the new draft policy?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. Finally this, please, Ms Reason: you have been asked to</p> <p>24 consider an email. I am going to invite you to look</p> <p>25 at -- either if you have it in your file, it is behind</p> <p style="text-align: center;">Page 39</p>	<p>1 our tab 3, GNP000016. We will see at the foot of this</p> <p>2 email chain, the sender has been anonymised and ciphered</p> <p>3 as WM-A30, as has the recipient. Have you got it?</p> <p>4 <b>A. Yes, I have got it, yes.</b></p> <p>5 Q. But the date it was sent is 17 December 2014 at 1.15 in</p> <p>6 the morning. It reads this way. The subject line has</p> <p>7 been redacted:</p> <p>8 "I tell you now, you put [the name has been</p> <p>9 redacted] forward as the MP candidate for [the location</p> <p>10 has been redacted] or any other position of power</p> <p>11 representing the Green Party, I will have no hesitation</p> <p>12 in contacting the Daily Mail to tell them about his</p> <p>13 history of underage sex with girls he taught. He was</p> <p>14 sacked as a teacher for inappropriate relations with</p> <p>15 a student and not meeting the standards required as</p> <p>16 a teacher. His head teacher [name redacted] went as far</p> <p>17 as adding to his file that it was inappropriate he work</p> <p>18 with children again. This man has an arrest record for</p> <p>19 underage sex with young girls.</p> <p>20 "I've just finished three months of rape counselling</p> <p>21 to get over what he did to me when I was 15. I plan to</p> <p>22 find the other girls I know of and encourage them to</p> <p>23 come forward. [The person] is a serial paedophile.</p> <p>24 I don't make these allegations out of spite or malice or</p> <p>25 even because you might think I'm off my head! I am</p> <p style="text-align: center;">Page 40</p>

<p>1 a qualified teacher and married mother of three                  2 children. It is my part of my job to raise safeguarding                  3 concerns and have them listened to.                  4 "It is downright criminal he is allowed to visit                  5 constituents in their homes where he has access to young                  6 girls.                  7 "He can ban me from posting on his Facebook page all                  8 he likes, but I will not be silenced over this.                  9 "The police might not have been able to have charged                  10 him, even though I have his Facebook confession and                  11 apology for what he did to me all those years ago, but                  12 I will not stay silent over this. He cannot stand as an                  13 MP. It is morally wrong and I intend to seek justice in                  14 the civil courts for what he did to me.                  15 "The Green Party are complicit, you already know                  16 about the allegations, which is why he was discreetly                  17 deselected as deputy leader.                  18 "You won't respond, but I don't mind, the fact this                  19 is this email leaves a digital footprint will prove you                  20 were made aware. If you choose to do nothing, so be it.                  21 I will still oppose his selection."                  22 There appears to be, the next day, just halfway up                  23 the page, an email which is passed on. So it is                  24 forwarded on to somebody called Chris Luffingham:                  25 "Here's that email. Contacting the Dally Mail is</p> <p style="text-align: center;">Page 41</p>	<p>1 what she said she would do. And one thing I remembered                  2 incorrectly -- it says 'arrest record' not                  3 'conviction!.'                  4 Do you know anything about this?                  5 <b>A. This came as a complete surprise to us, I have to say.</b>                  6 <b>I know that Adam Stacey was the membership officer at</b>                  7 <b>the time and that Chris Luffingham was one of two</b>                  8 <b>executive directors, but this predates our disciplinary</b>                  9 <b>system, so I'm afraid we can't tell you what happened to</b>                  10 <b>it, but we have taken immediate action and we have</b>                  11 <b>written to the member concerned and told him that we</b>                  12 <b>will be asking for his immediate no-fault suspension,</b>                  13 <b>which should happen today, while an independent</b>                  14 <b>investigation is undertaken of the circumstances</b>                  15 <b>described here.</b>                  16 Q. You say in paragraph 8 of your statement -- we don't                  17 need to go back to it -- you couldn't even find a record                  18 of this email on your system?                  19 <b>A. No, and we do have an enormous number of records on our</b>                  20 <b>system.</b>                  21 Q. Or of action taken as a result at the time, and you say                  22 certainly at the date of the witness statement that you                  23 were conducting further enquiries, you have told us what                  24 they are. Of course, the date of the email                  25 is December 2014.</p> <p style="text-align: center;">Page 42</p>
<p>1 <b>A. Yes.</b>                  2 Q. This was first brought to your notice some months ago,                  3 by the look of it. Do you remember when it was first --                  4 <b>A. I would have to speak to the office about when it was</b>                  5 <b>first brought to our attention, but I thought it came</b>                  6 <b>via this inquiry, because you had received it rather</b>                  7 <b>than us.</b>                  8 Q. It did. I'm told, in actual fact -- and I think the                  9 clue is given by the reference at the bottom, "GNP",                  10 that it was an email received from the Green Party                  11 itself. You say in your statement you can't find                  12 a record of the email on your systems, but I'm given to                  13 understand that it came from the Green Party itself, and                  14 that the inquiry wrote to the Green Party a couple of                  15 months ago about what was happening about it.                  16 <b>A. I'll have to go back and come back to you with another</b>                  17 <b>reply.</b>                  18 Q. Would you do that?                  19 <b>A. Because I only saw this yesterday for the first time, so</b>                  20 <b>I can't quite understand how that could have happened.</b>                  21 Q. Well, that's quite serious, then. Would you kindly just                  22 go back --                  23 <b>A. I certainly will.</b>                  24 Q. -- and make contact with the inquiry, if you would, with                  25 an answer to this question in particular about when you</p> <p style="text-align: center;">Page 43</p>	<p>1 first became aware of it, why your records -- why you                  2 say your records didn't reveal this email, when it                  3 appears to have come from your records in the first                  4 place, as I am given to understand?                  5 <b>A. I'm afraid I can't tell you that now.</b>                  6 MR ALTMAN: Thank you very much, Ms Reason. I will see if                  7 the chair and panel have any questions?                  8 THE CHAIR: We have no questions. Thank you, Ms Reason.                  9 <b>A. Okay, thanks.</b>                  10 MR ALTMAN: Thank you very much, Ms Reason. As I say, if                  11 you would kindly just try and bottom out for us whether                  12 this did come from your records, which appears to be the                  13 case, for the reasons I give, and the fact that the                  14 inquiry wrote to you, I am told, a couple of months ago                  15 about what was being done about it, it's alarming that                  16 you have only discovered this yesterday.                  17 <b>A. Yes. I would be alarmed. But that may be my fault</b>                  18 <b>rather than the fault of the party.</b>                  19 Q. Let's find out what the position is. Thank you very                  20 much.                  21 (The witness withdrew)                  22 MR ALTMAN: Chair, the next witness, Helen McNamara, is                  23 here. Mr O'Connor is calling her. But Mr O'Connor                  24 hasn't had an opportunity to speak to her yet. It is                  25 slightly short of the break time we normally take, but</p> <p style="text-align: center;">Page 44</p>

1 it would help him if we say until 11.30 am.  
 2 THE CHAIR: Thank you, we will do that.  
 3 MR ALTMAN: Thank you.  
 4 (11.05 am)  
 5 (A short break)  
 6 (11.33 am)  
 7 MR O'CONNOR: Chair, our next witness is Ms Helen McNamara.  
 8 MS HELEN MCNAMARA (sworn)  
 9 Examination by MR O'CONNOR  
 10 MR O'CONNOR: Could you give your full name, please?  
 11 **A. Helen McNamara.**  
 12 Q. Ms McNamara, you are a senior official in the  
 13 Cabinet Office?  
 14 **A. Yes.**  
 15 Q. You are here today to give evidence to the chair and  
 16 panel about the honours and appointments system that is  
 17 administered within the Cabinet Office?  
 18 **A. Yes.**  
 19 Q. I think it is fair to say it is not a particularly  
 20 peaceful week in the Cabinet Office this week?  
 21 **A. That's also true.**  
 22 Q. So we are very grateful for you coming today. To be  
 23 more specific, one of the issues of public concern that  
 24 the inquiry is addressing in this investigation is how  
 25 the honours and appointments system responds to

Page 45

1 Q. As I say, you have provided, Ms McNamara, a witness  
 2 statement to the inquiry dated August last year.  
 3 Perhaps we could call it up on screen, please. I think  
 4 it is behind tab 1 of the bundle the chair and panel  
 5 have and also that you have. It is CAB000040. Is that  
 6 your statement, Ms McNamara?  
 7 **A. It is.**  
 8 Q. As I say, in it you give a detailed summary of  
 9 the working of the honours and appointments system?  
 10 **A. Yes.**  
 11 Q. Chair, may we adduce that statement in full as  
 12 a corporate statement for your use?  
 13 I also invite you, chair, to adduce the exhibits to  
 14 that statement, and we will be going to one or two of  
 15 them in the course of Ms McNamara's evidence. For the  
 16 record, those exhibits are CAB000110, 111, 112, 113,  
 17 114, 115, 116 and 117. So may we adduce the statement  
 18 and all of those exhibits? Thank you.  
 19 Ms McNamara, just a few questions to start with  
 20 about your role in particular. Perhaps we can look at  
 21 paragraph 2 of your statement. You say there that you  
 22 are the director-general of the Private Offices Group  
 23 within the Cabinet Office, and you have been performing  
 24 that role since June last year?  
 25 **A. That's right.**

Page 47

1 allegations of child sexual abuse made against those who  
 2 are being considered for an honour and those who have  
 3 already been granted an honour. You understand that?  
 4 **A. I do.**  
 5 Q. That's going to be the focus of your evidence today.  
 6 Putting it another way, we will be looking at the  
 7 processes both for granting honours and also for  
 8 forfeiting honours after they have been granted?  
 9 **A. I understand that, yes.**  
 10 Q. We will be looking at those matters both in terms of  
 11 the present practice and the past practice, and those  
 12 are matters that are covered in your witness statement.  
 13 But perhaps it is important to point out that you, of  
 14 course, although you have a knowledge and understanding  
 15 of current processes, and you are involved in operating  
 16 those processes -- is that right?  
 17 **A. The secretariat that work for me do, yes.**  
 18 Q. Of course, your understanding of what's happened in the  
 19 past is simply based on documents that you have read?  
 20 **A. That's right.**  
 21 Q. So, to that extent, you are a corporate witness who is  
 22 simply here to assist the chair and panel in  
 23 interpreting the documents that we all have available to  
 24 us?  
 25 **A. Yes.**

Page 46

1 Q. You go on to say that that includes oversight of  
 2 the Honours and Appointments Secretariat. Just give us  
 3 an idea of what else it includes, if you can,  
 4 Ms McNamara?  
 5 **A. So the running of the private offices that work for**  
 6 **ministers in the Cabinet Office, I'm responsible for the**  
 7 **Privy Council Office, the independent offices that**  
 8 **support government, the Civil Service Commission, the**  
 9 **Office of Public Appointments, public appointments**  
 10 **policy, public bodies policy and then propriety and**  
 11 **ethics, which is the Ministerial Code, the**  
 12 **Cabinet Manual, the Civil Service Code and adherence to**  
 13 **those.**  
 14 Q. So a fair few matters other than honours and  
 15 appointments?  
 16 **A. Yes.**  
 17 Q. But just coming back to the Honours and Appointments  
 18 Secretariat, can you give us an idea, in a few  
 19 sentences, of what that organisation is, how many people  
 20 are within it and, in very broad terms, because we will  
 21 be coming back to this, what they do?  
 22 **A. So the honours system has, it is worth saying probably**  
 23 **first, independent oversight. So although the team --**  
 24 **the Honours and Appointments Secretariat work for me,**  
 25 **the head of the Civil Service has delegated to**

Page 48

<p>1 <b>Sir Jonathan Stephens responsibility for honours policy.</b>                  2 <b>The secretariat run the committees that consider the</b>                  3 <b>nomination of honours and they run the process, so they</b>                  4 <b>are responsible for all the information we put in the</b>                  5 <b>public domain about how to apply for an honour, and</b>                  6 <b>honours policy, and they run the process of receiving</b>                  7 <b>nominations, supporting members of the public in making</b>                  8 <b>nominations, then supporting the committees in the</b>                  9 <b>judgments that they come to about whether people should</b>                  10 <b>be put forward for an honour or not. So they manage the</b>                  11 <b>process from beginning to end, if you like.</b>                  12 Q. Just give us an idea of roughly how many people we are                  13 talking about, or is that difficult?                  14 <b>A. Only because it might embarrass me in front of my team.</b>                  15 <b>I think there are about 30.</b>                  16 Q. You mentioned the independent oversight.                  17 <b>A. Yes.</b>                  18 Q. Let's just look at paragraph 4 of your statement,                  19 please. I think this is what you had in mind.                  20 <b>A. Yes.</b>                  21 Q. You say that there is -- currently, responsibility for                  22 the honours system sits with Sir Jonathan Stephens, who                  23 is the Permanent Under-Secretary of the Northern Ireland                  24 Office?                  25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 49</p>	<p>1 Q. But he, as it were, has that role because he's been                  2 asked to fulfil it by the head of the Civil Service?                  3 <b>A. Yes, and it's been the case, I think, from the early</b>                  4 <b>2000s, that the head of the Civil Service has asked one</b>                  5 <b>of their Permanent Secretaries -- Hayden Phillips was</b>                  6 <b>the first one -- to oversee the honours system on their</b>                  7 <b>behalf.</b>                  8 Q. So we have the secretariat, on the one hand, which is                  9 within your team?                  10 <b>A. Yes.</b>                  11 Q. And then separately we have Sir Jonathan Stephens?                  12 <b>A. Yes.</b>                  13 Q. And in paragraph 4, we can see here, he sits on various                  14 committees --                  15 <b>A. He does.</b>                  16 Q. -- some of which we will come to talk about. What's the                  17 relationship, then, between your secretariat and                  18 Sir Jonathan Stephens and his committees?                  19 <b>A. So the secretariat supports Sir Jonathan in his role and</b>                  20 <b>then they support the committees. So, if you like, the</b>                  21 <b>kind of administration of the Honours and Appointments</b>                  22 <b>Secretariat and that process is my responsibility</b>                  23 <b>because they're the team that work for me. But the</b>                  24 <b>policy on honours is done through HD committee and the</b>                  25 <b>oversight of the whole system sits with the Permanent</b></p> <p style="text-align: center;">Page 50</p>
<p>1 <b>Secretary.</b>                  2 Q. Right. Thank you. Let's move on and just talk a little                  3 bit about the honours system in general before we get to                  4 the questions of how the honours are approved and checks                  5 and so on.                  6 We have referred a number of times already this                  7 morning to honours and appointments.                  8 <b>A. Mmm-hmm.</b>                  9 Q. Is there a distinction between those two terms that's                  10 important for our purposes?                  11 <b>A. There is. So just to explain that for a moment, so</b>                  12 <b>honours -- I will talk a bit more about how the honours</b>                  13 <b>system works and the lists and the committees -- are</b>                  14 <b>separate from appointments. So appointments are</b>                  15 <b>appointments to the House of Lords, and there is</b>                  16 <b>a separate organisation that's responsible for those.</b>                  17 <b>That's been the case since the year 2000 when the House</b>                  18 <b>of Lords Appointments Commission was set up. So</b>                  19 <b>appointments to the House of Lords are managed by the</b>                  20 <b>House of Lords Appointments Commission and honours are</b>                  21 <b>managed by the Honours and Appointments Secretariat.</b>                  22 <b>The Honours and Appointments Secretariat sponsor the</b>                  23 <b>relationship the Cabinet Office has with the House of</b>                  24 <b>Lords Appointments Commission.</b>                  25 Q. So if we are thinking of honours, we are thinking of</p> <p style="text-align: center;">Page 51</p>	<p>1 knighthoods?                  2 <b>A. Yes.</b>                  3 Q. We are thinking of OBEs, MBEs, CBEs?                  4 <b>A. The lists that are published twice a year that everybody</b>                  5 <b>would be imagining -- the birthday and the new year</b>                  6 <b>honours -- that's what we are talking about.</b>                  7 Q. I was going to come to that. As you say, that's the                  8 product, if you like, that's what we all are familiar                  9 with?                  10 <b>A. Yes.</b>                  11 Q. Those two lists that are published. You mention in your                  12 statement that there are occasionally other lists, other                  13 than at those two times, for example, on a dissolution                  14 of parliament.                  15 <b>A. Yes.</b>                  16 Q. Perhaps let's not concern ourselves with those. Let's                  17 just think about those two lists. Those contain awards                  18 of honours?                  19 <b>A. Mmm-hmm.</b>                  20 Q. One might be forgiven for remembering reading at that                  21 time also appointments of -- or granting of life                  22 peerages to the House of Lords. Are those part of                  23 the same process or not?                  24 <b>A. They're often announced at the same time. Not always,</b>                  25 <b>but often announced at the same time. But they are not</b></p> <p style="text-align: center;">Page 52</p>

<p>1 <b>part of the honours process.</b></p> <p>2 Q. Just to finish off that train of thought, we will come</p> <p>3 to talk about both the awarding of honours and also the</p> <p>4 forfeiture of honours. You have explained how life</p> <p>5 peerages appointments are organised by a different</p> <p>6 system, even if they are announced at the same time.</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. The forfeiture, if that is the right word, or the</p> <p>9 removal of a peerage, is that something that's dealt</p> <p>10 with within your processes or not?</p> <p>11 <b>A. So my understanding is that would be dealt with by the</b></p> <p>12 <b>House of Lords. So I think in the 2014 House of Lords</b></p> <p>13 <b>Reform Act there's a reference to the circumstances in</b></p> <p>14 <b>which a peerage could be removed from somebody, but the</b></p> <p>15 <b>removal of a peerage would be a matter for the House of</b></p> <p>16 <b>Lords, I think.</b></p> <p>17 Q. So both the granting and, in circumstances, the removal</p> <p>18 of life peerages is something outside your own process?</p> <p>19 <b>A. Well, so the granting of a peerage -- so the granting</b></p> <p>20 <b>is -- the award is still made by the Queen and the</b></p> <p>21 <b>recommendation still comes from the Prime Minister.</b></p> <p>22 Q. Yes.</p> <p>23 <b>A. But the process of deciding whether somebody should be</b></p> <p>24 <b>awarded a peerage if they're put through a cross-bench</b></p> <p>25 <b>peerage process is done by the House of Lords</b></p> <p style="text-align: center;">Page 53</p>	<p>1 <b>Appointments Commission.</b></p> <p>2 Q. Yes. That's actually something you mention in your</p> <p>3 statement. Perhaps if we can very quickly go to it.</p> <p>4 Paragraph 17 of your statement on page 6, if we can blow</p> <p>5 up paragraph 17. We see there -- this is within the</p> <p>6 context of a discussion about a committee called the</p> <p>7 PHSC, which we can come back to.</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. But you there refer to HOLAC, the House of Lords</p> <p>10 Appointment Commission, being established and its role</p> <p>11 in undertaking that process of appointing appointments</p> <p>12 to the House of Lords?</p> <p>13 <b>A. Yes. To be clear, the Queen does, when recommended by</b></p> <p>14 <b>the Prime Minister to appoint other peerages, so the</b></p> <p>15 <b>Prime Minister can recommend people should become</b></p> <p>16 <b>members of the House of Lords in order to be ministers</b></p> <p>17 <b>in her government, that is another route by which people</b></p> <p>18 <b>become peers. All those people will also go through</b></p> <p>19 <b>checks and the process that is applied by the House of</b></p> <p>20 <b>Lords Appointments Commission.</b></p> <p>21 Q. Thank you. I think that's clear. So we can remove that</p> <p>22 paragraph. Just going back to those two lists that we</p> <p>23 were talking about: New Year's and Queen's Birthday</p> <p>24 Lists. You explain in your statement how those lists in</p> <p>25 fact comprise three sections.</p> <p style="text-align: center;">Page 54</p>
<p>1 <b>A. Yes.</b></p> <p>2 Q. There's the Prime Minister's part of it, then there is</p> <p>3 the Diplomatic and Overseas List, and then there's the</p> <p>4 Defence List.</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Those two other -- apart from the Prime Minister's List,</p> <p>7 those two other parts of it, smaller --</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. -- in terms of number, and administered separately?</p> <p>10 <b>A. That's right.</b></p> <p>11 Q. The Diplomatic Service and Overseas List administered by</p> <p>12 the Foreign Office?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. And the Defence List administered by the Ministry of</p> <p>15 Defence?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. You are here to talk about the Prime Minister's List?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Which is the list that probably we are all more familiar</p> <p>20 with?</p> <p>21 <b>A. The vast majority of honours come from the</b></p> <p>22 <b>Prime Minister's List.</b></p> <p>23 Q. If we can go to paragraph 11 of your statement, please,</p> <p>24 which is on page 4, you describe there the UK honours</p> <p>25 system is the product of several hundred years of</p> <p style="text-align: center;">Page 55</p>	<p>1 evolving tradition, and then you say:</p> <p>2 "The sovereign is the fount of all honour."</p> <p>3 Can you expand on that?</p> <p>4 <b>A. So all honours are awarded by Her Majesty the Queen but,</b></p> <p>5 <b>as a constitutional monarch, those awards are made on</b></p> <p>6 <b>the advice of her Prime Minister.</b></p> <p>7 Q. So it is the Prime Minister who in fact operates the</p> <p>8 system?</p> <p>9 <b>A. (Witness nods).</b></p> <p>10 Q. Just going one stage down, how does the process work in</p> <p>11 terms of running the system on behalf of</p> <p>12 the Prime Minister.</p> <p>13 <b>A. Before I come to that, there is another list we haven't</b></p> <p>14 <b>mentioned yet, which might be worth touching on, which</b></p> <p>15 <b>is the Queen herself can also award members of her</b></p> <p>16 <b>household -- again, a much smaller list -- those are</b></p> <p>17 <b>people who have served with exceptional duty the Queen</b></p> <p>18 <b>or the Royal Family.</b></p> <p>19 Q. So that's another section of those two lists that come</p> <p>20 out every year?</p> <p>21 <b>A. Yes, sorry, just for completeness, I thought that would</b></p> <p>22 <b>be helpful.</b></p> <p>23 Q. It is.</p> <p>24 <b>A. You asked about how the whole system operates.</b></p> <p>25 Q. Yes.</p> <p style="text-align: center;">Page 56</p>

1 **A. As I said in my statement, the honours system has**  
 2 **evolved over time. The modern honours system really**  
 3 **stems from 1917, with the creation of the Order of**  
 4 **the British Empire. The idea then was about awarding**  
 5 **more ordinary people, but over time -- that started, at**  
 6 **the beginning, being more kind of public servants,**  
 7 **servants of the state, prominent individuals. The**  
 8 **honours system now tends to reward people for voluntary**  
 9 **service, for the service they give to society as**  
 10 **a whole, that's about 70 per cent of the list now, for**  
 11 **people who have done that, rather than necessarily for**  
 12 **kind of more grander -- more grandees, which I think is**  
 13 **where it started from.**  
 14 **The operation of the system has changed. Would you**  
 15 **like me to explain now --**  
 16 **Q. Yes.**  
 17 **A. As with all aspects of public life, it evolves over**  
 18 **time. There were two significant changes in recent**  
 19 **history. So, as you will have seen in my statement and**  
 20 **in the supporting materials we provided, in 1993, the**  
 21 **then Prime Minister John Major announced a set of**  
 22 **reforms to the honours system, and that was to try and**  
 23 **make the system more open. So that's when you have the**  
 24 **first open nominations, clarity around how to nominate**  
 25 **people for an honour, and he also ended the tradition of**

Page 57

1 Ms McNamara. This paragraph deals, doesn't it, with  
 2 those two --  
 3 **A. Yes, it does.**  
 4 **Q. -- reforms that you mentioned?**  
 5 **A. Yes.**  
 6 **Q. Firstly 1993, with John Major trying to make the system**  
 7 **award more -- make more awards for public service?**  
 8 **A. Mmm-hmm.**  
 9 **Q. Then later, as you say, Hayden Phillips' recommendations**  
 10 **in 2005. If we can look about six or seven lines up**  
 11 **from the bottom there, there is a line which starts "He**  
 12 **concluded". That was Hayden Phillips' report that you**  
 13 **just referred to?**  
 14 **A. Yes.**  
 15 **Q. "He concluded that the assessment process should be made**  
 16 **more transparent; the independent committees should**  
 17 **consider nominations and make recommendations; and that**  
 18 **there should be regular reports on the operation of**  
 19 **the honours system."**  
 20 **That, as I think you have said, was, as it were, the**  
 21 **springboard for the system as it operates now?**  
 22 **A. That's right.**  
 23 **Q. So let's turn to that. You started referring to that**  
 24 **already. I am going to ask you some questions about the**  
 25 **stages of the process. First of all, nomination; then**

Page 59

1 **what they used to call automaticity, which is that**  
 2 **people would get an honour just because of the fact of**  
 3 **them having done a job. That doesn't happen anymore,**  
 4 **with the notable exception of judges.**  
 5 **So that we, instead, people are -- all sorts of**  
 6 **factors are taken into consideration when a decision is**  
 7 **made.**  
 8 **The other really big significant change is in 2005,**  
 9 **after the Public Administration Select Committee report,**  
 10 **and after a report done by Sir Hayden Phillips, the then**  
 11 **Permanent Secretary, who was responsible for the honours**  
 12 **system, and those reforms are the establishment of**  
 13 **independent committees.**  
 14 **So the honours -- to get to these lists that are**  
 15 **published in June and at new year, there is a process**  
 16 **that runs all year round where nominations come in, they**  
 17 **are considered either by the secretariat, by the**  
 18 **department, by a whole host of -- there is a whole host**  
 19 **of kind of behind-the-scenes process that goes on --**  
 20 **Q. We are going to come to that.**  
 21 **A. Oh, sorry.**  
 22 **Q. No, don't worry. I want to come to that process in**  
 23 **a minute. Let's look, if we can, at paragraph 14 of**  
 24 **your statement, the next page on, just to make the**  
 25 **point -- to underline the points you have just made,**

Page 58

1 how a nomination is considered, and particularly probity  
 2 checks and how the system seeks to identify and then  
 3 measure any probity issues; and then, finally, the  
 4 question of forfeiture after an award has been made.  
 5 Let's start with nominations. To do that, I think  
 6 the easiest thing to do is, if we go back to page 1 of  
 7 your statement, and paragraph 4. In fact, it is the  
 8 last line of that paragraph, going on to the next page.  
 9 You say here:  
 10 "There are two routes for nomination: a public  
 11 nomination process, open to all; and nomination by  
 12 a government department, following a trawl of their  
 13 stakeholder bodies (eg charities, businesses ...)", and  
 14 so on.  
 15 Pausing there, that dual route, in particular the  
 16 public nomination, was the process introduced by  
 17 John Major that you have referred to?  
 18 **A. Yes.**  
 19 **Q. If we can read on, you say:**  
 20 "Nominations go through assessment to verify the  
 21 claims of the nomination, followed by a sifting process  
 22 within departments. The strongest nominees are  
 23 submitted to one of the nine (shortly to be ten)  
 24 independent Honours Committees."  
 25 **So are you there describing that that's the second**

Page 60

1 route, the process within a particular government  
 2 department deciding who to put forward for an honour?  
 3 **A. So I think there are two things to bear in mind. First**  
 4 **is the openness of the system, and there is an awful lot**  
 5 **of material on the Cabinet Office website about how to**  
 6 **apply for an honour and guidance for how to nominate --**  
 7 **not apply, sorry, how to nominate someone for an honour,**  
 8 **and then all the support that can be offered, and one of**  
 9 **the jobs of the Honours and Appointments Secretariat is**  
 10 **to work with members of the public who want to nominate**  
 11 **people for an honour and help them to produce these**  
 12 **citations. Then, as it says in my statement, government**  
 13 **departments will also, in parallel, be thinking about**  
 14 **people that they should be rewarding. So a good example**  
 15 **of this might be a teacher, for example. So it might be**  
 16 **that the parent-teacher association or the pupils of**  
 17 **the school use a public route for nominating their**  
 18 **teacher for an honour, and then that honour will go into**  
 19 **the Department for Education for consideration and the**  
 20 **Department for Education might well have been also**  
 21 **thinking about the same teacher or thinking about other**  
 22 **teachers and it will all come into the same process in**  
 23 **the end. But there are different routes in.**  
 24 Q. Whether a nomination arrives through the public route,  
 25 of people just writing in, or whether, one way or

Page 61

1 **I think that's in the evidence we submitted. You have**  
 2 **the most up-to-date list.**  
 3 Q. Yes. So you describe that the Honours Committees have  
 4 a majority of independent members who are knowledgeable  
 5 about the relevant subject areas. The chair of each  
 6 committee being an independent member. You describe how  
 7 they're recruited and so on. And then five or six lines  
 8 down you say:  
 9 "The Main Committee, consisting primarily of  
 10 the independent chairs ..."  
 11 That's the chairs of each of the subcommittees:  
 12 "... meets at the end of each round to scrutinise  
 13 the whole list before it is submitted to the  
 14 Prime Minister and the Queen."  
 15 **A. Yes, scrutinise and agree finally.**  
 16 Q. Now, as far as probity issues are concerned, are they  
 17 considered -- we will come to it in detail -- by the  
 18 individual committees in the first instance?  
 19 **A. Yes. They are considered by everybody at every stage**  
 20 **along the way, and then there are checks that apply at**  
 21 **Main Committee.**  
 22 Q. Because you say here:  
 23 "The Main Committee considers any wider probity,  
 24 propriety or reputational information available ..."  
 25 But that's at a fairly late stage. Probity issues,

Page 63

1 another, it flows through the departmental  
 2 recommendation, all the nominations end up with your  
 3 secretariat, in the first instance, I imagine?  
 4 **A. Yes.**  
 5 Q. That is in order that they can be considered by one of  
 6 these Honours Committees, the independent Honours  
 7 Committees, that you refer to there?  
 8 **A. Yes. It is worth saying that government departments do**  
 9 **an awful lot as well. So they have their own teams who**  
 10 **manage the process from the department's perspective.**  
 11 Q. We will come back to talk a little bit more about the  
 12 committees in a moment, but just to identify the  
 13 process, they are arranged by subject area?  
 14 **A. Yes.**  
 15 Q. And they will consider applications within their subject  
 16 area and then final decisions are made by something  
 17 that's known as the Main Committee?  
 18 **A. The Main Committee, that's right.**  
 19 Q. If we can go to paragraph 5 of your statement, I think  
 20 that's what you describe there; is that right?  
 21 **A. Yes.**  
 22 Q. The Honours Committees, that's the nine, to become ten.  
 23 Is it becoming ten because there's another subject area  
 24 that's --  
 25 **A. It has become ten because we split out one committee.**

Page 62

1 as we will see, will already have been considered by  
 2 then?  
 3 **A. Yes.**  
 4 Q. Let's just have a look at one of your exhibits,  
 5 Ms McNamara, just to get an idea of these committees.  
 6 Can we have a look, please -- this is behind tab 12 in  
 7 your bundle, chair and panel, but for the screen it is  
 8 CAB000110. This is one of the exhibits to your  
 9 statement, Ms McNamara. We see there, do we, a list of  
 10 the committees?  
 11 **A. Yes.**  
 12 Q. It starts with the Main Committee but then the other  
 13 subject-based committees underneath it. We see at the  
 14 bottom of this page the members of the Main Committee,  
 15 and if we can go over the page, we don't need to go  
 16 through them all, but just to take the first example, we  
 17 see the Arts and Media Committee. We see the chair is  
 18 someone from historic Royal palaces and then it has  
 19 independent members, as we can see, from the field of  
 20 arts and media, and official members, the Permanent  
 21 Secretaries of two departments?  
 22 **A. That's right.**  
 23 Q. Is that pattern replicated with the other committees?  
 24 **A. It is.**  
 25 Q. Thank you. Going back to those committees, the primary

Page 64



<p>1 role, perhaps, is to determine whether these individual                  2 awards should be determined on merit, and no doubt they                  3 have far more nominations than awards, and so they have                  4 to decide who merits the award most. Would that be                  5 fair?                  6 <b>A. So at the stage at which a committee that you see listed                  7 out that we have just talked about is considering                  8 honours, they're not usually deciding this person should                  9 get an honour and this person shouldn't get an honour.                  10 There's a process that's happened before then where the                  11 department and the Permanent Secretaries and the Honours                  12 and Appointments Secretariat will have worked together                  13 to produce a list which is given to that committee, and                  14 then there will be a discussion around whether it's the                  15 right time to appoint these people, whether they -- and                  16 the committee themselves will decide whether they think                  17 that these people should be put forward for an honour.</b>                  18 Q. Right. If we can just look at paragraph 6 of your                  19 witness statement, please, we see just the first                  20 sentence there, you say that proportionate probity and                  21 propriety checks are in place and are designed to                  22 protect the integrity of the system as far as possible                  23 by proactively identifying information which may affect                  24 a nominee's standing and reputation. That may be                  25 self-explanatory, but the point is, is it not, that,</p> <p style="text-align: center;">Page 65</p>	<p>1 even if someone does otherwise merit an award, if they                  2 are of bad character, or something about them which will                  3 damage the reputation of the system, they oughtn't to be                  4 granted an award?                  5 <b>A. That's right.</b>                  6 Q. Now, the current system for analysing these matters has                  7 been in place since about 2005. Before I go into detail                  8 about that, I just want to ask you a few questions about                  9 the system that was in place before that and, to do                  10 that, can we go to paragraph 16 of your statement. You                  11 refer here to the committee that we mentioned a few                  12 moments ago, the Political Honours Scrutiny Committee.                  13 Was this a committee that performed that role previously                  14 of undertaking checks on the probity of people who were                  15 being considered for an honour?                  16 <b>A. Yes, but not quite in the same way that we would do now.</b>                  17 Q. Can you give us an overview of what the differences                  18 were?                  19 <b>A. So the committee would have then made a judgment in                  20 a similar way to the members of committees now about                  21 whether somebody was the right person to be given an                  22 honour. So a kind of judgment about, we expect people                  23 who have honours to be good role models and good                  24 citizens, and I can't speak directly to exactly what                  25 guidance the PHSC did use, but they thought their</b></p> <p style="text-align: center;">Page 66</p>
<p>1 <b>purpose was to make sure that the people who were being                  2 given honours were worthy of them.</b>                  3 <b>Back from the 1970s, especially for the more senior                  4 end of the list, so for knights and dames and for the                  5 CBEs and CBs, there would have been checks then from the                  6 police and from HMRC. I think that is pretty common                  7 knowledge. There is a lot more checks that are done                  8 now, but perhaps I should come on and talk about that                  9 later.</b>                  10 Q. Well, no, we will talk about that later. So the point                  11 which you make in your statement is, certainly as far as                  12 one can see from the papers, that that earlier system                  13 didn't do as many checks as you do now?                  14 <b>A. Yes.</b>                  15 Q. So, if you like, would it be fair to say the system is                  16 more robust now than it was then?                  17 <b>A. I think that is fair, yes.</b>                  18 Q. But, as you say, that wasn't because the previous system                  19 was just random?                  20 <b>A. No.</b>                  21 Q. It focused more on what might be regarded as the more                  22 senior honours that were being granted?                  23 <b>A. And I think there might have been less information                  24 available to them as well. It is a bit easier with the                  25 internet and various other things that we can use now.</b></p> <p style="text-align: center;">Page 67</p>	<p>1 Q. Yes. Let's go back, then, to the current system. Is it                  2 right that the secretariat that you are responsible for                  3 actually does a lot of the legwork in terms of                  4 the probity checks under the current system?                  5 <b>A. So they do, and they commission other public bodies for                  6 those checks. So whether that is the professional                  7 bodies of an organisation or -- so to take another                  8 example, if we had a medical professional who was being                  9 nominated for an honour, there would be a check made of                  10 whichever body it was that they're responsible -- they                  11 work towards, there will be a check done by                  12 a professional route as well as checks on them as,                  13 again, tax and police checks. It's worth saying that                  14 the responsibility doesn't solely rest with the Honours                  15 and Appointments Secretariat. At every stage in the                  16 process, so when the department is considering the list                  17 and when the committee is considering the list and then                  18 when the Main Committee is considering the list, there                  19 will be consideration applied at those points as well.                  20 <b>It is not just the secretariat.</b>                  21 Q. Is it right that the question of probity, as it were,                  22 runs alongside the question of merit in the                  23 consideration of an award?                  24 <b>A. Definitely.</b>                  25 Q. Because you describe in your statement that</b></p> <p style="text-align: center;">Page 68</p>

<p>1 consideration is also given to validating what is said                  2 about an individual. So, for example, is it right that                  3 he or she has done these wonderful things?                  4 <b>A. Yes.</b>                  5 Q. And you perform checks to ascertain that as well?                  6 <b>A. Absolutely. Because the award of an honour is a very                  7 special thing for a person and for their family and for                  8 the community that they have been working in, and so                  9 it's the responsibility to hold the system precious.                  10 I'd prefer that than -- "the integrity of the system"                  11 sounds quite dry. It is actually about making sure that                  12 people who are given an honour, that nothing is tainted                  13 about that experience, because it is a way of                  14 recognising public service from the state. It is an                  15 extraordinary thank you.</b>                  16 Q. You mention as a separate matter presentational issues                  17 in your statement?                  18 <b>A. Yes.</b>                  19 Q. You say that's not quite the same as a probity issue.                  20 What did you mean by that?                  21 <b>A. So a probity issue would be something more like a check                  22 that somebody had paid their taxes or that we were                  23 comfortable they had had a criminal record check or any                  24 of those things. A presentation issue might be about                  25 the timing of an honour: so is it right that somebody</b></p> <p style="text-align: center;">Page 69</p>	<p>1 <b>should be given an honour at this stage or is it</b>                  2 <b>important that they -- there is an issue going on, that</b>                  3 <b>actually it would be better to come back later. Nobody</b>                  4 <b>has a right to an honour. They are a gift and a grant.</b>                  5 <b>So it is not a -- sometimes the committees will err on</b>                  6 <b>the side of caution and decide to wait and consider</b>                  7 <b>somebody again a bit later when they know a bit more.</b>                  8 Q. Let's just go back in your statement, please, to page 2                  9 and look at paragraph 7, which is at the bottom of that                  10 page. This is where you describe, Ms McNamara, the type                  11 of probity checks that are undertaken, and you say:                  12 "Criminal records checks are now carried out on all                  13 nominees who are submitted to the Prime Minister and the                  14 sovereign for informal approval, whereas previously only                  15 some types of nominee were checked."                  16 I don't know if that is a reference to the earlier                  17 PHSC, a point you have already made?                  18 <b>A. (Witness nods).</b>                  19 Q. Is that right? We may see in the papers later on that                  20 for OBEs, at least at one time, criminal records checks                  21 weren't undertaken?                  22 <b>A. (Witness nods).</b>                  23 Q. Is it the case that now checks are undertaken for all of                  24 the honours?                  25 <b>A. That is right, but it is also recent that it is for all</b></p> <p style="text-align: center;">Page 70</p>
<p>1 <b>the honours and, sadly, it is as a consequence,</b>                  2 <b>actually, of some of the cases that have come through</b>                  3 <b>forfeiture, where it has become clear that people who</b>                  4 <b>have been given honours -- it is those cases that have</b>                  5 <b>triggered the need to do checks on the whole list.</b>                  6 Q. Right.                  7 <b>A. So that is done in terms of the process. That's when</b>                  8 <b>the kind of near final list goes to Main. Everybody who</b>                  9 <b>is on that list will be then subject to police checks.</b>                  10 Q. I see. So there's no point in conducting probity checks                  11 too early because you might be checking people who                  12 aren't going to be recommended for an honour anyway?                  13 <b>A. Or not this time; exactly.</b>                  14 Q. I see. Then, a little bit further down the paragraph,                  15 you make the point that probity checks vary from nominee                  16 to nominee, and that other probity checks include, where                  17 appropriate, professional regulators, where the                  18 individual is involved in a regulated profession, and                  19 then you give some other examples, if we can go over the                  20 page:                  21 "Government departments including HMRC, the                  22 Charity Commission ..."                  23 Then you say:                  24 "Additionally, open source information such as the                  25 internet and Electoral Commission records are checked."</p> <p style="text-align: center;">Page 71</p>	<p>1 Then you give a number of factors which influence                  2 which checks might be carried out. We can all see them:                  3 "The type of service given ...                  4 "The degree of verifiable information [that's been                  5 provided in respect of a particular candidate] ...                  6 "Relevant published information ...                  7 "The level of award proposed ..."                  8 It seems it is certainly not a one-size-fits-all                  9 approach?                  10 <b>A. That's right.</b>                  11 Q. Moving on to the question of what is the test, what are                  12 you looking for, is it right to say that that isn't,                  13 again, a one-size-fits-all question?                  14 <b>A. I mean, overarchingly, it is a one size fits all, in</b>                  15 <b>that it is the -- the point I was making about it is</b>                  16 <b>a precious thing to be awarded an honour and it is</b>                  17 <b>important that the honours go to people who merit them,</b>                  18 <b>and "merit" doesn't just mean having to check whether</b>                  19 <b>they have done the thing they have been nominated an</b>                  20 <b>award for, but are they the sort of person that we think</b>                  21 <b>the honours system should recognise, and that's when</b>                  22 <b>this variety of kind of other tests and checks come into</b>                  23 <b>play.</b>                  24 Q. You mention later in your statement the term "bringing                  25 the honours system into disrepute". But I think you</p> <p style="text-align: center;">Page 72</p>

1 said that was a phrase you preferred not to use?

2 **A. It is an important phrase. Actually, that is -- we will**

3 **come on to talk about forfeiture and it is one of**

4 **the things that we do use as a test. I just wanted to**

5 **make the point that it is not as dry as it sounds. It**

6 **is about protecting the importance of the honours system**

7 **and the meaning it has to people who are honoured.**

8 Q. Just to give more examples, if we can go on to the next

9 paragraph in your statement, paragraph 8, you say there

10 is no absolute definition of repute or disrepute which

11 would bar someone from receiving an honour. You say

12 that past controversy would not necessarily result in

13 disbarment from an honour. A few lines down, you say:

14 "Having a criminal record does not automatically

15 disbar a nominee ..."

16 Can you expand on that?

17 **A. I might use an example for that, if that's okay?**

18 Q. Yes.

19 **A. So we had a recent -- on one of the recent honours list**

20 **there was a young man who had been in a criminal gang**

21 **when he was younger and he had turned his life around**

22 **and was in fact spending -- devoting his time to try to**

23 **work with other young men who he felt were at risk of**

24 **being in a similar situation, so he had a criminal**

25 **record, but what he had done with his life subsequently**

Page 73

1 into disrepute, depending on which way you look at it,

2 is there a slightly different approach taken in

3 considering the probity matters, on the one hand, to

4 granting an honour and, on the other hand, to removing

5 it?

6 **A. So I think that, yes, that is a fair thing to say,**

7 **because of the seriousness of taking an honour away from**

8 **somebody, and that obviously has a really significant**

9 **impact on the person, and there are very clear cases**

10 **where that should absolutely happen. But the tests do**

11 **apply in a slightly different way. So, especially now,**

12 **in considering the award of granting an honour,**

13 **committees, individuals, departments, the secretariat,**

14 **are much more likely to err on the side of caution and**

15 **not put somebody forward where they think there might be**

16 **an issue, whether that's a question of timing where they**

17 **could come back later, or just not put somebody forward.**

18 **Whereas for forfeiture, somebody has already been given**

19 **an honour and it is worse -- worse than not getting an**

20 **honour is having an honour taken away from you, so**

21 **a different set of tests have to apply. A different**

22 **process applies. And that is also because legally there**

23 **are -- the government can be judicially reviewed for**

24 **having taken those decisions improperly because of**

25 **the damage that can be done to a person from having an**

Page 75

1 **was an extraordinary bit of public service. So --**

2 **I mean, like all public servants, we are bound by the**

3 **Rehabilitation of Offenders Act anyway, but there are**

4 **also cases where somebody might well have committed**

5 **a crime, but then what they subsequently go on to do**

6 **ought to be recognised as an extraordinary thing.**

7 Q. I was going to ask you about that. You say in your

8 statement:

9 "Each case is considered with reference to the

10 Rehabilitation of Offenders Act."

11 **A. Yes.**

12 Q. The Act is applied? If a conviction is spent, then you

13 don't take it into account?

14 **A. I think it would depend on what the conviction --**

15 Q. Well, if the conviction is of a particular severity,

16 then it won't be spent, but if it is spent under the

17 Act, then it is disregarded?

18 **A. Yes.**

19 Q. So that is, really, the way in which the matter is

20 considered. I am going to come on to talk about

21 forfeiture in a moment. But just before we leave the

22 granting of the honour, you mentioned a few minutes ago

23 that granting an honour isn't the same as removing an

24 honour, and so, even if the test is, in broad terms,

25 similar, keeping the system precious, or not bringing it

Page 74

1 **honour taken away.**

2 Q. So is this a summary of what you are saying, that a set

3 of facts, a probity -- a set of facts about someone's

4 probity which might not be serious enough to justify

5 forfeiting an honour if they were to come to light after

6 an honour had been granted, might be serious enough to

7 prevent them being given an honour in the first place?

8 **A. Yes, that's a much better way of putting it.**

9 Q. Let's go on to forfeiture then. You deal with that at

10 paragraph 9 of your statement. That is where you use

11 the term -- the question of annulling honours if it is

12 deemed the recipient has brought the honours system into

13 disrepute through their actions or inactions. We have

14 talked about, with granting honours, how the system has

15 changed over time and the Honours Committees that have

16 been around since about 2005. What's the position with

17 forfeiture? Has there always been this question of

18 forfeiture and has the way in which forfeiture is

19 considered changed in the same period?

20 **A. Yes. Forfeiture has also changed. So there has been**

21 **a Forfeiture Committee for about 50 years. It used to**

22 **be just a committee of senior civil servants. It has,**

23 **up until very recently -- so from the period from 2005**

24 **onwards, the Forfeiture Committee was chaired by the**

25 **most senior civil servant with responsibility for**

Page 76

<p>1 oversight of the honours system, and then there were</p> <p>2 some independent chairs with the Permanent Secretary and</p> <p>3 the Treasury Solicitor would come together in order to</p> <p>4 consider cases of forfeiture. So constituted slightly</p> <p>5 differently from the other committees that we have. We</p> <p>6 have just in fact made some changes to the Forfeiture</p> <p>7 Committee and how it is going to operate, which I think</p> <p>8 we also gave you some evidence of --</p> <p>9 Q. Yes. I think that may be the document I was about to</p> <p>10 come to next. So let's go to that document and you can</p> <p>11 tell me if that is the one you meant. It is CAB000146,</p> <p>12 and it is tab 24 for those of you -- for you,</p> <p>13 Ms McNamara, and the chair and panel. This is a note by</p> <p>14 the secretariat -- that's you?</p> <p>15 <b>A. Yes, my team.</b></p> <p>16 Q. You and your team?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. Dated November 2018. So it is a very recent note?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. Is that the document you were referring to?</p> <p>21 <b>A. It is, yes.</b></p> <p>22 Q. It is a few pages long, but perhaps we can take the</p> <p>23 heart of it from the summary in bold on the front page.</p> <p>24 First of all, it is a note to the committee. Which</p> <p>25 committee is that?</p> <p style="text-align: center;">Page 77</p>	<p>1 <b>A. This is a committee -- this is a note to the HD</b></p> <p>2 <b>committee, who are the committee responsible for policy</b></p> <p>3 <b>on honours. So that's chaired by Sir Jonathan and it</b></p> <p>4 <b>reports directly to Her Majesty. We also have at tab 32</b></p> <p>5 <b>the note that went from Sir Jonathan to Her Majesty</b></p> <p>6 <b>making the recommendations on the basis of this paper.</b></p> <p>7 Q. So we mentioned him right at the start of your evidence.</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. We understand he chairs what we have described as the</p> <p>10 Main Committee --</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. -- which is the final committee deciding on the awards</p> <p>13 of honours. But he also chairs this other committee</p> <p>14 called the HD committee, which is a policy committee?</p> <p>15 <b>A. Yes. It is my team, the Honours and Appointments</b></p> <p>16 <b>Secretariat, that support him in that.</b></p> <p>17 Q. So let's just look at this report to that committee and</p> <p>18 the recommendations and so on that are made there. They</p> <p>19 are under two categories: policy and process. Under</p> <p>20 "Policy" you recommend:</p> <p>21 "Permanent independent membership of the Forfeiture</p> <p>22 Committee.</p> <p>23 "Introducing standard text in the sounding letter</p> <p>24 that explicitly warns recipients that forfeiture is</p> <p>25 a possibility."</p> <p style="text-align: center;">Page 78</p>
<p>1 What's a sounding letter?</p> <p>2 <b>A. So the sounding letter is, if you have been considered</b></p> <p>3 <b>that you should be awarded an honour, then you are</b></p> <p>4 <b>written to and you're asked if you would like to receive</b></p> <p>5 <b>the honour or not. That's the sounding letter.</b></p> <p>6 Q. I see. So this is a letter which we are not talking now</p> <p>7 about forfeiture itself after someone has been awarded</p> <p>8 an honour, but alerting people to the fact that, at the</p> <p>9 time they are asked if they want the honour, that down</p> <p>10 the line forfeiture is a possibility?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. Going back to the list:</p> <p>13 "In all cases not involving a hard trigger ..."</p> <p>14 We are going to come back to what the question of</p> <p>15 a hard trigger is:</p> <p>16 "... the recipient at risk of forfeiture to be given</p> <p>17 the opportunity to put their case in writing before it</p> <p>18 reaches the Forfeiture Committee.</p> <p>19 "Clearer and better articulated public information</p> <p>20 about triggers for forfeiture consideration."</p> <p>21 Then there is a process of process recommendations:</p> <p>22 deadlines; engagement with the complainant, and so on.</p> <p>23 In summary, can you explain what these</p> <p>24 recommendations were all about and whether they have</p> <p>25 been adopted and how the committee has responded?</p> <p style="text-align: center;">Page 79</p>	<p>1 <b>A. So they are about sharpening the process so forfeiture</b></p> <p>2 <b>cases can be considered faster, because, obviously, if</b></p> <p>3 <b>you have got a situation where somebody has got an</b></p> <p>4 <b>honour, and either a member of the public -- or think</b></p> <p>5 <b>somebody, they are not deserving, it is not great if it</b></p> <p>6 <b>takes a long time to actually get to that conclusion.</b></p> <p>7 <b>It is important these cases are considered properly, not</b></p> <p>8 <b>least because of the impact on the people. So it is</b></p> <p>9 <b>both a kind of strengthening of the way the system</b></p> <p>10 <b>operates, making it clearer, making the forfeiture panel</b></p> <p>11 <b>more expert. So the idea of having the same committee</b></p> <p>12 <b>members is that they then will get used to considering</b></p> <p>13 <b>forfeiture cases so they are able to apply their own</b></p> <p>14 <b>tests to what they did last time and what they might do</b></p> <p>15 <b>next time.</b></p> <p>16 Q. You mentioned members of the public writing in.</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. That's clearly one way in which a question of forfeiture</p> <p>19 can arise. Is that often the case? What are the other</p> <p>20 means by which a question of forfeiture can arise?</p> <p>21 <b>A. So I don't know precisely what the balance is between</b></p> <p>22 <b>where they come from, but we definitely do get letters</b></p> <p>23 <b>from members of the public saying that somebody should</b></p> <p>24 <b>be forfeited -- have their honour forfeited. It can</b></p> <p>25 <b>come from departments, so a government department with</b></p> <p style="text-align: center;">Page 80</p>

<p>1 a responsibility for a list will notice there's been                  2 some press coverage of an individual, for example.                  3 There's all manner of ways in which the Honours and                  4 Appointments Secretariat can be alerted to the fact that                  5 there might be a case to consider, and then what they do                  6 is decide what the process should be to put that                  7 decision back to the Forfeiture Committee.                  8 Q. Thank you. Now, you mentioned, or, rather, the note                  9 mentioned this term "hard trigger"?                  10 A. Yes.                  11 Q. It seems to be a term of art. What is meant by it?                  12 A. So there are two hard triggers. The first is, if an                  13 individual is struck off by their professional body, so                  14 I mentioned that we check when people are being                  15 honoured, we also will -- if somebody is struck off the                  16 medical register, for example, that will be a trigger                  17 for their case to be considered by the Forfeiture                  18 Committee.                  19 The other hard trigger is if somebody has a criminal                  20 conviction with a three-month sentence, and that can be                  21 a suspended sentence or not. So those would be the two                  22 cases where we would be alerted by the police or by the                  23 department or by the professional body that somebody                  24 should be considered.                  25 Q. Let's go back to your statement, if we can. You refer</p> <p style="text-align: center;">Page 81</p>	<p>1 to these triggers there. It is CAB000040_003,                  2 paragraph 10. This is the -- you refer to hard                  3 triggers, Ms McNamara, and you have given us them. They                  4 are there set out:                  5 "A criminal conviction resulting in a sentence of at                  6 least three months and/or disbarment or censure by                  7 a professional body or regulator."                  8 The question is, how hard are the hard triggers? Do                  9 those mean an honour will automatically be forfeited or                  10 some other process?                  11 A. So there's still a decision to be made, so the                  12 Forfeiture Committee make a decision. I have not seen                  13 any evidence of them making anything other than the                  14 decision that an honour should be forfeited in those                  15 cases. But it still is a decision that would rest with                  16 them.                  17 Q. If we can just go on to the next page, please. Just                  18 starting on the second line, you make the point:                  19 "The committee is not an investigatory body: it does                  20 not decide whether or not someone is guilty or innocent                  21 of a particular act. Instead, it reflects the findings                  22 of official investigations and makes a recommendation of                  23 whether or not the honours system has been brought into                  24 disrepute."                  25 What is meant by that sentence?</p> <p style="text-align: center;">Page 82</p>
<p>1 A. So the Forfeiture Committee wouldn't seek to                  2 second-guess a legal process or the process that                  3 a professional body had gone through. It wouldn't --                  4 that would be taken as read, that the judgment that had                  5 been made, either by the law or by the professional                  6 body, was right. There are hard triggers and there is                  7 a softer trigger, if you like, which is more what that                  8 sentence is referring to, about the honours system being                  9 brought into disrepute, and there is some -- in the                  10 bundle, there is some evidence of the notes where you                  11 can see this softer trigger being taken into account.                  12 That would be, for example, where an individual had been                  13 awarded an honour for a particular reason and then it                  14 becomes very clear subsequently that they should not                  15 have been given an honour for that particular reason                  16 because they have in fact been doing the opposite.                  17 Those would be the more kind of judgment or case-by-case                  18 basis cases that the Forfeiture Committee would look at.                  19 Q. When you say that it is not an investigatory body.                  20 Clearly, if someone has been convicted and sentenced for                  21 a crime, it is not the role of the committee to, as it                  22 were, hear an appeal from that?                  23 A. Second-guess, no.                  24 Q. But are you also saying that the committee will never                  25 try and inform itself more fully about circumstances of</p> <p style="text-align: center;">Page 83</p>	<p>1 an incident, particularly perhaps if it is not a case of                  2 a conviction but something, as you say, where a softer                  3 trigger is involved?                  4 A. They will try to inform themselves. So they will have                  5 a recommendation from the secretariat who will have                  6 spoken to the department or the relevant experts,                  7 whoever it is, and got the information about whether the                  8 honour should be forfeited. It's worth saying that                  9 there are cases where -- I'm sure we will come on to                  10 this. But in cases of child sexual abuse, the                  11 Forfeiture Committee takes a totally different view. It                  12 is not -- you don't have to -- a three-month sentence                  13 isn't the test that's applied. What they would do is,                  14 if there's any case at all of somebody being convicted                  15 for child sex abuse, even if it is -- even if they                  16 received a caution, their honour will be forfeited.                  17 Q. I was just going to ask -- we will come to the                  18 Cyril Smith case in a little while, but you will recall                  19 that one of the points that the inquiry made in the                  20 Rochdale investigation is that perhaps the PHSC, as it                  21 was then, might have tried to inform itself better.                  22 Now, of course, that wasn't a forfeiture case, it                  23 was a question about whether an award should have been                  24 granted. But are you or are you not suggesting here                  25 that your committees won't try and gain information to</p> <p style="text-align: center;">Page 84</p>

<p>1 understand the facts of a particular case?</p> <p>2 <b>A. So they will have to, in that every decision has to be</b></p> <p>3 <b>evidenced. So every recommendation/decision that goes</b></p> <p>4 <b>to the Forfeiture Committee has to come with</b></p> <p>5 <b>a recommendation from the secretariat to say that --</b></p> <p>6 <b>a decision should be made one way or the other and then</b></p> <p>7 <b>the committee themselves will consider it. I think just</b></p> <p>8 <b>being clear that it is not an investigatory body means</b></p> <p>9 <b>that they don't go off themselves. They will go and ask</b></p> <p>10 <b>other professional bodies, professional experts, find</b></p> <p>11 <b>other sources of information in order to give the</b></p> <p>12 <b>Forfeiture Committee the most balanced and fullest --</b></p> <p>13 <b>the most complete picture it could do about whether</b></p> <p>14 <b>somebody should have their honour forfeited or not.</b></p> <p>15 Q. Thank you. Now, just one more point to make. You have</p> <p>16 referred to the fact that the committee doesn't</p> <p>17 second-guess convictions or legal judgments of any sort.</p> <p>18 <b>A. No.</b></p> <p>19 Q. But will it act at a time when the legal process is</p> <p>20 still ongoing or not?</p> <p>21 <b>A. So the Forfeiture Committee won't consider a case --</b></p> <p>22 <b>forfeiting an honour when the legal process is still</b></p> <p>23 <b>ongoing. So it has to wait until after the -- not just</b></p> <p>24 <b>conviction has been made, but the period of time where</b></p> <p>25 <b>somebody could appeal a conviction, that the whole</b></p> <p style="text-align: center;">Page 85</p>	<p>1 <b>process is concluded. That's the point at which --</b></p> <p>2 <b>because obviously the Forfeiture Committee can't</b></p> <p>3 <b>undermine another part of the Crown or another part of</b></p> <p>4 <b>our state system doing its work.</b></p> <p>5 Q. Let's have a look at a few documents in the file which</p> <p>6 relate to forfeitures. The first one, which perhaps</p> <p>7 summarises the position, at least as regards child</p> <p>8 sexual abuse is concerned, is behind tab 31 in the</p> <p>9 bundle. For the screen, it is CAB000159. This is</p> <p>10 a table. We will need to blow it up in order to make</p> <p>11 any sense of it at all. I think we can see that. You</p> <p>12 have seen this before, I'm sure, Ms McNamara?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. You will appreciate that certain entries on the table</p> <p>15 have been taken out because they don't relate to child</p> <p>16 sex abuse. So what we have here is a list, is it not,</p> <p>17 of -- it is alphabetical -- cases where honours have</p> <p>18 been forfeited. We can see from the dates it is over</p> <p>19 the last five, six, seven years, something of that</p> <p>20 order?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. Obviously we are not going to go into the detail of</p> <p>23 the passages that have been redacted, but is it right</p> <p>24 that those are cases where the honours have been</p> <p>25 forfeited for reasons other than child sex abuse -- for</p> <p style="text-align: center;">Page 86</p>
<p>1 example, forgery, fraud, professional misconduct, that</p> <p>2 sort of thing?</p> <p>3 <b>A. I think that's right. My only hesitation is I think</b></p> <p>4 <b>there may be a case which is not appropriate to include</b></p> <p>5 <b>because of protecting an individual.</b></p> <p>6 Q. But many of them --</p> <p>7 <b>A. Broadly speaking, yes.</b></p> <p>8 Q. Many of them are for those other types of cases?</p> <p>9 <b>A. There is only one case I know of that is -- as I have</b></p> <p>10 <b>just referred to, it might be different. The rest of</b></p> <p>11 <b>them are all for that reason.</b></p> <p>12 Q. Tax avoidance is another one that comes up quite</p> <p>13 frequently?</p> <p>14 <b>A. My understanding is yes.</b></p> <p>15 Q. What we do see here, though, is that there are a large</p> <p>16 number, really, in the scheme of it, of cases where</p> <p>17 honours have been forfeited following criminal</p> <p>18 convictions for offences of child sex abuse of one form</p> <p>19 or another?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. Does that reflect the fact that it's a large part of</p> <p>22 the Forfeiture Committee's work?</p> <p>23 <b>A. Yes, I think it is. And it's thanks to the bravery of</b></p> <p>24 <b>individuals coming forward and people being more</b></p> <p>25 <b>conscious of child sex abuse and the consequences, we</b></p> <p style="text-align: center;">Page 87</p>	<p>1 <b>are seeing many more members of the public writing in</b></p> <p>2 <b>and pointing out cases where they think honours should</b></p> <p>3 <b>be forfeited, as well as seeing cases come through to us</b></p> <p>4 <b>from the police. So, sadly, yes.</b></p> <p>5 Q. I want to just look at one or two of the individual</p> <p>6 cases that appear on this table. In order to do that,</p> <p>7 first of all, can we go back to tab 3 in the bundle,</p> <p>8 please, CAB000059. If we can go to internal page 5,</p> <p>9 please, this is a note in a particular case of a man</p> <p>10 called Mr Peverett. We can see -- I don't ask you to go</p> <p>11 over the page at the moment -- it is dated, in fact,</p> <p>12 2000, so some time ago?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. This, just looking down the page, is a case of a man who</p> <p>15 was awarded the OBE in the New Year's Honours List in</p> <p>16 1996. He had been Director of Education of</p> <p>17 the Incorporated Association of Preparatory Schools and</p> <p>18 we see that he was a teacher at Dulwich College Prep</p> <p>19 School for 30 years, between 1960 and 1990, and then he</p> <p>20 was headmaster after that. Looking at paragraph 3 of</p> <p>21 the note, we can see that he was charged with 16 counts</p> <p>22 of indecent assault against children and, further down,</p> <p>23 at paragraph 4, we can see that the case was heard at</p> <p>24 Maidstone Crown Court and Mr Peverett pleaded guilty to</p> <p>25 the offences, or some of them.</p> <p style="text-align: center;">Page 88</p>

<p>1 Then going over the page, please, we can see                  2 a section headed "The forfeiture rule". It is written:                  3 "As the committee will be aware, the rule is that                  4 forfeiture should be considered where the holder of an                  5 award is convicted of a crime, civil or criminal, which                  6 leads to a term of substantial imprisonment (usually                  7 three months or more) including suspended sentences. In                  8 recent years, forfeiture has also been considered in                  9 cases not involving conviction (or even charges) when                  10 the case is sufficiently serious as to call into                  11 disrepute the honours system. Particular regard is also                  12 paid to convictions that reflect adversely on the                  13 achievement for which the award was made, and in the                  14 last 10 years, there have been a number of cases of                  15 forfeiture involving child abuse/assault.                  16 "In Mr Peverett's case, the OBE was awarded for his                  17 work in education, including his time at Dulwich. As he                  18 has now been convicted of serious offences against                  19 children (all of which occurred during the service                  20 recognised by his OBE), this appears to be a case that                  21 falls squarely within the rules for forfeiture."                  22 Just a few questions about that. First of all,                  23 this, as I say, does go back to 2000. There is no                  24 mention of hard trigger. Is the policy that's reflected                  25 in those paragraphs quite the same as it is today?</p> <p style="text-align: center;">Page 89</p>	<p>1 <b>A. I think the same judgments would be made, yes.</b>                  2 Q. Do we see here the point that you made earlier, that                  3 even now, when there is what you have described as the                  4 hard trigger for a criminal conviction of three months,                  5 that doesn't mean to say that cases where a sentence of                  6 less than three months has been imposed won't attract                  7 forfeiture?                  8 <b>A. That's absolutely right. So I know there is a case</b>                  9 <b>where an honour has been forfeited when someone just had</b>                  10 <b>a caution because it was related to child sexual abuse.</b>                  11 Q. Because child sexual abuse cases are considered --                  12 <b>A. So seriously, yes.</b>                  13 Q. -- as being so serious. We see here also that                  14 particular consideration is given to the fact that this                  15 individual had been awarded his honour in the first                  16 place for services to children, which made --                  17 <b>A. Yes.</b>                  18 Q. -- the circumstances of his offending even more serious                  19 when it came to considering forfeiture?                  20 <b>A. I think that's right, although I think that the</b>                  21 <b>seriousness of the offence would be enough if he had</b>                  22 <b>been given his award for anything else.</b>                  23 Q. Just to complete this story, if we can go back to                  24 page -- sorry, if we can stick with the document, so it                  25 is CAB000059_002, we see there that the Forfeiture</p> <p style="text-align: center;">Page 90</p>
<p>1 Committee had reviewed the case and agreed that                  2 forfeiture should take place. Then, just looking at the                  3 document, we see there is a process then where -- you                  4 tell us: how does the process work from there?                  5 <b>A. Just as, back when we started, all honours can only be</b>                  6 <b>given by Her Majesty the Queen, the recommendation has</b>                  7 <b>to go back to the Queen. So the Forfeiture Committee</b>                  8 <b>would recommend to Her Majesty that the honour be</b>                  9 <b>forfeited and then the honour is annulled, I think is</b>                  10 <b>how they describe it.</b>                  11 Q. Let's look at a couple of other documents, please.                  12 Tab 10. CAB000102. These are documents relating to                  13 Rolf Harris. We see from the top paragraph he had been                  14 awarded the CBE, OBE and MBE in different honours lists.                  15 There's a description of the gaol sentence that                  16 Rolf Harris had received. If we just zoom in on the                  17 third paragraph, we see:                  18 "Harris sought to appeal against his sentence                  19 in August 2014. His initial appeal application was                  20 refused in October 2014."                  21 Then the appeal was abandoned in December of that                  22 year. We see it is said:                  23 "The Forfeiture Committee was required to wait until                  24 the time period in which he could appeal against his                  25 conviction had elapsed before they could look at the</p> <p style="text-align: center;">Page 91</p>	<p>1 case."                  2 Do we see there the point you made earlier: the                  3 Forfeiture Committee won't act until all questions of an                  4 appeal have disappeared?                  5 <b>A. Yes, they have to wait until the process has concluded.</b>                  6 Q. Just another document, please, tab 30, CAB000155. This                  7 is a document which -- we can see from the top of it, it                  8 is dated 7 March 2018, so much more recent certainly                  9 than the first document we looked at. It is a note for                  10 a Forfeiture Committee meeting on 16 March of that year.                  11 We can see that there were 15 cases for the committee to                  12 consider. Just give us -- is it possible to generalise                  13 about how many cases are considered by the Forfeiture                  14 Committee each year? How often does it tend to meet?                  15 Or is it impossible to say?                  16 <b>A. I don't know, I'm afraid.</b>                  17 Q. In any event, we can see here that they were considering                  18 quite a number of cases on that occasion?                  19 <b>A. Yes, and partly because of the increasing demand, that's</b>                  20 <b>partly why some of the changes I talked about have been</b>                  21 <b>put in place. So the Forfeiture Committee will from now</b>                  22 <b>on meet more regularly, rather than wait until there is</b>                  23 <b>a set of things to consider.</b>                  24 Q. We don't know about the numbers, but then is it fair to                  25 say it's been getting busier over recent years?</p> <p style="text-align: center;">Page 92</p>

<p>1 <b>A. I think that's right.</b></p> <p>2 Q. Let's just look at a couple of cases within this set of</p> <p>3 papers, please. Can we go to internal page 7. This is</p> <p>4 just a slight variation. It involved a case called</p> <p>5 David Chesshyre, who had been awarded a CVO in 2004. We</p> <p>6 see, from looking here, he was charged and tried at</p> <p>7 Snaresbrook Crown Court in October 2015 on charges of</p> <p>8 sexual offences against children that had been committed</p> <p>9 between 1995 and 1998, but at the trial he was found</p> <p>10 unfit to plead because of his mental condition. He had</p> <p>11 had a stroke and also he had Alzheimer's. But, as we</p> <p>12 see from the paragraph below, there was then what's</p> <p>13 known as a trial of the facts, and on that trial of</p> <p>14 the facts, he was found to have committed the acts in</p> <p>15 question.</p> <p>16 If we can go over the page, on the first two counts</p> <p>17 he was found to have committed the acts on the</p> <p>18 indictment, and we see on the second line that in fact</p> <p>19 the court ordered an absolute discharge. That was</p> <p>20 normal, as there had only been a trial on the facts. So</p> <p>21 the committee was faced with the question of how to deal</p> <p>22 with a case where there hadn't been a conviction but</p> <p>23 there had been a finding that the individual had</p> <p>24 committed the acts in question. If we can look at the</p> <p>25 final paragraph on that page:</p> <p style="text-align: center;">Page 93</p>	<p>1 "The secretariat takes the view that the outcome of</p> <p>2 the trial holds equivalent weight to a full criminal</p> <p>3 investigation [and a conviction]. There is no precedent</p> <p>4 of which the secretariat is aware for recommending</p> <p>5 forfeiture following a trial of the facts. However,</p> <p>6 there is a precedent for forfeiture where the sentence</p> <p>7 fell short of the 'three months' imprisonment' hard</p> <p>8 trigger, in a previous case involving child abuse."</p> <p>9 Details are given, and so on. So does this</p> <p>10 represent the committee adopting a sort of flexible</p> <p>11 approach in a novel situation and deciding on forfeiture</p> <p>12 notwithstanding the lack of a conviction itself?</p> <p>13 <b>A. Yes. I think the important point is they wouldn't let</b></p> <p>14 <b>a technicality get in the way of making the right</b></p> <p>15 <b>decision.</b></p> <p>16 Q. Let's move on within the same document, please, to</p> <p>17 page 12 first of all. I just wanted to take you -- we</p> <p>18 don't need to go to the full detail of this one, but we</p> <p>19 just see from this paragraph that the person, whose name</p> <p>20 has been redacted, had been awarded an OBE in 2010, and</p> <p>21 that some years later, in 2016, a member of the public</p> <p>22 had made a serious allegation against him, accusing him</p> <p>23 of historic charges of indecent assault and, as we see</p> <p>24 further on in the document, in fact that turned out to</p> <p>25 be accurate, but that police checks are not routinely</p> <p style="text-align: center;">Page 94</p>
<p>1 carried out on OBE nominees and there was no knowledge</p> <p>2 at the time of the award that this individual had this</p> <p>3 history.</p> <p>4 So do you remember I asked you about that earlier?</p> <p>5 Was this a feature of some cases, that historic</p> <p>6 convictions turned up that hadn't been considered at the</p> <p>7 time an honour was granted?</p> <p>8 <b>A. Yes. This is why we have changed the system so that</b></p> <p>9 <b>everybody is now checked.</b></p> <p>10 Q. The system -- assuming the system works properly, this</p> <p>11 couldn't happen anymore because, even for an award of an</p> <p>12 OBE, individuals are --</p> <p>13 <b>A. There would now be a police check and there wasn't</b></p> <p>14 <b>before; that's true.</b></p> <p>15 Q. Thank you. Lastly in this document, if we can go on to</p> <p>16 page 23, we see that this committee last year was also</p> <p>17 considering honorary awards. It is not a point we have</p> <p>18 made, but honorary awards mean people who aren't British</p> <p>19 citizens; is that right?</p> <p>20 <b>A. Yes, that's right.</b></p> <p>21 Q. In this case, two relatively well-known people:</p> <p>22 Harvey Weinstein and Kevin Spacey. There is a reference</p> <p>23 at paragraph 19 to the allegations that have been made</p> <p>24 against those two men, and if we can drop down to the</p> <p>25 bottom of the page, we see:</p> <p style="text-align: center;">Page 95</p>	<p>1 "As allegations against Weinstein continue to emerge</p> <p>2 and in light of police investigations, the secretariat</p> <p>3 recommends that in neither case is forfeiture</p> <p>4 recommended."</p> <p>5 Is that another example of the point we made</p> <p>6 earlier, that until criminal processes have fully been</p> <p>7 completed, forfeiture won't be considered?</p> <p>8 <b>A. Yes. That's a timing point, and the secretariat will</b></p> <p>9 <b>keep that under review.</b></p> <p>10 Q. I want to move to a slightly separate point now, please,</p> <p>11 Ms McNamara, and that's the question of forfeiture of</p> <p>12 awards where the person who has been awarded it has died</p> <p>13 in the meantime, so posthumous forfeiture.</p> <p>14 The short answer -- let me ask you a "yes" or "no"</p> <p>15 question: can an award that has been made to someone who</p> <p>16 is now dead be forfeited?</p> <p>17 <b>A. No.</b></p> <p>18 Q. Is that a matter that has attracted some public</p> <p>19 criticism?</p> <p>20 <b>A. It has, especially in the case of Jimmy Savile. I think</b></p> <p>21 <b>there's a paper we provided you where this matter was</b></p> <p>22 <b>considered. If the inquiry concludes that it is an</b></p> <p>23 <b>important thing that should be looked at again, it will</b></p> <p>24 <b>be looked at again. But honours are a living award.</b></p> <p>25 <b>You are a member of the honour while you are alive and</b></p> <p style="text-align: center;">Page 96</p>



<p>1 <b>then, once you are dead, the award dies with you.</b></p> <p>2 Q. Let's have a quick look at that document, please. It is</p> <p>3 tab 23, CAB000143. It starts, if we look at the first</p> <p>4 paragraph -- it makes the point that recent press</p> <p>5 coverage about the late Jimmy Savile has led to calls</p> <p>6 for a "change in the law" to allow forfeiture of honours</p> <p>7 from deceased individuals, and it describes this paper</p> <p>8 as looking at the current position and the reasons for</p> <p>9 and against changing the policy.</p> <p>10 In paragraph 2, we see that Jimmy Savile was awarded</p> <p>11 the OBE in 1971, and he was made a Knight Bachelor in</p> <p>12 1990, and we see he died in 2011. If we can drop down</p> <p>13 to paragraph 4, I think here we see set out the sort of</p> <p>14 principled reason for the position that an honour can't</p> <p>15 be forfeited once the person who held it has died, and,</p> <p>16 in a nutshell, is that because the idea is that someone</p> <p>17 only holds an honour during their life and, once they</p> <p>18 die, the idea of them still holding it doesn't follow?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. It is set out in rather lengthier language there?</p> <p>21 <b>A. It is.</b></p> <p>22 Q. But that's the point?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. If we can go over to the next page, please, at</p> <p>25 paragraph 7 we see some practical arguments being raised</p> <p style="text-align: center;">Page 97</p>	<p>1 for not changing the policy. It is a floodgate</p> <p>2 argument, isn't it: how would we know which cases of</p> <p>3 deceased people we were going to consider and which we</p> <p>4 weren't? How far back would we go? It has never been</p> <p>5 done before.</p> <p>6 At paragraph 8, we see that the palace has been</p> <p>7 consulted informally, and that they consider that the</p> <p>8 current policy should be maintained, as they are firmly</p> <p>9 of the view that an individual is honoured in their</p> <p>10 lifetime and the honour is for the duration of an</p> <p>11 individual's life. So that's the point we have already</p> <p>12 mentioned?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. Just reading on, it says here:</p> <p>15 "The date of death should mark the closure of any</p> <p>16 affair. There is also the question of what advantage</p> <p>17 there would be in the Forfeiture Committee considering</p> <p>18 cases concerning deceased individuals. It may satisfy</p> <p>19 immediate media hunger for action to be taken, but it</p> <p>20 can be argued that forfeiting an honour after death</p> <p>21 would have a greater impact on the individual's family</p> <p>22 and friends -- they would be the ones to suffer rather</p> <p>23 than the individual."</p> <p>24 Noticeably absent from that reasoning, Ms McNamara,</p> <p>25 is the interests of the victims of an individual like</p> <p style="text-align: center;">Page 98</p>
<p>1 Jimmy Savile. I mean, there is reference to media</p> <p>2 hunger and there is consideration given to how the</p> <p>3 individual's family or friends may feel about the honour</p> <p>4 being removed, but there doesn't seem to be any</p> <p>5 consideration of what the victims of the individual</p> <p>6 might wish to happen?</p> <p>7 <b>A. I think that's entirely fair and, actually, I would say</b></p> <p>8 <b>it's striking, through many of the documents that we</b></p> <p>9 <b>have given you, that the consideration of the impact on</b></p> <p>10 <b>the victim isn't there remotely near enough.</b></p> <p>11 Q. Just reading on, in paragraph 9, there is a reference to</p> <p>12 the fact that no change of law would be required and it</p> <p>13 doesn't appear that statutes would need amending if it</p> <p>14 were decided to change the current policy.</p> <p>15 If we can go over the page, we see the last two</p> <p>16 bullet points -- perhaps not the strongest of arguments.</p> <p>17 One that there is a problem about the London Gazette.</p> <p>18 Do you think the problems about the London Gazette could</p> <p>19 be overcome?</p> <p>20 <b>A. I would imagine so, yes.</b></p> <p>21 Q. And, secondly:</p> <p>22 "If posthumous forfeiture were granted, then how</p> <p>23 would it be possible to resist calls for the posthumous</p> <p>24 granting of honours to those whom the media deem to have</p> <p>25 missed out in their lifetimes?"</p> <p style="text-align: center;">Page 99</p>	<p>1 That might be thought to be a slightly different</p> <p>2 question?</p> <p>3 <b>A. I think it is.</b></p> <p>4 Q. Just looking, can we, at paragraph 11, the conclusion of</p> <p>5 this paper:</p> <p>6 "On balance, we recommend maintaining the current</p> <p>7 policy that the Forfeiture Committee considers only the</p> <p>8 cases of living members. But it might want to consider</p> <p>9 this paper at its next meeting, to demonstrate that it</p> <p>10 has not ignored the media interest in this issue."</p> <p>11 Is that the media hunger again?</p> <p>12 <b>A. I think that's probably the right -- the reference to</b></p> <p>13 <b>the "media hunger".</b></p> <p>14 Q. What in fact did happen when the matter was considered</p> <p>15 by the Forfeiture Committee?</p> <p>16 <b>A. I'm not sure precisely what happened or the conversation</b></p> <p>17 <b>that was had. But given the policy has remained the</b></p> <p>18 <b>same, I can only presume it concluded that it should be</b></p> <p>19 <b>the same. I think it is worth saying it would not -- it</b></p> <p>20 <b>is reasonable to both think that if it would really</b></p> <p>21 <b>matter to people, and that's the conclusion of</b></p> <p>22 <b>the inquiry, we will absolutely consider it again. I'm</b></p> <p>23 <b>not particularly comfortable with some of the arguments</b></p> <p>24 <b>that we are making here. But it would also be</b></p> <p>25 <b>complicated. I think that's a fair thing to say. That,</b></p> <p style="text-align: center;">Page 100</p>

<p>1 <b>actually, trying to apply forfeiture to people who have</b>                  2 <b>died, it is even more complicated -- they obviously</b>                  3 <b>can't make representations, and so it wouldn't be</b>                  4 <b>straightforward. Now, it never makes comfortable</b>                  5 <b>reading hearing an administrative reason to not do</b>                  6 <b>something important, but it is worth -- it would be --</b>                  7 <b>it wouldn't be straightforward.</b>                  8 Q. Would it be fair to say that the use of the words "on                  9 balance" mean that the person who wrote that report                  10 thought that the arguments were fairly evenly balanced?                  11 <b>A. I don't know what they thought -- I can't really talk</b>                  12 <b>about that, because --</b>                  13 Q. Is that a fair reading of the document --                  14 <b>A. I think it's a fair reading.</b>                  15 Q. -- the beginning of paragraph 11?                  16 <b>A. Yes, it would be -- considering all of the factors that</b>                  17 <b>they have set out, that's a fair reading of</b>                  18 <b>the document.</b>                  19 Q. I think that's all I wanted to ask you about that                  20 document.                  21 Let me just ask you some questions, Ms McNamara,                  22 about Jimmy Savile. This paper was obviously generated                  23 by his death. We saw that he was awarded some honours                  24 in his life. I want to just show you some documents                  25 relating to that and ask you one or two questions about</p> <p style="text-align: center;">Page 101</p>	<p>1 it. So to do that, can we go to tab 26, please, first                  2 of all, and CAB000150. This is a rather old document.                  3 If we can -- do we see the top left-hand corner, "New                  4 year 1972". Might that be the honours list for which                  5 the proposal was being made? It perhaps doesn't matter                  6 very much?                  7 <b>A. I'm not sure.</b>                  8 Q. That gives us a rough date for this document, anyway.                  9 It relates, doesn't it, to Jimmy Savile?                  10 <b>A. Yes.</b>                  11 Q. We see that at the top. Can you tell us what this is,                  12 what this document is?                  13 <b>A. I think this looks like the citation. So it's the</b>                  14 <b>reason that he's being given the honour, which is for</b>                  15 <b>services to charity, and then this is all the</b>                  16 <b>information which has been given to the -- put forward</b>                  17 <b>to demonstrate that service.</b>                  18 Q. So it is -- we can see in very small words just above                  19 "By profession a disc jockey", "Ground of                  20 recommendation"?                  21 <b>A. Yes.</b>                  22 Q. So this is someone recommending him for the honour, is                  23 that right? Or is this after he's been given the                  24 honour?                  25 <b>A. I think this is the citation that would have been</b></p> <p style="text-align: center;">Page 102</p>
<p>1 <b>considered. So it is the summary of the recommendation.</b>                  2 Q. I see.                  3 <b>A. Yes.</b>                  4 Q. We see it reads:                  5 "By profession a disc-jockey, he has raised                  6 thousands of pounds for charity -- children, hospitals,                  7 pensioners, deformed, et cetera -- by organising charity                  8 walks, runs, cycle trips, climbing, et cetera. He works                  9 as a porter in the Leeds Infirmary ..."                  10 Pausing there, was this document actually a document                  11 which was written by the Leeds Infirmary? Was the                  12 Leeds Infirmary proposing him for this honour, or can we                  13 not say?                  14 <b>A. I don't know, I'm afraid. It could have been. It is</b>                  15 <b>perhaps more likely to have been written by</b>                  16 <b>a secretariat or someone, based on information that had</b>                  17 <b>been provided by them. But I don't know for sure.</b>                  18 Q. Thank you. Going on, it says:                  19 "He pays for all old lady pensioners in his district                  20 to go to the hairdressers once a week. He has worked                  21 for some 300 charities at one time or another."                  22 Going over the page. There is a reference, for                  23 example, picking it up about seven or eight lines down,                  24 a sentence that starts "Wherever he goes":                  25 "Wherever he goes, all heads of department have</p> <p style="text-align: center;">Page 103</p>	<p>1 spoken highly of his work. The surgeon in charge of                  2 the casualty department says that Mr Savile is extremely                  3 good with all of the patients and especially so with                  4 children. Other voluntary actions of his have been his                  5 willingness to help the infirmary in whatever way is                  6 possible. For instance, in 1968, when there was a fire                  7 in one of the wards on Whit Saturday, he cancelled all                  8 engagements and spent the two next two days, which were                  9 public holidays, in working at the hospital to remove                  10 furniture and beds and clearing away the debris", and so                  11 on.                  12 This, in any event, is sitting on a Cabinet Office                  13 file as a record of the reason for him being granted his                  14 OBE all those years ago. Hindsight is obviously                  15 a wonderful thing and we see there the reference to him                  16 working with children. But just looking at that                  17 document, is it fairly unremarkable, in fact? Was there                  18 anything that should have set alarm bells ringing at                  19 that stage, as far as you can see?                  20 <b>A. So I don't think there is anything in this document that</b>                  21 <b>would have set alarm bells ringing, but, like you say,</b>                  22 <b>that doesn't mean that there shouldn't have been.</b>                  23 Q. No. The story goes on, because, as we saw from the                  24 earlier document, he was knighted in 1990, just at the                  25 end of Mrs Thatcher's premiership. That was not, as it</p> <p style="text-align: center;">Page 104</p>

<p>1 were, for the first time of asking. If we can look at                  2 another document, please, which is tab 28, and                  3 CAB000153, this is a document which pulls together                  4 discussion over the years of whether or not Jimmy Savile                  5 should be knighted, doesn't it?                  6 <b>A. Yes.</b>                  7 Q. So we see, first of all, when the New Year's List for                  8 1984 is being considered, we see "RTA". Would that be                  9 the Cabinet Secretary?                  10 <b>A. It is.</b>                  11 Q. Sir Robert Armstrong?                  12 <b>A. Lord Armstrong.</b>                  13 Q. Lord Armstrong, as he now is. He gave evidence earlier                  14 this week. Do we read this as a note from him to the                  15 Prime Minister?                  16 <b>A. I think these are extracts of wider notes that he's</b>                  17 <b>written to the Prime Minister, yes.</b>                  18 Q. So within this document someone has drawn off the                  19 discussions about Jimmy Savile?                  20 <b>A. The relevant paragraphs, yes.</b>                  21 Q. What we read is a note that he wrote?                  22 <b>A. Yes.</b>                  23 Q. It is an extract from it?                  24 <b>A. Yes.</b>                  25 Q. He says, "My committee", so that would be the then</p> <p style="text-align: center;">Page 105</p>	<p>1 Honours Committee that he was chairing?                  2 <b>A. Yes.</b>                  3 Q. "My committee did not feel that sufficient time had                  4 elapsed since Mr Savile's unfortunate revelations in the                  5 popular press in April of this year."                  6 As I think we see from another entry further down,                  7 there had been some sort of news article in April 1983                  8 in which Jimmy Savile had referred to various scandalous                  9 ways of living:                  10 "He is much in the public eye and it is unlikely                  11 that the lurid details of his story will have been                  12 forgotten. I fear it would be best if Mr Savile were to                  13 wait a little longer."                  14 If you like, is that an extreme example, but one of                  15 the sort of presentational issues that you mentioned                  16 earlier?                  17 <b>A. Mmm.</b>                  18 Q. So regardless of merit, it is just not the right time?                  19 <b>A. So I think it is a presentational issue and, as you say,</b>                  20 <b>this was not one of the much more serious allegations</b>                  21 <b>later, but this was about -- I think it is a Sun story</b>                  22 <b>somewhere in the document.</b>                  23 Q. Yes. Then we see:                  24 "The Prime Minister would like to recommend                  25 Mr Jimmy Savile, but agrees that the New Year List would</p> <p style="text-align: center;">Page 106</p>
<p>1 be too soon after the press revelations earlier this                  2 year: she would like Mr Savile considered for the                  3 Birthday List."                  4 So that would be the next one?                  5 <b>A. Yes.</b>                  6 Q. Then in fact we see, just moving down the page, the                  7 Cabinet Secretary nudges him off again:                  8 "You will remember that we were on the point of                  9 recommending him for a knighthood in recognition of his                  10 good work, especially for Stoke Mandeville, when The Sun                  11 published some articles which suggested an unorthodox                  12 private life. The lapse of time has served only to                  13 strengthen the doubts felt about a knighthood for                  14 Mr Savile: those whom I have consulted now consider that                  15 a knighthood for Mr Savile would give rise to enough                  16 unfavourable comment to risk bringing the honours system                  17 into disrepute."                  18 There's that test, even back then:                  19 "This risk could be exacerbated by the way in which                  20 he himself treated an award."                  21 Do we know what that means?                  22 <b>A. I don't know, I'm afraid.</b>                  23 Q. "I am inclined to share these fears and I have not,                  24 therefore, included his name in the list."                  25 I'm not going to read the whole document, but if we</p> <p style="text-align: center;">Page 107</p>	<p>1 go on over the page and just look at the last entry, we                  2 can see that some years later, in 1987, the                  3 Prime Minister is recorded as saying:                  4 "She is most disappointed that Mr Savile's name has                  5 not been recommended and is surprised to see your                  6 reference to certain press reports. She wonders how                  7 many more times his name is to be pushed aside,                  8 especially in view of all the great work he has done for                  9 Stoke Mandeville. She would therefore like you to                  10 consider further the inclusion of his name in this                  11 list."                  12 Sir Robert Armstrong responds:                  13 "The case of Jimmy Savile is difficult. I attach                  14 some extracts from the comments made about him in                  15 previous years. I have again consulted                  16 Sir Kenneth Stowe about him. Mr Savile is a strange and                  17 complex man. He deserves high praise for the lead he                  18 offers in giving quiet background help to the sick. But                  19 he has made no attempt to deny the accounts in the press                  20 about his private life two or three years ago. These                  21 would not be forgotten were he to be honoured with                  22 a knighthood: and I think that they would have caused                  23 some anxiety in the public mind about the honours system                  24 even without the complication which now exists, and                  25 which I should have drawn to your attention specifically</p> <p style="text-align: center;">Page 108</p>

<p>1 in my minute of 31 October, in relation to the current                  2 concern over AIDS. Given that, and the fact that sexual                  3 promiscuity is seen to be part of the problem, I think                  4 it is a time for caution about this possible knighthood,                  5 which would certainly attract a great deal of attention                  6 and perhaps some unfavourable comment."                  7 Then we see that the Prime Minister is not pressing                  8 the case. Obviously of some historical interest, but                  9 more generally, we see quite a lively debate going on                  10 between the Prime Minister and Sir Robert Armstrong and                  11 his committee.                  12 Is that type of debate, where a Prime Minister wants                  13 someone to be granted an award or honour and the                  14 committee pushes back time and time again, now of                  15 historical interest only or is there still, without                  16 naming names, that sort of lively debate between the                  17 Prime Minister and the committee?                  18 <b>A. The system works completely differently now. So -- this</b>                  19 <b>is pre independent committees.</b>                  20 Q. Yes.                  21 <b>A. So there isn't the same sort of direct engagement</b>                  22 <b>between the committee and the personal recommendations</b>                  23 <b>to the Prime Minister. So I think it is of</b>                  24 <b>historical --</b>                  25 Q. Historical interest?</p> <p style="text-align: center;">Page 109</p>	<p>1 <b>A. Historical interest.</b>                  2 Q. Sticking with Jimmy Savile, there is one more document                  3 I wanted to show you, and that is tab 27, CAB000152. So                  4 this is dated, we see, 7 July 1998. So it is some time                  5 later. It is after Jimmy Savile has been awarded --                  6 a long time after his OBE and also after his knighthood,                  7 but some years still before he died. He didn't die                  8 until 2011. It is an anonymous letter sent to the                  9 Honours Unit in the Cabinet Office. We see it starts:                  10 "Dear Sir or Madam."                  11 Then the second paragraph:                  12 "It has come to my attention that certain                  13 investigative reporters have uncovered unspeakable facts                  14 concerning the personality Jimmy Savile. They have been                  15 aware for some time of his homosexual rendezvous with                  16 rent boys. Indeed, some years ago, he had considerable                  17 trouble, which I may add he hid very well, with certain                  18 of these rent boys."                  19 Then if we can look at the next paragraph:                  20 "I am sure you are aware of an unfortunate timing                  21 that could occur if such was implemented and certain                  22 reports of a paedophilic nature was to become public                  23 knowledge."                  24 Then, again, if we can look at the final paragraph,                  25 the last sentence or so:</p> <p style="text-align: center;">Page 110</p>
<p>1 "While within limits and bounds homosexuality can be                  2 rationalised within a modern society, we must not lose                  3 sight that paedophilia goes beyond any boundaries which                  4 right-minded people of whatever political persuasion                  5 find abhorrent."                  6 Ms McNamara, we have already heard a fair amount of                  7 evidence in the last week or so about rent boys and the                  8 possible ambiguity about how old such individuals were,                  9 certainly when the word was being used back in the                  10 1990s. But this letter is notable for using the term                  11 "paedophilia" twice?                  12 <b>A. Yes.</b>                  13 Q. So there doesn't seem to be much doubt about what is                  14 being alleged. Do you know what happened to this                  15 letter?                  16 <b>A. I don't, I'm afraid.</b>                  17 Q. If a letter like this was to be received now in the                  18 Honours Unit, what do you think would be done with it?                  19 <b>A. So it would ring an alarm bell. So one of the things</b>                  20 <b>I don't understand about the letter is it talks about</b>                  21 <b>a potential further award or something, which --</b>                  22 <b>Sir Jimmy Savile had had his knighthood in 1990. So if</b>                  23 <b>a letter like this came in and it was about somebody who</b>                  24 <b>was currently being considered for an award, that would</b>                  25 <b>be material, obviously. So the secretariat would alert</b></p> <p style="text-align: center;">Page 111</p>	<p>1 <b>the relevant department and talk to them first and try</b>                  2 <b>and find out if there was other -- other similar</b>                  3 <b>concerns. So it would start -- it would start a process</b>                  4 <b>if the person who the anonymous letter referred to was</b>                  5 <b>being considered for an award.</b>                  6 <b>If this was about somebody who was already</b>                  7 <b>a recipient -- had received an award, somebody who had</b>                  8 <b>an award, it would similarly, now, if we had a letter</b>                  9 <b>like this which mentioned paedophilia, we would start</b>                  10 <b>the process for working out whether there should be</b>                  11 <b>something that should be brought back to forfeiture. If</b>                  12 <b>a letter like this arrived with my team today, I can't</b>                  13 <b>comment on what was done at the time, because I don't</b>                  14 <b>know, but I know that we would do something.</b>                  15 Q. What about something even more basic than that: on the                  16 face of it, the allegation that this letter is making is                  17 of criminal conduct.                  18 <b>A. Yes.</b>                  19 Q. You don't know about 1998, but now, a letter like this,                  20 would it be passed to the police?                  21 <b>A. Any allegation -- anything we discover that is criminal</b>                  22 <b>we would pass to the police, yes, and do.</b>                  23 <b>MR O'CONNOR: Chair, I am just noticing the time. It is</b>                  24 <b>a few minutes past 1. We would normally break here.</b>                  25 <b>I probably have about another 15 or 20 minutes of</b></p> <p style="text-align: center;">Page 112</p>

<p>1 <b>questions for Ms McNamara. I'm in your hands as to</b>                  2 <b>whether you want to carry on and finish before the break</b>                  3 <b>or whether you would like to break now and come back at</b>                  4 <b>2.00 pm.</b>                  5 THE CHAIR: We will carry on just now, thank you.                  6 MR O'CONNOR: Ms McNamara, let's go, if we can, just                  7 following that train of thought, to a document at tab 25                  8 in the bundle, which is CAB000148. This is, is it not,                  9 a list of procedures, and we see at the top it deals                  10 with requests for an award to be removed. Is this                  11 a current -- we see at the bottom it says                  12 "Revised November 2007". Is this still a current list                  13 of procedures or not, or do you know?                  14 <b>A. So this document itself is from 2007. Broadly speaking,</b>                  15 <b>the process is the same. This is an administrative</b>                  16 <b>document. The timings are slightly different. The team</b>                  17 <b>operate in a different way. But all the important</b>                  18 <b>substance is the same.</b>                  19 Q. I don't want to take you through the detail of this. It                  20 really was to ask you about the same point, because we                  21 don't see in here any reference to the possibility of                  22 passing information to the police if, as part and parcel                  23 of the correspondence suggesting that an award should be                  24 removed, an allegation of criminal conduct is made. Can                  25 you tell us -- is that dealt with in other policies?</p> <p style="text-align: center;">Page 113</p>	<p>1 I mean, you have already given evidence that such                  2 information would be passed to the police?                  3 <b>A. So the team don't have a similar -- there isn't a kind</b>                  4 <b>of newer version of exactly this document. But the</b>                  5 <b>process they follow is, they do refer issues of</b>                  6 <b>criminality or suspected criminality to the police, in</b>                  7 <b>the same way that public -- any public servant would do.</b>                  8 Q. As I said, I have got a few more questions for you,                  9 really on two subjects. The first, about -- some                  10 historic documents about Peter Hayman, and then finally                  11 on Cyril Smith. Can we just go to the Peter Hayman                  12 ones, please, first. In fact, before we go to the                  13 documents, you have seen the documents, I imagine.                  14 <b>A. Yes.</b>                  15 Q. The inquiry have heard some evidence about                  16 Sir Peter Hayman and we will hear more evidence later on                  17 in the hearings. As you are probably aware, he was                  18 a former High Commissioner to Canada. He was knighted.                  19 There was an incident where pornographic material was                  20 found in a brown envelope on a bus. To cut a fairly                  21 long story short, it was traced back to him. Evidence                  22 was established that he was a member of the Paedophile                  23 Information Exchange. He wasn't prosecuted for sending                  24 obscene material through the post, which was something                  25 that he was considered to be prosecuted for. That all</p> <p style="text-align: center;">Page 114</p>
<p>1 happened in the late '70s. But sometime later he was                  2 convicted of gross indecency when he was caught with                  3 a man in a public lavatory. That is, I think, the                  4 factual context for the papers that we have got in this                  5 file. So if we can go back to tab 5, please, and it is                  6 CAB000077_017. If we can just -- this is a letter, we                  7 see it is dated June 1984. So that's shortly after his                  8 conviction. It is addressed to the Secretary of State.                  9 I think that's probably the foreign secretary, possibly                  10 from context, Geoffrey Howe?                  11 <b>A. Geoffrey Howe, yes.</b>                  12 Q. It is from Sir Antony Acland -- was he the Permanent                  13 Secretary at the Foreign Office?                  14 <b>A. That's my understanding.</b>                  15 Q. If we can look at paragraph 2, please, we can see:                  16 "You will remember that some years ago                  17 Sir Peter Hayman was alleged to be involved in an                  18 organisation called the Paedophile Information Exchange,                  19 a homosexual organisation putting those inclined in                  20 touch with young boys. Sir Peter was not charged with                  21 any offence, but there seemed to be a good deal of                  22 circumstantial evidence of his involvement to some                  23 extent and he certainly did not bring any libel action,                  24 nor were there categorical denials that I am aware of.                  25 Since then, he has been charged and convicted earlier</p> <p style="text-align: center;">Page 115</p>	<p>1 this year of an act of gross indecency in a public                  2 place. This actually appeared to involve another                  3 consenting adult in a public lavatory. There was some                  4 publicity of this and one comment in the Daily Express                  5 asking whether he should be allowed to retain his                  6 knighthood and other decorations."                  7 We see then, without going into the detail, that he                  8 was in fact -- the Order of Chivalry was the Order of                  9 St Michael and St George, which is the Foreign Office                  10 Order. There seems to have been a gathering of the sort                  11 of senior members of that Order to decide on what should                  12 be done. If we can look at paragraph 4:                  13 "As regards Sir Peter Hayman, Lord Saint Brides                  14 thought that the officers of the Order should recommend                  15 that he be stripped, since to do nothing might offend                  16 members of the Order, and possibly members of                  17 the general public, and appear ineffective. The Dean of                  18 St Paul's also took this view, largely because of his                  19 anxiety to protect young children, although                  20 Sir Peter Hayman was not specifically convicted of any                  21 charge in this respect. All those present said that                  22 their feelings were a mixture of repugnance and                  23 compassion and Sir Charles Johnson and I, taking into                  24 account the publicity and the sadness caused to                  25 Sir Peter's family, felt that compassion should be</p> <p style="text-align: center;">Page 116</p>

<p>1 uppermost. The prelate, Bishop Woods, suggested that                  2 Sir Peter Hayman should be given a formal warning by him                  3 to the effect that if there was any recurrence of these                  4 activities or if they came to the notice of the Officers                  5 of the Order with or without publicity, there would be                  6 no alternative but to recommend the stripping of his                  7 knighthood."                  8 There is more consideration, if we can go over to                  9 the next page, and look at the final three paragraphs,                  10 we see Sir Antony Acland summarising, looking at                  11 paragraph 6:                  12 "There are difficult moral and presentational issues                  13 here. I think that something needs to be done and that                  14 Bishop Woods' suggestion of a formal warning is not                  15 a bad one. This would enable Officers of the Order to                  16 say to those who feel outraged that the matter has not                  17 been ignored, although those like Lord Saint Brides                  18 might prefer stronger action immediately. It so happens                  19 that the Queen will be attending the annual service of                  20 the Order on 12 July ... so it is possible that the                  21 Daily Express might revert to the matter."                  22 Then finishing the letter. Do we see from the                  23 documents that in fact that's what happened, and that                  24 Sir Peter Hayman was given a warning?                  25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 117</p>	<p>1 Q. Is the giving of warnings still something that happens?                  2 <b>A. No. This is really unusual. I don't think there's any                  3 other example, that I know of, of this happening and                  4 there is no mention of the Forfeiture Committee here as                  5 well --</b>                  6 Q. No.                  7 <b>A. -- which is also, I think, really unusual.</b>                  8 Q. It is a long time ago, and obviously long before you                  9 were involved. But is there a suggestion that                  10 Peter Hayman might have been given preferential                  11 treatment because of his status or his contacts or is it                  12 possible to draw that from these documents, or don't you                  13 know?                  14 <b>A. I mean, I can't speak to the judgments that people were                  15 making in their mind at the time. Again, though, it is                  16 clear from the papers that, although there's compassion                  17 applied to the individual, there is no thought of                  18 compassion that might be applied to other people or any                  19 victims or anything.</b>                  20 Q. Yes. As you say, although this was some time ago, there                  21 was a Forfeiture Committee at the time?                  22 <b>A. Yes.</b>                  23 Q. It just doesn't seem to have been involved in this case?                  24 <b>A. Which I think is unusual. From what I know, I think it                  25 is unusual.</b></p> <p style="text-align: center;">Page 118</p>
<p>1 Q. Perhaps we can't take that any further. I just wanted                  2 to refer you to one other document in this clip, though,                  3 because in the course of considering Sir Peter Hayman's                  4 case, there was a document from Robert Armstrong. It is                  5 within -- for those of you who have hard copies, it is                  6 the final page behind tab 5. So it is, for the screen,                  7 CAB000077_019. It is a description by Robert Armstrong                  8 in 1984 of his policy on forfeiture. It is the second                  9 paragraph, if we could highlight that, please. He says:                  10 "As I told you, I have a small advisory committee                  11 which considers whether to recommend forfeiture of                  12 honours of people who have been convicted of criminal                  13 offences."                  14 So he seems to be describing the forerunner to the                  15 Forfeiture Committee:                  16 "In relation to honours in the Prime Minister's                  17 List, it is our policy not to recommend forfeiture                  18 unless the offence carries a sentence of imprisonment or                  19 suspended imprisonment. Even in cases where a custodial                  20 sentence has been given, we could well recommend against                  21 forfeiture where the offence seems likely to be an                  22 isolated incident and does not call into question the                  23 reliability of the person concerned. On the other hand,                  24 if the person concerned is in a position of special                  25 trust in relation to the public and the offence calls in</p> <p style="text-align: center;">Page 119</p>	<p>1 question his honesty in that context, then even mild                  2 custodial offences would probably justify                  3 a recommendation for forfeiture."                  4 That's a policy which isn't really the same as the                  5 one which is applied today, is it?                  6 <b>A. It's not.</b>                  7 Q. Certainly the reference to an isolated incident which,                  8 in a way, has an echo of the idea of a warning, doesn't                  9 it -- you know, you can do it once, but only once?                  10 <b>A. I don't think the committee would operate like that now.</b>                  11 Q. Fine. Thank you. I just want, then, finally, to ask                  12 you some questions about Cyril Smith, please. We know                  13 that Cyril Smith received a knighthood in 1988, and in                  14 fact we heard evidence yesterday from David Steel that                  15 it was he who had proposed Cyril Smith for that honour                  16 at the time, and you're aware, Ms McNamara, that this                  17 inquiry has previously investigated the circumstances                  18 around that honour being granted; in particular, the way                  19 in which the proposal of making the honour was                  20 considered by the Political Honours Scrutiny Committee,                  21 which we have referred to once or twice already. All                  22 that is set out in the report that this inquiry prepared                  23 following its Rochdale investigation.                  24 I just want to ask you, really, two points about all                  25 of this: one which is quite a short, factual point; and</p> <p style="text-align: center;">Page 120</p>

<p>1 one slightly more general. As far as the short point is                  2 concerned, could we look at the Rochdale investigation                  3 report, please. It's behind tab 20 for those of us with                  4 hard copies, and it is INQ004181. If we could look at                  5 internal page 43, paragraph 88. The purpose of this                  6 point, Ms McNamara, is just to fill in a little bit more                  7 of the chronology than was available at the time of                  8 the Rochdale investigation. We see at paragraph 88                  9 there is a reference to the inquiry having obtained                  10 documents from the Cabinet Office. Pausing there, it is                  11 right, isn't it, that the searches for documentation                  12 that have been undertaken for this investigation are                  13 much wider within the Cabinet Office than the searches                  14 that were done prior to the Rochdale investigation, for                  15 understandable reasons, because then the focus was                  16 simply on Cyril Smith and now the searches have been                  17 conducted across honours files generally?                  18 <b>A. That's right.</b>                  19 Q. But we see, five lines down, there is a reference to the                  20 fact that the first document -- we will see that is the                  21 first in time -- that was available to the inquiry at                  22 that point was a memo from Mrs Hedley-Miller, who was                  23 the secretary of the PHSC, to the Cabinet Secretary                  24 Robin Butler, essentially reporting on the way in which                  25 the committee had considered the issue of</p> <p style="text-align: center;">Page 121</p>	<p>1 the allegations made against Cyril Smith by the Rochdale                  2 Alternative Paper, and so on.                  3 If one just bears in mind that point, and                  4 particularly the date of 28 April, if we can, those of                  5 us with files, keep a finger in that page and turn to                  6 the next tab, tab 21, and for the screen this is                  7 CAB000124, we see here, don't we, a document which is                  8 actually dated about a fortnight earlier, and this is                  9 a document dated 15 April and it is from someone called                  10 PJ Walker -- I think it is Patrick Walker, we have heard                  11 evidence previously that he was the director-general of                  12 MI5 at the time -- and it is addressed to Robin Butler.                  13 Do we see here that, essentially, this is the                  14 Security Service providing its input on the question of                  15 whether Cyril Smith should be granted an honour,                  16 a knighthood, and it is in fact the Security Service who                  17 are drawing Robin Butler's attention to the whole story                  18 of the Rochdale Alternative Paper article, the police                  19 investigation and so on?                  20 <b>A. That's right.</b>                  21 Q. So that appears to be how it came to be that some weeks                  22 later the committee were considering those matters and                  23 giving their view on it and the inquiry has already                  24 looked at those matters. So that just fills in part of                  25 the chronology.</p> <p style="text-align: center;">Page 122</p>
<p>1 The second thing, and the last thing, was just to                  2 look at -- if we can go back to the report, please, so                  3 it's INQ004181_044, paragraphs 92 and 93, if we just see                  4 this is what the inquiry said following its Rochdale                  5 investigation, Ms McNamara:                  6 "We have seen nothing to suggest that there was any                  7 coverup or conspiracy in the way Smith obtained his                  8 knighthood. On the contrary, it is clear that there was                  9 some frank discussion at the highest level of British                  10 politics about the 1969-70 police investigation and the                  11 1979 press articles. However, what is remarkable is the                  12 extent to which Smith was given the benefit of                  13 the doubt, a phrase that is repeated in the documents                  14 and appears to have been a general policy.                  15 "There are a number of striking aspects to this                  16 correspondence. It makes plain that the PHSC brought no                  17 independent judgment to bear upon the allegations made                  18 against Smith. Although the PHSC asked the Director of                  19 Public Prosecutions for further information (prompted by                  20 the 1979 press articles), when informed that the                  21 Director of Public Prosecutions' Office did not have the                  22 full police file, the PHSC made no further effort to                  23 find it. This meant that it was unsighted on the                  24 substance of the allegations. The necessarily general                  25 comments by Mr Green about his predecessor's reasoning</p> <p style="text-align: center;">Page 123</p>	<p>1 in the 1970 advice letter were thought to be sufficient                  2 and no further questions were asked about it. The                  3 decision not to prosecute was, of itself, regarded as                  4 all important. Had the PHSC known of the police view of                  5 Smith, or of the content of the allegations, it may well                  6 have been troubled by them. It is also clear from the                  7 correspondence that what was of most concern to the PHSC                  8 was fairness towards Smith and concern for the                  9 reputational risk to the honours system caused by                  10 adverse media coverage. Concern for those who may have                  11 been abused by Smith did not feature. Moreover, the                  12 documents show a marked tendency to take Cyril Smith's                  13 progress in local and national politics, along with his                  14 previous honour ... as evidence that the allegations                  15 were unlikely to be true. This demonstrates                  16 a significant deference to power and an unwillingness to                  17 consider that someone in a position of public prominence                  18 might be capable of perpetrating abuse. This matters                  19 because the conferring of a knighthood on Smith was to                  20 make him even more powerful."                  21 Now, that was the inquiry's report, and what it                  22 amounts to is a criticism of the way in which the                  23 honours system operated in Cyril Smith's case. Would                  24 you agree that some of the criticisms that were made in                  25 fact have echoes in some of the documents we have looked</p> <p style="text-align: center;">Page 124</p>

1 at this morning, particularly the older documents?  
 2 **A. Yes.**  
 3 Q. In particular, perhaps, the idea of giving  
 4 Sir Peter Hayman another chance. There seems to be an  
 5 echo of that in the criticisms made about Cyril Smith's  
 6 case?  
 7 **A. I agree.**  
 8 Q. Does the Cabinet Office accept the inquiry's criticisms  
 9 about the historic processes that were employed in that  
 10 case?  
 11 **A. Absolutely. I mean, the only thing I would say is that**  
 12 **I think that, precisely to your point, you started with**  
 13 **the different papers, there was more of an attempt to**  
 14 **find out -- to establish something of the facts that was**  
 15 **made. But that doesn't change the substance of your**  
 16 **point you made about being given the benefit of**  
 17 **the doubt and not considering the victims. That's**  
 18 **absolutely fair criticism.**  
 19 Q. This is obviously a hypothetical question, but how would  
 20 a similar case, like the set of facts that presented  
 21 itself to the PHSC at the time it was considering  
 22 Cyril Smith's knighthood -- can you give us an idea of  
 23 how that set of facts would be considered now and, in  
 24 particular, any differences in the way those facts would  
 25 be considered now?

Page 125

1 CAB000040\_008, paragraph 23. You say:  
 2 "The key difference in approach between the Smith  
 3 nomination and current practice is that the honours  
 4 system now gives far greater weight to any potential  
 5 (ie suspected but not (yet) evidenced) issue of  
 6 integrity. This is particularly the case where police  
 7 or regulatory investigations are current."  
 8 Then you say this:  
 9 "An allegation of child abuse against an honours  
 10 nominee, if it became known during the selection  
 11 process, would now without question fall into the  
 12 category of an issue of repute so serious as to  
 13 effectively prevent their consideration until there was  
 14 absolute clarity as to the substance of the matter."  
 15 Just thinking about the facts of Smith's case, the  
 16 allegations have been made. In one sense, it was  
 17 unresolved because there had never been a trial. But it  
 18 wasn't like those cases we have been looking at, the  
 19 forfeiture cases, where, as it were, there are ongoing  
 20 proceedings and one needs to wait until the end. There  
 21 was no further process in prospect in Cyril Smith's  
 22 case. So when you talk about "absolute clarity", what  
 23 do you mean there?  
 24 **A. The Smith case is a very hard hypothetical to compare**  
 25 **because there are so many things, I think, about the**

Page 127

1 **A. I obviously can't talk to what was in the minds of**  
 2 **the people when they were making these decisions.**  
 3 **However, I think that if a nominee came forward for**  
 4 **knighthood to any of our committees and there was**  
 5 **allegations of something this serious, criminal activity**  
 6 **involving abuse of children, I can't conceive of**  
 7 **the committee being willing to take a risk of putting**  
 8 **somebody where there is that level of serious**  
 9 **allegations forward. At the very least, they would want**  
 10 **to really be sure that there wasn't a problem. So**  
 11 **I think the benefit of the doubt would go exactly the**  
 12 **opposite way, if you like; it would be more that they**  
 13 **would not be prepared to take a risk until they knew**  
 14 **that it wasn't a problem.**  
 15 Q. As part of that, do you think that more enquiries would  
 16 be made under the present system than seem to have been  
 17 made back then?  
 18 **A. I would imagine so. Obviously, I know what was in the**  
 19 **papers here. There may well have been more things that**  
 20 **weren't recorded and more conversations. But, yes.**  
 21 **I don't think a committee at any stage would be willing**  
 22 **to put this forward with this sort of a risk.**  
 23 Q. You do address this in your statement, and I would just  
 24 like finally, I think, to take you to that part of it.  
 25 It is going back to your statement which is

Page 126

1 **Smith case that wouldn't be true now. I think that the**  
 2 **hesitation that would be appropriately applied in the**  
 3 **nominating department, in the initial committee -- at**  
 4 **every stage, people would be unwilling to put someone**  
 5 **forward with the seriousness of the question mark that**  
 6 **I think, from the papers I have seen, was around**  
 7 **Cyril Smith. It is unmanageable to me that a committee**  
 8 **would be willing to put somebody forward with that level**  
 9 **of seriousness of allegation. I just can't -- because,**  
 10 **to go back to where I started, nobody has a right to an**  
 11 **honour. They are bestowed on people as thanks for great**  
 12 **public service. So you wouldn't take a risk of doing**  
 13 **that now, I don't think.**  
 14 **MR O'CONNOR: Thank you very much, Ms McNamara. Those are**  
 15 **all the questions I have for you. It may be that the**  
 16 **chair and panel have some questions for you.**  
 17 THE CHAIR: No, we have no questions. Thank you very much,  
 18 Ms McNamara.  
 19 **A. Thank you.**  
 20 **MR O'CONNOR: Thank you very much, Ms McNamara.**  
 21 **(The witness withdrew)**  
 22 **MR O'CONNOR: I'm sorry to delay you just for one or two**  
 23 **more minutes, but there are one or two documents that**  
 24 **Ms O'Byrne is going to ask you to adduce, chair.**  
 25 **MS O'BYRNE: Chair, we ask you to adduce two documents, each**

Page 128



<p>1     <b>in full. The first is CAB000159, to which Mr O'Connor</b>  2     <b>referred. The second is CAB000161. This is</b>  3     <b>correspondence from 1988 between then Prime Minister</b>  4     <b>Thatcher's office and a member of the public who</b>  5     <b>complained that her daughter had been assaulted by</b>  6     <b>Sir Nicholas Fairbairn MP. The police failed to</b>  7     <b>progress the matter properly. She asked why Fairbairn</b>  8     <b>should get away with assault and then receive</b>  9     <b>a knighthood.</b>  10    <b>Chair, that concludes today's evidence.</b>  11    THE CHAIR: Thank you very much.  12    (1.25 pm)  13       (The hearing was adjourned to  14       Friday, 15 March 2019 at 10.00 am)  15  16  17                    I N D E X  18  19    MS ELIZABETH REASON (affirmed) .....1  20  21       Examination by MR ALTMAN .....1  22  23    MS HELEN MCNAMARA (sworn) .....45  24  25       Examination by MR O'CONNOR .....45</p> <p style="text-align: center;">Page 129</p>	

A				
<b>abandoned</b> 91:21	30:22 32:7 42:10	21:15 98:16	127:9 128:9	116:19
<b>abhorrent</b> 111:5	42:21 98:19	<b>affect</b> 65:23	<b>allegations</b> 13:2	<b>anybody</b> 27:12
<b>abide</b> 31:11	115:23 117:18	<b>affirmed</b> 1:6	23:17 25:11,16	<b>anymore</b> 58:3
<b>able</b> 9:8 20:7 34:15	<b>actions</b> 18:4,4	129:19	40:24 41:16 46:1	95:11
37:4 41:9 80:13	23:17 25:15	<b>afraid</b> 9:8 18:14	95:23 96:1	<b>anyway</b> 71:12 74:3
<b>absent</b> 98:24	29:25 30:4 38:4	19:12 42:9 44:5	106:20 122:1	102:8
<b>absolute</b> 73:10	76:13 104:4	92:16 103:14	123:17,24 124:5	<b>apart</b> 55:6
93:19 127:14,22	<b>activities</b> 30:18	107:22 111:16	124:14 126:5,9	<b>apology</b> 41:11
<b>absolutely</b> 19:25	32:16 117:4	<b>age</b> 6:3	127:16	<b>apparent</b> 29:6
69:6 75:10 90:8	<b>activity</b> 6:20 7:7	<b>agencies</b> 9:6	<b>alleged</b> 111:14	<b>apparently</b> 20:4
100:22 125:11,18	126:5	<b>agent</b> 14:16,17,19	115:17	<b>appeal</b> 83:22 85:25
<b>abuse</b> 5:18 6:7	<b>acts</b> 93:14,17,24	17:10,23 20:8,12	<b>allow</b> 97:6	91:18,19,21,24
7:22,25 8:2,5,12	<b>actual</b> 5:15 11:2	27:11	<b>allowed</b> 41:4 116:5	92:4
20:11 27:2,13	13:2 43:8	<b>ages</b> 6:22	<b>alongside</b> 68:22	<b>appear</b> 88:6 99:13
46:1 84:10,15	<b>Adam</b> 42:6	<b>ago</b> 11:22 41:11	<b>alphabetical</b> 86:17	116:17
86:8,16,25 87:18	<b>add</b> 13:5 110:17	43:2,15 44:14	<b>alternative</b> 117:6	<b>appeared</b> 116:2
87:25 90:10,11	<b>adding</b> 40:17	66:12 74:22	122:2,18	<b>appears</b> 32:19
94:8 124:18	<b>additionally</b> 6:8	88:12 104:14	<b>Altman</b> 1:4,5,7,8	41:22 44:3,12
126:6 127:9	71:24	108:20 110:16	44:6,10,22 45:3	89:20 122:21
<b>abuse/assault</b>	<b>address</b> 126:23	115:16 118:8,20	129:21	123:14
89:15	<b>addressed</b> 115:8	<b>agree</b> 32:24 63:15	<b>Alzheimer's</b> 93:11	<b>appendices</b> 24:4
<b>abused</b> 32:23	122:12	124:24 125:7	<b>ambiguity</b> 111:8	24:21
124:11	<b>addressing</b> 45:24	<b>agreed</b> 91:1	<b>ambition</b> 21:12	<b>appendix</b> 25:7
<b>abusing</b> 17:11	<b>adds</b> 17:18	<b>agrees</b> 106:25	36:9	<b>application</b> 91:19
<b>accept</b> 31:14 125:8	<b>adduce</b> 47:11,13	<b>AIDS</b> 109:2	<b>amending</b> 99:13	<b>applications</b> 62:15
<b>access</b> 41:5	47:17 128:24,25	<b>aim</b> 6:14	<b>amount</b> 111:6	<b>applied</b> 4:14 27:12
<b>accompanied</b> 7:9	<b>adduced</b> 4:21 24:3	<b>aimed</b> 32:12	<b>amounts</b> 26:11	54:19 68:19
<b>account</b> 38:19	<b>adherence</b> 48:12	<b>Aimee</b> 1:25 4:19	124:22	74:12 84:13
74:13 83:11	<b>adjourned</b> 129:13	9:11,13 11:9	<b>Amy</b> 18:8,24,25	118:17,18 120:5
116:24	<b>administered</b>	12:11 13:22 14:5	37:8	128:2
<b>accounts</b> 108:19	45:17 55:9,11,14	14:11,20,23	<b>analysing</b> 66:6	<b>applies</b> 5:7 75:22
<b>accurate</b> 94:25	<b>administration</b>	15:19 16:2 17:3	<b>and/or</b> 25:16 82:6	<b>apply</b> 49:5 61:6,7
<b>accusing</b> 94:22	50:21 58:9	17:12,22 19:5	<b>announced</b> 52:24	63:20 75:11,21
<b>achieve</b> 6:14	<b>administrative</b>	29:7,19,21 30:9	52:25 53:6 57:21	80:13 101:1
<b>achievement</b> 89:13	101:5 113:15	38:7,9	<b>annual</b> 117:19	<b>appoint</b> 20:12 36:9
<b>acknowledged</b>	<b>adopted</b> 1:23 8:14	<b>Aimee's</b> 20:12,13	<b>annulled</b> 91:9	54:14 65:15
33:14	38:17 79:25	<b>aiming</b> 4:24	<b>annulling</b> 76:11	<b>appointed</b> 9:14
<b>Acland</b> 115:12	<b>adopting</b> 94:10	<b>alarm</b> 104:18,21	<b>anonymised</b> 40:2	14:17,19 36:2
117:10	<b>adult</b> 116:3	111:19	<b>anonymous</b> 110:8	<b>appointing</b> 38:25
<b>act</b> 7:23,25 8:2	<b>adults</b> 5:3,15 6:1	<b>alarmed</b> 44:17	112:4	54:11
14:19 53:13 74:3	6:12,19 26:7	<b>alarming</b> 32:3	<b>answer</b> 4:3 9:8	<b>Appointment</b>
74:10,12,17	<b>advantage</b> 98:16	44:15	34:15,16,18,19	54:10
82:21 85:19 92:3	<b>adverse</b> 26:21,25	<b>albeit</b> 27:10 28:2	34:20 43:25	<b>appointments</b>
116:1	124:10	<b>alert</b> 111:25	96:14	45:16,25 47:9
<b>acted</b> 30:7	<b>adversely</b> 89:12	<b>alerted</b> 81:4,22	<b>answerable</b> 36:16	48:2,9,9,15,17,24
<b>acting</b> 5:18	<b>advice</b> 8:24 9:1,2,5	<b>alerting</b> 79:8	<b>answers</b> 15:10	50:21 51:7,14,14
<b>action</b> 20:2 25:19	56:6 124:1	<b>alive</b> 96:25	<b>Antony</b> 115:12	51:15,18,19,20
	<b>advisory</b> 119:10	<b>allegation</b> 94:22	117:10	51:21,22,24
	<b>affair</b> 1:25 3:3	112:16,21 113:24	<b>anxiety</b> 108:23	52:21 53:5 54:1

54:11,20 61:9 65:12 68:15 78:15 81:4 <b>appreciate</b> 86:14 <b>approach</b> 5:5,13 27:19 30:8 35:5 72:9 75:2 94:11 127:2 <b>approached</b> 21:18 <b>appropriate</b> 4:16 7:5 21:23 37:8 71:17 87:4 <b>appropriately</b> 5:19 128:2 <b>approval</b> 70:14 <b>approved</b> 28:14 36:24 51:4 <b>April</b> 11:10 14:11 106:5,7 122:4,9 <b>area</b> 62:13,16,23 <b>areas</b> 21:4 31:17 63:5 <b>argued</b> 98:20 <b>argument</b> 98:2 <b>arguments</b> 97:25 99:16 100:23 101:10 <b>arising</b> 24:20 36:18 <b>Armstrong</b> 105:11 105:12,13 108:12 109:10 119:4,7 <b>arose</b> 16:7 22:24 <b>arranged</b> 62:13 <b>arrangements</b> 12:10 35:25 <b>arrest</b> 17:25 30:19 40:18 42:2 <b>arrested</b> 13:18 <b>arrived</b> 112:12 <b>arrives</b> 61:24 <b>art</b> 81:11 <b>article</b> 16:25 106:7 122:18 <b>articles</b> 107:11 123:11,20 <b>articulated</b> 79:19 <b>arts</b> 64:17,20 <b>ascertain</b> 69:5	<b>aside</b> 108:7 <b>asked</b> 1:20 13:18 15:9 20:6 24:24 34:12 39:23 50:2 50:4 56:24 79:4 79:9 95:4 123:18 124:2 129:7 <b>asking</b> 22:9 42:12 105:1 116:5 <b>aspect</b> 3:23 <b>aspects</b> 2:13 57:17 123:15 <b>assault</b> 10:25 11:1 11:1 88:22 94:23 129:8 <b>assaulted</b> 129:5 <b>assessment</b> 59:15 60:20 <b>assist</b> 24:1 30:16 46:22 <b>assistance</b> 9:6 <b>association</b> 61:16 88:17 <b>assumed</b> 27:17 <b>assuming</b> 12:25 95:10 <b>attach</b> 108:13 <b>attached</b> 4:5 <b>attempt</b> 108:19 125:13 <b>attend</b> 5:3 <b>attending</b> 117:19 <b>attention</b> 16:1 20:3 32:6 34:2 37:6 43:5 108:25 109:5 110:12 122:17 <b>attic</b> 16:17,20 17:21 <b>attitudes</b> 6:13 7:1 <b>attract</b> 90:6 109:5 <b>attracted</b> 96:18 <b>August</b> 2:7 3:4,5,6 15:2,15,23,25 17:2,2 19:21 22:24 38:4 47:2 91:19 <b>authors</b> 24:8 <b>automatically</b>	73:14 82:9 <b>automaticity</b> 58:1 <b>available</b> 46:23 63:24 67:24 121:7,21 <b>avoidance</b> 87:12 <b>awaiting</b> 27:4 <b>award</b> 53:20 56:15 59:7 60:4 65:4 66:1,4 68:23 69:6 72:7,20 75:12 84:23 89:5 89:13 90:22 95:2 95:11 96:15,24 97:1 107:20 109:13 111:21,24 112:5,7,8 113:10 113:23 <b>awarded</b> 53:24 56:4 72:16 79:3 79:7 83:13 88:15 89:16 90:15 91:14 93:5 94:20 96:12 97:10 101:23 110:5 <b>awarding</b> 53:3 57:4 <b>awards</b> 52:17 56:5 59:7 65:2,3 78:12 95:17,18 96:12 <b>aware</b> 15:12 16:9 22:2,3,5,13 25:16 38:3 41:20 44:1 89:3 94:4 110:15 110:20 114:17 115:24 120:16 <b>awareness</b> 28:9,12 32:18 33:3 35:5 <b>awful</b> 61:4 62:9	43:22 48:17,21 54:7,22 60:6 62:11 64:25 67:3 68:1 70:3,8 75:17 79:12,14 81:7,25 88:7 89:23 90:23 91:5 91:7 98:4 107:18 109:14 111:9 112:11 113:3 114:21 115:5 123:2 126:17,25 128:10 <b>background</b> 21:10 25:9 108:18 <b>bad</b> 66:2 117:15 <b>bail</b> 26:3 27:3,14 <b>balance</b> 80:21 100:6 101:9 <b>balanced</b> 85:12 101:10 <b>ban</b> 41:7 <b>bar</b> 73:11 <b>Barring</b> 8:9 <b>based</b> 46:19 103:16 <b>basic</b> 112:15 <b>basis</b> 36:5,12 78:6 83:18 <b>bear</b> 61:3 123:17 <b>bears</b> 29:6 122:3 <b>becoming</b> 17:16 62:23 <b>beds</b> 104:10 <b>beefed</b> 37:9 <b>beginning</b> 3:12 49:11 57:6 101:15 <b>begun</b> 36:21,23 <b>behalf</b> 9:21 50:7 56:11 <b>behaviour</b> 6:13,25 27:20 <b>behaviours</b> 31:8 <b>behind-the-scenes</b> 58:19 <b>belief</b> 6:4 <b>believe</b> 8:17 9:21 13:24 16:2	<b>bell</b> 111:19 <b>bells</b> 104:18,21 <b>bench</b> 14:4 <b>benefit</b> 123:12 125:16 126:11 <b>best</b> 106:12 <b>bestowed</b> 128:11 <b>better</b> 12:4 70:3 76:8 79:19 84:21 <b>beyond</b> 111:3 <b>big</b> 58:8 <b>bigger</b> 12:4 28:23 <b>Binley</b> 19:17 <b>birthday</b> 52:5 54:23 107:3 <b>Bishop</b> 117:1,14 <b>bit</b> 12:6 32:3 51:3 51:12 62:11 67:24 70:7,7 71:14 74:1 121:6 <b>blew</b> 3:3 23:8 <b>blow</b> 54:4 86:10 <b>board</b> 36:4,16 <b>bodies</b> 38:3 48:10 60:13 68:5,7 85:10 <b>bodily</b> 11:2 <b>body</b> 36:2,2 68:10 81:13,23 82:7,19 83:3,6,19 85:8 <b>bold</b> 77:23 <b>bottom</b> 7:21 43:9 44:11 59:11 64:14 70:9 95:25 113:11 <b>bound</b> 74:2 <b>boundaries</b> 111:3 <b>bounds</b> 111:1 <b>boys</b> 110:16,18 111:7 115:20 <b>bravery</b> 87:23 <b>break</b> 44:25 45:5 112:24 113:2,3 <b>Brides</b> 116:13 117:17 <b>bring</b> 36:10 37:6 115:23 <b>bringing</b> 72:24 74:25 107:16
<b>B</b>				
<b>B</b> 25:7 <b>Bachelor</b> 97:11 <b>back</b> 4:20 9:2 10:16 11:7 12:6 18:1 22:7 23:10 27:18 31:2,2 42:17 43:16,16				

<b>British</b> 57:4 95:18 123:9	<b>CAB000152</b> 110:3	119:4 124:23	44:7,8,22 45:2,7	<b>charges</b> 20:10
<b>broad</b> 48:20 74:24	<b>CAB000153</b> 105:3	125:6,10,20	45:15 46:22 47:4	23:17 25:11,17
<b>broadly</b> 5:12 87:7 113:14	<b>CAB000155</b> 92:6	127:6,15,22,24	47:11,13 63:5	26:3,5,7 29:13,24
<b>broke</b> 3:8 4:19	<b>CAB000159</b> 86:9 129:1	128:1	64:7,17 77:13	30:20,21 34:2
<b>brought</b> 20:3 23:17 25:11 32:5	<b>CAB000161</b> 129:2	<b>case-by-case</b> 83:17	112:23 113:5	89:9 93:7 94:23
43:2,5 76:12	<b>Cabinet</b> 45:13,17	<b>cases</b> 20:1 32:5	128:16,17,24,25	<b>charities</b> 60:13
82:23 83:9	45:20 47:23 48:6	71:2,4 74:4 75:9	129:10,11	103:21
112:11 123:16	48:12 51:23 61:5	77:4 79:13 80:2	<b>chaired</b> 76:24 78:3	<b>charity</b> 30:2 71:22
<b>brown</b> 114:20	104:12 105:9	80:7,13 81:22	<b>chairing</b> 106:1	102:15 103:6,7
<b>Browne</b> 3:16 4:9	107:7 110:9	82:15 83:18 84:9	<b>chairs</b> 63:10,11	<b>Charles</b> 116:23
<b>Browne's</b> 4:5	121:10,13,23	84:10 86:17,24	77:2 78:9,13	<b>check</b> 8:9,17 9:2
<b>build</b> 36:18	125:8	87:8,16 88:2,3,6	<b>Challenor</b> 1:25 3:2	68:9,11 69:21,23
<b>bullet</b> 99:16	<b>call</b> 18:25 35:23	89:9,14 90:5,11	4:19 9:10,11	72:18 81:14
<b>bundle</b> 4:4 16:5	47:3 58:1 89:10	92:11,13,18 93:2	10:10,23 14:15	95:13
47:4 64:7 83:10	119:22	95:5 98:2,18	14:18,20 15:2,13	<b>checked</b> 70:15
86:9 88:7 113:8	<b>called</b> 41:24 54:6	100:8 119:19	16:13 17:12,19	71:25 95:9
<b>bus</b> 114:20	78:14 88:10 93:4	127:18,19	18:7,22 19:15	<b>checking</b> 71:11
<b>busier</b> 92:25	115:18 122:9	<b>casualty</b> 104:2	20:7 21:15 23:18	<b>checks</b> 51:4 54:19
<b>businesses</b> 60:13	<b>calling</b> 44:23	<b>categorical</b> 115:24	25:12 26:2,5	60:2 63:20 65:21
<b>Butler</b> 121:24	<b>calls</b> 97:5 99:23	<b>categories</b> 78:19	27:3,8 28:3 29:6	66:14 67:5,7,13
122:12	119:25	<b>category</b> 127:12	29:7,21 30:1,21	68:4,6,12,13 69:5
<b>Butler's</b> 122:17	<b>Canada</b> 114:18	<b>caught</b> 115:2	34:7 38:4,6,7,9	70:11,12,20,23
<b>buy</b> 9:20	<b>cancelled</b> 104:7	<b>cause</b> 20:21 21:5	<b>Challenor's</b> 11:9	71:5,9,10,15,16
<b>byline</b> 16:15	<b>candidate</b> 11:11	21:10 37:12	15:14 17:22 30:6	72:2,22 94:25
	14:12,23 15:1	116:24 124:9	32:16	<b>Chesshyre</b> 93:5
	20:19 40:9 72:5	<b>causes</b> 39:17	<b>Challenor/David</b>	<b>chief</b> 24:23 33:7,10
	<b>candidate's</b> 37:10	<b>causing</b> 11:1	4:19	33:11
<b>C</b>	<b>candidates</b> 39:2,3	<b>caution</b> 70:6 75:14	<b>chance</b> 125:4	<b>child</b> 11:1 13:9
<b>CAB000040</b> 47:5	<b>capable</b> 124:18	84:16 90:10	<b>change</b> 35:25 58:8	17:11 20:11
<b>CAB000040_003</b>	<b>captive</b> 16:16,19	109:4	97:6 99:12,14	27:13 46:1 84:10
82:1	<b>carer</b> 7:10	<b>CBE</b> 91:14	125:15	84:15 86:7,15,25
<b>CAB000040_008</b>	<b>carried</b> 70:12 72:2	<b>CBEs</b> 52:3 67:5	<b>changed</b> 31:12	87:18,25 89:15
127:1	95:1	<b>CBs</b> 67:5	57:14 76:15,19	90:10,11 94:8
<b>CAB000059</b> 88:8	<b>carries</b> 119:18	<b>censure</b> 82:6	76:20 95:8	127:9
<b>CAB000059_002</b>	<b>carry</b> 113:2,5	<b>cent</b> 57:10	<b>changes</b> 25:21	<b>children</b> 5:2,7,14
90:25	<b>Carter</b> 3:10	<b>central</b> 6:20	35:24 57:18 77:6	6:1,12,19 26:6
<b>CAB000077_017</b>	<b>case</b> 12:25 29:2	<b>certain</b> 4:3 15:9	92:20	27:1,13 28:21
115:6	30:23 44:13 50:3	86:14 108:6	<b>changing</b> 12:9	32:22 40:18 41:2
<b>CAB000077_019</b>	51:17 70:23 74:9	110:12,17,21	28:19 97:9 98:1	88:22 89:19
119:7	79:17 80:19 81:5	<b>certainly</b> 3:2 22:23	<b>Chapter</b> 24:19	90:16 93:8 103:6
<b>CAB000102</b> 91:12	81:17 84:1,14,18	42:22 43:23	<b>chapters</b> 24:19	104:4,16 116:19
<b>CAB000110</b> 47:16	84:22 85:1,21	67:11 72:8 92:8	<b>character</b> 66:2	126:6
64:8	87:4,9 88:9,14,23	109:5 111:9	<b>charge</b> 11:3 104:1	<b>Chivalry</b> 116:8
<b>CAB000124</b> 122:7	89:10,16,20 90:8	115:23 120:7	116:21	<b>choose</b> 21:11 41:20
<b>CAB000143</b> 97:3	91:1 92:1 93:4	<b>cetera</b> 103:7,8	<b>charged</b> 10:10,23	<b>Chris</b> 41:24 42:7
<b>CAB000146</b> 77:11	93:22 94:8 95:21	<b>chain</b> 40:2	11:13,14,18	<b>chronology</b> 10:3,4
<b>CAB000148</b> 113:8	96:3,20 108:13	<b>chair</b> 1:3,5 2:6,12	12:13 13:3 28:24	10:22 18:11
<b>CAB000150</b> 102:2	109:8 118:23	3:8,9 33:9,10	41:9 88:21 93:6	25:15 26:1 121:7
			115:20,25	122:25

<b>ciphered</b> 40:2	73:3 74:20 75:17	85:16,21 86:2	<b>completeness</b>	<b>confusion</b> 35:16
<b>circumstances</b>	76:5 77:3,10	89:3 91:1,7,23	56:21	<b>connection</b> 27:8
34:13 42:14	79:14 80:22,25	92:3,10,11,14,21	<b>complex</b> 26:11	<b>conscious</b> 87:25
53:13,17 83:25	84:9,17 85:4	93:21 94:10	108:17	<b>consenting</b> 116:3
90:18 120:17	88:3 110:12	95:16 98:17	<b>complicated</b>	<b>consequence</b> 71:1
<b>circumstantial</b>	113:3	100:7,15 105:25	100:25 101:2	<b>consequences</b>
115:22	<b>comes</b> 4:8 12:1	106:1,3 109:11	<b>complication</b>	87:25
<b>citation</b> 102:13,25	53:21 87:12	109:14,17,22	108:24	<b>consider</b> 1:20
<b>citations</b> 61:12	<b>comfortable</b> 21:22	118:4,21 119:10	<b>complicit</b> 41:15	25:19,23 38:13
<b>citizen</b> 26:14	69:23 100:23	119:15 120:10,20	<b>comprise</b> 54:25	39:24 49:2 59:17
<b>citizens</b> 66:24	101:4	121:25 122:22	<b>conceive</b> 126:6	62:15 70:6 77:4
95:19	<b>coming</b> 3:6 45:22	126:7,21 128:3,7	<b>concern</b> 26:9,22	81:5 85:7,21
<b>civil</b> 41:14 48:8,12	48:17,21 87:24	<b>Committee's</b> 87:22	26:23 39:17	92:12,23 98:3,7
48:25 50:2,4	<b>comment</b> 107:16	<b>committees</b> 49:2,8	45:23 52:16	100:8,22 107:14
76:22,25 89:5	109:6 112:13	50:14,18,20	109:2 124:7,8,10	108:10 124:17
<b>claims</b> 60:21	116:4	51:13 58:13	<b>concerned</b> 9:12	<b>considerable</b>
<b>Clare</b> 11:17 12:1	<b>comments</b> 108:14	59:16 60:24 62:6	27:6 42:11 63:16	110:16
12:11 13:8	123:25	62:7,12,22 63:3	86:8 119:23,24	<b>consideration</b> 58:6
<b>clarity</b> 57:24	<b>commission</b> 48:8	63:18 64:5,10,13	121:2	61:19 68:19,23
127:14,22	51:18,20,24 54:1	64:23,25 66:20	<b>concerning</b> 13:19	69:1 79:20 90:14
<b>clear</b> 31:19 54:13	54:10,20 68:5	70:5 75:13 76:15	98:18 110:14	99:2,5,9 117:8
54:21 71:3 75:9	71:22,25	77:5 84:25	<b>concerns</b> 7:2 27:23	127:13
83:14 85:8	<b>commissioned</b>	109:19 126:4	34:4 35:2,6 41:3	<b>considered</b> 25:20
118:16 123:8	22:18 23:3,5	<b>common</b> 67:6	112:3	29:9 46:2 58:17
124:6	33:12,13 38:12	<b>communicated</b>	<b>conciliating</b> 9:23	60:1 62:5 63:17
<b>clearer</b> 34:24	38:20	34:17	<b>concluded</b> 59:12	63:19 64:1 66:15
79:19 80:10	<b>Commissioner</b>	<b>communication</b>	59:15 86:1 92:5	74:9,20 76:19
<b>clearing</b> 104:10	114:18	6:10,22 14:6,8	100:18	79:2 80:2,7
<b>clearly</b> 19:21	<b>commissioning</b>	34:11	<b>concludes</b> 96:22	81:17,24 89:4,8
80:18 83:20	21:21	<b>communications</b>	129:10	90:11 92:13 95:6
<b>climbing</b> 103:8	<b>committed</b> 29:2	12:2,12 16:3	<b>conclusion</b> 80:6	96:7,22 100:14
<b>clip</b> 119:2	33:20 74:4 93:8	32:17	100:4,21	103:1 105:8
<b>close</b> 13:17	93:14,17,24	<b>community</b> 69:8	<b>conclusions</b> 23:4	107:2 111:24
<b>closure</b> 98:15	<b>committee</b> 11:24	<b>compare</b> 127:24	24:19 31:3 35:10	112:5 114:25
<b>clue</b> 23:22 43:9	37:18,19 50:24	<b>compassion</b>	35:12 36:17	120:20 121:25
<b>code</b> 31:6,7,10,17	54:6 58:9 62:17	116:23,25 118:16	<b>condition</b> 93:10	125:23,25
31:18 34:23	62:18,25 63:6,9	118:18	<b>conduct</b> 24:24	<b>considering</b> 65:7
39:14 48:11,12	63:21,23 64:12	<b>complainant</b> 79:22	31:6,7,10,18,19	68:16,17,18 75:3
<b>College</b> 88:18	64:14,17 65:6,13	<b>complained</b> 129:5	34:23 39:14	75:12 80:12
<b>come</b> 4:20 10:2,7	65:16 66:11,12	<b>complaining</b> 22:6	112:17 113:24	90:19 92:17
10:16 11:7 16:1	66:13,19 68:17	<b>complaints</b> 21:16	<b>conducted</b> 121:17	95:17 98:17
39:12 40:23	68:18 76:21,22	21:24 22:13	<b>conducting</b> 24:13	101:16 119:3
43:16 44:3,12	76:24 77:7,24,25	37:20	42:23 71:10	122:22 125:17,21
49:9 50:16 52:7	78:1,2,2,10,12,13	<b>complete</b> 21:4 42:5	<b>conferring</b> 124:19	<b>considers</b> 63:23
53:2 54:7 55:21	78:14,14,17,22	85:13 90:23	<b>confession</b> 41:10	100:7 119:11
56:13,19 58:16	79:18,25 80:11	<b>completed</b> 25:13	<b>confident</b> 7:2	<b>consisting</b> 63:9
58:20,22 61:22	81:7,18 82:12,19	96:7	<b>confirm</b> 24:4	<b>conspiracy</b> 123:7
62:11 63:17 67:8	83:1,18,21,24	<b>completely</b> 4:1	<b>confirmed</b> 29:18	<b>constituents</b> 41:5
70:3 71:2 72:22	84:11 85:4,7,12	109:18	<b>confront</b> 36:11	<b>constituted</b> 77:4

<b>constitutional</b> 56:5	8:21 11:20 12:2	20:10 39:5 41:4	<b>dated</b> 1:17 22:21	<b>deciding</b> 53:23
<b>consultancy</b> 24:12	12:12 30:12	69:23 70:12,20	47:2 77:18 88:11	61:2 65:8 78:12
38:13	<b>copied</b> 3:19 4:6	73:14,20,24	92:8 110:4 115:7	94:11
<b>consultant</b> 38:21	<b>copies</b> 119:5 121:4	81:19 82:5 87:17	122:8,9	<b>decision</b> 20:12
<b>consulted</b> 98:7	<b>corner</b> 102:3	89:5 90:4 94:2	<b>dates</b> 86:18	58:6 81:7 82:11
107:14 108:15	<b>corporate</b> 46:21	96:6 112:17,21	<b>daughter</b> 11:9	82:12,14,15 85:2
<b>contact</b> 5:16 7:4	47:12	113:24 119:12	20:8 129:5	85:6 94:15 124:3
13:19 43:24	<b>corporately</b> 5:25	126:5	<b>David</b> 2:1 9:17	<b>decisions</b> 62:16
<b>contacted</b> 16:2	<b>correct</b> 3:13 5:9	<b>criminality</b> 114:6	10:10,23 11:9	75:24 126:2
<b>contacting</b> 40:12	10:9,13,15,20	114:6	14:6,15,18 15:2	<b>declarations</b> 37:8
41:25	11:19 12:17 14:7	<b>critical</b> 7:23	15:13,14 16:13	<b>declared</b> 39:8
<b>contacts</b> 118:11	14:22	<b>criticism</b> 96:19	17:19 18:7,18,20	<b>decorations</b> 116:6
<b>contain</b> 52:17	<b>correcting</b> 12:9	124:22 125:18	18:22 20:7,12	<b>deem</b> 99:24
<b>content</b> 124:5	<b>correspondence</b>	<b>criticisms</b> 124:24	23:18 24:9 25:12	<b>deemed</b> 76:12
<b>contents</b> 24:17	113:23 123:16	125:5,8	26:2,5 27:3,8	<b>Defence</b> 55:4,14
<b>contest</b> 17:14	124:7 129:3	<b>cross-bench</b> 53:24	28:3 29:6 30:1,6	55:15
<b>context</b> 26:11 54:6	<b>council</b> 2:15 19:1	<b>Crown</b> 86:3 88:24	30:21 32:16 34:7	<b>deference</b> 124:16
115:4,10 120:1	19:22 36:15 48:7	93:7	38:4,6 93:5	<b>define</b> 5:10
<b>continue</b> 96:1	<b>councillor</b> 19:17	<b>culled</b> 10:6	120:14	<b>definitely</b> 68:24
<b>continuing</b> 27:13	<b>counsel</b> 23:25	<b>current</b> 38:2 46:15	<b>day</b> 1:3 13:13	80:22
33:20	<b>counselling</b> 40:20	66:6 68:1,4 97:8	29:22,23 41:22	<b>definition</b> 73:10
<b>contradistinction</b>	<b>country</b> 37:5	98:8 99:14 100:6	<b>day-to-day</b> 36:13	<b>deformed</b> 103:7
29:17	<b>counts</b> 88:21 93:16	109:1 113:11,12	<b>days</b> 36:21 104:8	<b>degree</b> 72:4
<b>contrary</b> 123:8	<b>couple</b> 26:17 36:22	127:3,7	<b>dead</b> 96:16 97:1	<b>delay</b> 128:22
<b>contrast</b> 30:4	43:14 44:14	<b>currently</b> 49:21	<b>deadlines</b> 79:22	<b>delegated</b> 48:25
<b>controversy</b> 73:12	91:11 93:2	111:24	<b>deal</b> 76:9 93:21	<b>delivering</b> 7:11,16
<b>conversation</b>	<b>course</b> 12:3 19:19	<b>custodial</b> 119:19	109:5 115:21	7:19
100:16	19:20 35:22	120:2	<b>dealing</b> 21:22	<b>demand</b> 92:19
<b>conversations</b>	42:24 46:14,18	<b>cut</b> 114:20	<b>deals</b> 29:12 59:1	<b>demonstrate</b> 100:9
126:20	47:15 84:22	<b>CVO</b> 93:5	113:9	102:17
<b>convicted</b> 15:3,23	119:3	<b>cycle</b> 103:8	<b>dealt</b> 19:25 25:2	<b>demonstrates</b>
17:20 83:20	<b>court</b> 88:24 93:7	<b>Cyril</b> 84:18 114:11	29:17 53:9,11	124:15
84:14 89:5,18	93:19	120:12,13,15	113:25	<b>den'</b> 16:16,20
115:2,25 116:20	<b>courts</b> 41:14	121:16 122:1,15	<b>Dean</b> 116:17	<b>denials</b> 115:24
119:12	<b>Coventry</b> 11:11	124:12,23 125:5	<b>Dear</b> 110:10	<b>deny</b> 108:19
<b>conviction</b> 15:14	12:18,19,24	125:22 127:21	<b>death</b> 98:15,20	<b>department</b> 58:18
26:8 38:3 74:12	14:13 17:22	128:7	101:23	60:12 61:2,19,20
74:14,15 81:20	19:18 20:5 29:16	<hr/>	<b>debate</b> 109:9,12,16	65:11 68:16
82:5 84:2 85:24	29:21,25 30:4,5	<b>D</b>	<b>debris</b> 104:10	80:25 81:23 84:6
85:25 89:9 90:4	30:10,17,20	<b>D</b> 129:17	<b>deceased</b> 97:7 98:3	103:25 104:2
91:25 93:22 94:3	<b>coverage</b> 81:2 97:5	<b>daily</b> 36:12 40:12	98:18	112:1 128:3
94:12 115:8	124:10	116:4 117:21	<b>December</b> 9:13,25	<b>department's</b>
<b>conviction'</b> 42:3	<b>covered</b> 46:12	<b>Dally</b> 41:25	10:1 40:5 42:25	62:10
<b>convictions</b> 16:7	<b>coverup</b> 123:7	<b>damage</b> 66:3 75:25	91:21	<b>departmental</b> 62:1
22:24 85:17	<b>creation</b> 57:3	<b>dames</b> 67:4	<b>decide</b> 65:4,16	<b>departments</b> 60:22
87:18 89:12 95:6	<b>crime</b> 74:5 83:21	<b>date</b> 11:3 12:18	70:6 81:6 82:20	61:13 62:8 64:21
<b>coordinator</b> 8:23	89:5	19:8 40:5 42:22	116:11	71:21 75:13
12:1	<b>crimes</b> 17:15	42:24 98:15	<b>decided</b> 4:16 99:14	80:25
<b>coordinators</b> 8:20	<b>criminal</b> 10:24	102:8 122:4	<b>decides</b> 37:19	<b>depend</b> 74:14

<b>dependency</b> 6:10	125:13	<b>disputes</b> 37:18	<b>drawing</b> 122:17	17:10,15,22,23
<b>depending</b> 75:1	<b>differently</b> 34:14	<b>disregarded</b> 74:17	<b>drawn</b> 105:18	20:8,25 27:11
<b>depends</b> 14:2	77:5 109:18	<b>disrepute</b> 72:25	108:25	<b>elections</b> 14:21
<b>deputy</b> 14:24 17:6	<b>difficult</b> 49:13	73:10 75:1 76:13	<b>dreadful</b> 16:24	17:24 19:16,20
17:9 41:17	108:13 117:12	82:24 83:9 89:11	<b>drop</b> 95:24 97:12	19:22 20:9 21:1
<b>describe</b> 55:24	<b>difficulty</b> 20:22	107:17	<b>dry</b> 69:11 73:5	39:4
62:20 63:3,6	21:6	<b>dissolution</b> 52:13	<b>dual</b> 60:15	<b>Electoral</b> 71:25
68:25 70:10	<b>digital</b> 41:19	<b>distinction</b> 51:9	<b>Dulwich</b> 88:18	<b>electrocuted</b> 16:20
91:10	<b>Diplomatic</b> 55:3	<b>district</b> 103:19	89:17	<b>elements</b> 25:5
<b>described</b> 42:15	55:11	<b>divider</b> 4:4	<b>duration</b> 98:10	<b>Elizabeth</b> 1:6,9
78:9 90:3	<b>direct</b> 109:21	<b>document</b> 3:11,18	<b>duty</b> 56:17	129:19
<b>describes</b> 97:7	<b>direction</b> 37:20	4:2 8:11 35:19		<b>email</b> 13:15 39:24
<b>describing</b> 60:25	<b>directly</b> 9:9 66:24	77:9,10,20 90:24	<b>E</b>	40:2 41:19,23,25
119:14	78:4	91:3 92:6,7,9	<b>E</b> 129:17	42:18,24 43:10
<b>description</b> 91:15	<b>Director</b> 88:16	94:16,24 95:15	<b>earlier</b> 27:1 32:21	43:12 44:2
119:7	123:18,21	97:2 101:13,18	37:7 67:12 70:16	<b>embarrass</b> 49:14
<b>deselected</b> 41:17	<b>director-general</b>	101:20 102:2,8	90:2 92:2 95:4	<b>embarrassment</b>
<b>deserves</b> 108:17	47:22 122:11	102:12 103:10,10	96:6 104:24	21:6
<b>deserving</b> 80:5	<b>directors</b> 42:8	104:17,20,24	105:13 106:16	<b>emerge</b> 96:1
<b>designed</b> 5:2 65:21	<b>disability</b> 6:3	105:2,3,18	107:1 115:25	<b>Emma</b> 3:10
<b>detail</b> 20:14 63:17	<b>disappeared</b> 92:4	106:22 107:25	122:8	<b>emotional</b> 5:18
66:7 86:22 94:18	<b>disappointed</b>	110:2 113:7,14	<b>early</b> 36:21 50:3	<b>emphasise</b> 34:25
113:19 116:7	108:4	113:16 114:4	71:11	<b>Empire</b> 57:4
<b>detailed</b> 47:8	<b>disappointing</b>	119:2,4 121:20	<b>easier</b> 67:24	<b>employed</b> 125:9
<b>details</b> 24:16 94:9	31:25	122:7,9	<b>easiest</b> 60:6	<b>employees</b> 11:19
106:11	<b>disbar</b> 73:15	<b>documentation</b>	<b>echo</b> 120:8 125:5	<b>employing</b> 33:16
<b>determine</b> 65:1	<b>disbarment</b> 73:13	121:11	<b>echoes</b> 124:25	<b>enable</b> 117:15
<b>determined</b> 65:2	82:6	<b>documents</b> 46:19	<b>education</b> 61:19	<b>encourage</b> 40:22
<b>develop</b> 37:1	<b>disc</b> 102:19	46:23 86:5 91:11	61:20 88:16	<b>ended</b> 12:7 57:25
<b>developed</b> 25:24	<b>disc-jockey</b> 103:5	91:12 99:8	89:17	<b>engagement</b> 79:22
39:14	<b>discharge</b> 93:19	101:24 114:10,13	<b>effect</b> 1:20 18:23	109:21
<b>development</b> 3:1	<b>disciplinary</b> 18:9	114:13 117:23	26:24 35:11	<b>engagements</b>
<b>devoting</b> 73:22	19:2,4,5,8 25:19	118:12 121:10	117:3	104:8
<b>diagram</b> 8:3,4	37:14,17,18 38:6	123:13 124:12,25	<b>effective</b> 6:23	<b>England</b> 6:17
<b>die</b> 97:18 110:7	42:8	125:1 128:23,25	<b>effectively</b> 11:23	23:20
<b>died</b> 96:12 97:12	<b>disclose</b> 20:15	<b>doing</b> 21:13 83:16	127:13	<b>enormity</b> 18:5
97:15 101:2	<b>disclosed</b> 20:14	86:4 128:12	<b>effectiveness</b> 37:22	<b>enormous</b> 42:19
110:7	<b>disclosing</b> 29:13	<b>domain</b> 49:5	<b>effects</b> 29:1	<b>enquiries</b> 23:25
<b>dies</b> 97:1	<b>disclosure</b> 8:9 21:4	<b>dominated</b> 17:16	<b>effort</b> 123:22	42:23 126:15
<b>difference</b> 30:8	<b>discover</b> 112:21	<b>done'</b> 17:17	<b>eight</b> 103:23	<b>ensure</b> 6:18 7:6,7
127:2	<b>discovered</b> 19:15	<b>dots</b> 30:23	<b>either</b> 18:15 21:11	<b>ensuring</b> 28:16
<b>differences</b> 66:17	44:16	<b>doubt</b> 65:2 111:13	21:24 39:25	<b>entirely</b> 99:7
125:24	<b>discreetly</b> 41:16	123:13 125:17	58:17 80:4 83:5	<b>entries</b> 86:14
<b>different</b> 4:2 11:24	<b>discuss</b> 33:25	126:11	<b>elapsed</b> 91:25	<b>entry</b> 106:6 108:1
20:16,18 53:5	<b>discussion</b> 54:6	<b>doubts</b> 107:13	106:4	<b>envelope</b> 114:20
61:23 75:2,11,21	65:14 105:4	<b>downright</b> 41:4	<b>elected</b> 2:6 9:15	<b>equal</b> 6:6
75:21 84:11	123:9	<b>draft</b> 9:4 39:21	36:2,6,15	<b>equalities</b> 17:12
87:10 91:14	<b>discussions</b> 105:19	<b>drafted</b> 8:19,20,22	<b>election</b> 11:10	<b>Equally</b> 30:13
100:1 113:16,17	<b>dismissed</b> 39:18	<b>draw</b> 34:2 118:12	14:12,16,16,19	<b>equivalent</b> 14:3,4

94:2	81:2,16 83:12	<b>extreme</b> 106:14	<b>falls</b> 89:21	<b>find</b> 6:14 7:1 18:15
<b>err</b> 70:5 75:14	87:1 96:5 103:23	<b>extremely</b> 104:2	<b>false</b> 10:25	22:8 35:19 40:22
<b>especially</b> 7:9 67:3	106:14 118:3	<b>eye</b> 106:10	<b>familiar</b> 52:8	42:17 43:11
75:11 96:20	<b>examples</b> 39:7		55:19	44:19 85:10
104:3 107:10	71:19 73:8	<b>F</b>	<b>family</b> 1:25 17:21	111:5 112:2
108:8	<b>exception</b> 58:4	<b>face</b> 112:16	29:11 39:6 56:18	123:23 125:14
<b>essentially</b> 121:24	<b>exceptional</b> 56:17	<b>Facebook</b> 12:15	69:7 98:21 99:3	<b>finding</b> 93:23
122:13	<b>Exchange</b> 114:23	13:7 15:19,21	116:25	<b>findings</b> 35:9
<b>establish</b> 19:3,13	115:18	41:7,10	<b>fantasies</b> 16:17,21	82:21
125:14	<b>executive</b> 2:6 8:21	<b>faced</b> 93:21	<b>far</b> 16:9 32:21	<b>Fine</b> 120:11
<b>established</b> 54:10	9:16 10:21 11:24	<b>fact</b> 2:22 3:24	40:16 63:16 65:3	<b>finger</b> 122:5
114:22	19:24 24:18,23	11:17 41:18 43:8	65:22 67:11 98:4	<b>finish</b> 53:2 113:2
<b>establishing</b> 25:15	31:4 33:7,10,11	44:13 54:25 56:7	104:19 121:1	<b>finished</b> 40:20
<b>establishment</b>	33:23 35:9,12,25	58:2 60:7 73:22	127:4	<b>finishing</b> 117:22
58:12	36:18,25 42:8	77:6 79:8 81:4	<b>faster</b> 80:2	<b>fire</b> 104:6
<b>et</b> 103:7,8	<b>exhibits</b> 47:13,16	83:16 85:16	<b>father</b> 9:17,22	<b>firmly</b> 98:8
<b>ethics</b> 48:11	47:18 64:4,8	87:21 88:11	11:13,14,17	<b>first</b> 1:21,23 2:4,24
<b>evenly</b> 101:10	<b>existing</b> 4:7	90:14 93:18	12:12 13:3 14:5	8:15 9:10 15:11
<b>event</b> 92:17 104:12	<b>exists</b> 108:24	94:24 99:12	14:16 17:6,10,16	17:7 23:11 34:17
<b>events</b> 5:4 10:3	<b>expand</b> 56:3 73:16	100:14 104:17	<b>fault</b> 44:17,18	39:11 43:2,3,5,19
20:17 22:23 23:6	<b>expands</b> 35:12	107:6 109:2	<b>fear</b> 26:21 106:12	44:1,3 48:23
<b>everybody</b> 52:4	<b>expect</b> 66:22	114:12 116:8	<b>fears</b> 107:23	50:6 57:24 59:25
63:19 71:8 95:9	<b>expected</b> 21:3 31:8	117:23 120:14	<b>feature</b> 95:5	61:3 62:3 63:18
<b>evidence</b> 4:22 24:3	31:11 37:11	121:20 122:16	124:11	64:16 65:19 76:7
27:20 45:15 46:5	<b>expecting</b> 10:5	124:25	<b>feel</b> 21:21 99:3	77:24 81:12 86:6
47:15 63:1 77:8	<b>expelled</b> 18:7,22	<b>factors</b> 58:6 72:1	106:3 117:16	88:7 89:22 90:15
78:7 82:13 83:10	38:6	101:16	<b>feelings</b> 116:22	92:9 93:16 94:17
105:13 111:7	<b>experience</b> 36:6	<b>facts</b> 19:3 32:14	<b>fell</b> 94:7	97:3 102:1 105:1
114:1,15,16,21	69:13	76:3,3 85:1	<b>felt</b> 73:23 107:13	105:7 112:1
115:22 120:14	<b>experiences</b> 6:9	93:13,14,20 94:5	116:25	114:9,12 121:20
122:11 124:14	<b>expert</b> 80:11	110:13 125:14,20	<b>field</b> 37:3 64:19	121:21 129:1
129:10	<b>experts</b> 84:6 85:10	125:23,24 127:15	<b>fifth</b> 7:17	<b>Firstly</b> 59:6
<b>evidenced</b> 85:3	<b>explain</b> 11:21 20:6	<b>factual</b> 115:4	<b>file</b> 1:19 39:25	<b>fits</b> 72:14
127:5	30:8 51:11 54:24	120:25	40:17 86:5	<b>five</b> 11:22 63:7
<b>evolved</b> 57:2	57:15 79:23	<b>fail</b> 32:13	104:13 115:5	86:19 121:19
<b>evolves</b> 57:17	<b>explained</b> 53:4	<b>failed</b> 2:2 32:1	123:22	<b>flag'</b> 28:23
<b>evolving</b> 56:1	<b>explicitly</b> 78:24	129:6	<b>files</b> 121:17 122:5	<b>flexible</b> 94:10
<b>exacerbated</b>	<b>Express</b> 116:4	<b>failure</b> 32:8,9 37:7	<b>fill</b> 121:6	<b>floodgate</b> 98:1
107:19	117:21	<b>fair</b> 27:5 45:19	<b>fills</b> 122:24	<b>flow</b> 8:3
<b>exact</b> 19:8	<b>extent</b> 46:21	48:14 65:5 67:15	<b>filtered</b> 28:16	<b>flows</b> 62:1
<b>exactly</b> 29:11	115:23 123:12	67:17 75:6 92:24	<b>final</b> 62:16 71:8	<b>focus</b> 32:21,22
66:24 71:13	<b>external</b> 12:2,12	99:7 100:25	78:12 93:25	46:5 121:15
114:4 126:11	21:16 38:20	101:8,13,14,17	110:24 117:9	<b>focused</b> 67:21
<b>Examination</b> 1:7	<b>externally</b> 21:25	111:6 125:18	119:6	<b>Focusing</b> 7:20
45:9 129:21,25	<b>extract</b> 105:23	<b>Fairbairn</b> 129:6,7	<b>finalised</b> 23:4	<b>follow</b> 37:15 97:18
<b>examine</b> 25:10	<b>extracts</b> 105:16	<b>fairly</b> 63:25 101:10	<b>finally</b> 35:8 39:23	114:5
<b>example</b> 52:13	108:14	104:17 114:20	60:3 63:15	<b>followed</b> 60:21
61:14,15 64:16	<b>extraordinary</b>	<b>fairness</b> 124:8	114:10 120:11	<b>following</b> 14:15,18
68:8 69:2 73:17	69:15 74:1,6	<b>fall</b> 127:11	126:24	23:17 25:5 29:23



60:12 87:17 94:5 113:7 120:23 123:4 <b>foot</b> 10:22 40:1 <b>footprint</b> 41:19 <b>foreign</b> 55:12 115:9,13 116:9 <b>forerunner</b> 119:14 <b>forfeited</b> 80:24,24 82:9,14 84:8,16 85:14 86:18,25 87:17 88:3 90:9 91:9 96:16 97:15 <b>forfeiting</b> 46:8 76:5 85:22 98:20 <b>forfeiture</b> 53:4,8 60:4 71:3 73:3 74:21 75:18 76:9 76:17,18,18,20 76:21,24 77:4,6 78:21,24 79:7,10 79:16,18,20 80:1 80:10,13,18,20 81:7,17 82:12 83:1,18 84:11,22 85:4,12,21 86:2 87:22 89:2,4,8,15 89:21 90:7,19,25 91:2,7,23 92:3,10 92:13,21 94:5,6 94:11 96:3,7,11 96:13 97:6 98:17 99:22 100:7,15 101:1 112:11 118:4,21 119:8 119:11,15,17,21 120:3 127:19 <b>forfeitures</b> 86:6 <b>forgery</b> 87:1 <b>forgiven</b> 52:20 <b>forgotten</b> 106:12 108:21 <b>form</b> 8:12 21:4 25:19 87:18 <b>formal</b> 117:2,14 <b>Formally</b> 3:15 <b>former</b> 3:8,9 114:18 <b>forms</b> 6:6	<b>forth</b> 25:17 <b>fortnight</b> 23:7 122:8 <b>forward</b> 14:25 40:9,23 49:10 61:2 65:17 75:15 75:17 87:24 102:16 126:3,9 126:22 128:5,8 <b>forwarded</b> 41:24 <b>found</b> 7:16 18:12 28:8 93:9,14,17 114:20 <b>fount</b> 56:2 <b>four</b> 35:11 37:2 <b>frank</b> 123:9 <b>fraud</b> 87:1 <b>frequently</b> 87:13 <b>Friday</b> 129:14 <b>friends</b> 98:22 99:3 <b>front</b> 14:4 17:13 18:14 23:12 49:14 77:23 <b>fulfil</b> 50:2 <b>full</b> 1:8 20:14 21:3 25:6 38:13 39:6 45:10 47:11 94:2 94:18 123:22 129:1 <b>fullest</b> 85:12 <b>fully</b> 33:20 83:25 96:6 <b>funded</b> 12:4 <b>furniture</b> 104:10 <b>further</b> 4:13 24:15 42:23 71:14 88:22 94:24 106:6 108:10 111:21 119:1 123:19,22 124:2 127:21 <b>future</b> 33:21,22	<b>geared</b> 28:1 <b>gender</b> 6:3 <b>general</b> 7:13 11:10 12:13 14:12 15:5 17:23 18:17 20:25 22:12 26:14 32:19 51:3 116:17 121:1 123:14,24 <b>generalise</b> 92:12 <b>generally</b> 26:9 109:9 121:17 <b>generated</b> 101:22 <b>Geoffrey</b> 115:10 115:11 <b>George</b> 116:9 <b>getting</b> 75:19 92:25 <b>gift</b> 70:4 <b>gifted</b> 9:18,19 18:20 <b>girl</b> 10:14 16:16,19 17:21 <b>girls</b> 40:13,19,22 41:6 <b>give</b> 15:9 34:3 35:1 44:13 45:10,15 47:8 48:2,18 49:12 57:9 66:17 71:19 72:1 73:8 85:11 92:12 107:15 125:22 <b>given</b> 2:22 11:24 18:25 29:3 43:9 43:12 44:4 65:13 66:21 67:2 69:1 69:12 70:1 71:4 72:3 75:18 76:7 79:16 82:3 83:15 90:14,22 91:6 94:9 99:2,9 100:17 102:14,16 102:23 109:2 114:1 117:2,24 118:10 119:20 123:12 125:16 <b>gives</b> 24:15 102:8 127:4 <b>giving</b> 4:25 108:18	118:1 122:23 125:3 <b>GNP</b> 43:9 <b>GNP000016</b> 40:1 <b>GNP001003</b> 23:10 <b>GNP001003_007</b> 10:17 <b>GNP001004</b> 1:20 <b>GNP001004_002</b> 15:11 <b>GNP001004_003</b> 18:2 <b>GNP001004_004</b> 37:25 <b>GNP001005</b> 4:2 5:11 <b>go</b> 9:1,10 16:5 18:1 22:7 23:11 24:2 26:16 29:14,15 31:2,2 35:9 36:19 37:20 42:17 43:16,22 48:1 54:3,18 55:23 60:6,20 61:18 62:19 64:15,15 66:7,10 68:1 70:8 71:19 72:17 73:8 74:5 76:9 77:10 81:25 82:17 85:9,9 86:22 88:7,8,10 89:23 90:23 91:7 93:3,16 94:18 95:15 97:24 98:4 99:15 102:1 103:20 108:1 113:6 114:11,12 115:5 117:8 123:2 126:11 128:10 <b>goes</b> 58:19 71:8 85:3 103:24,25 104:23 111:3 <b>going</b> 2:2 9:8 11:21 13:5 16:23 20:4 21:19 24:2 26:16,17 28:2 29:14 32:23 35:8 37:22 39:19,24	46:5 47:14 52:7 54:22 56:10 58:20 59:24 60:8 64:25 70:2 71:12 74:7,20 77:7 79:12,14 84:17 86:22 89:1 98:3 103:18,22 107:25 109:9 116:7 126:25 128:24 <b>good</b> 1:3 10:11 61:14 66:23,23 104:3 107:10 115:21 <b>governance</b> 3:17 3:18 12:10 35:24 38:3 <b>government</b> 48:8 54:17 60:12 61:1 61:12 62:8 71:21 75:23 80:25 <b>GPEW</b> 6:15 <b>GPRC</b> 19:1 <b>grandees</b> 57:12 <b>grander</b> 57:12 <b>grant</b> 70:4 <b>granted</b> 46:3,8 66:4 67:22 76:6 84:24 95:7 99:22 104:13 109:13 120:18 122:15 <b>granting</b> 46:7 52:21 53:17,19 53:19 74:22,23 75:4,12 76:14 99:24 <b>grateful</b> 45:22 <b>great</b> 80:5 108:8 109:5 128:11 <b>greater</b> 98:21 127:4 <b>Green</b> 1:22 2:5,6,9 2:14 3:15 5:3,24 6:16,17 7:13,20 8:15,23 9:12 11:10,15 13:14 13:17,25 14:9,12 14:24 15:12 19:1 23:16,20 29:4
---	--	---	---	---

30:5,17 31:5 33:25 34:23 35:3 36:15 38:2,7,10 38:16,24 39:2,3 40:11 41:15 43:10,13,14 123:25 <b>Greens</b> 17:5,8 <b>Greens'</b> 17:12 <b>gross</b> 115:2 116:1 <b>Ground</b> 102:19 <b>group</b> 9:14 12:20 37:19 47:22 <b>growth</b> 33:16 <b>guardian</b> 7:10 16:25 17:2 <b>guessing</b> 18:19 <b>guidance</b> 39:2,3,7 61:6 66:25 <b>guide</b> 5:5 <b>guilty</b> 82:20 88:24	83:6 89:24 90:4 94:7 119:5 121:4 127:24 <b>harm</b> 5:15 6:6 11:2 <b>Harris</b> 91:13,16,18 <b>Harvey</b> 95:22 <b>Hawkins</b> 11:16 12:2,11 13:7,13 29:23 <b>Hayden</b> 50:5 58:10 59:9,12 <b>Hayman</b> 114:10 114:11,16 115:17 116:13,20 117:2 117:24 118:10 125:4 <b>Hayman's</b> 119:3 <b>HD</b> 50:24 78:1,14 <b>head</b> 16:3 40:16,25 48:25 50:2,4 <b>headed</b> 89:2 <b>heading</b> 7:19 17:5 26:3 <b>headings</b> 8:4 <b>headline</b> 17:5 <b>headmaster</b> 88:20 <b>heads</b> 103:25 <b>hear</b> 83:22 114:16 <b>heard</b> 88:23 111:6 114:15 120:14 122:10 <b>hearing</b> 1:4,12 101:5 129:13 <b>hearings</b> 114:17 <b>heart</b> 77:23 <b>Hedley-Miller</b> 121:22 <b>held</b> 16:16,19 31:9 97:15 <b>Helen</b> 44:22 45:7,8 45:11 129:23 <b>help</b> 8:24 11:25 38:23 45:1 61:11 104:5 108:18 <b>helpful</b> 56:22 <b>helps</b> 4:25 <b>heritage</b> 6:4 <b>hesitation</b> 40:11	87:3 128:2 <b>hid</b> 110:17 <b>high</b> 108:17 114:18 <b>highest</b> 123:9 <b>highlight</b> 119:9 <b>highlighted</b> 32:20 <b>highlights</b> 31:23 <b>highly</b> 104:1 <b>Hindsight</b> 104:14 <b>historic</b> 64:18 94:23 95:5 114:10 125:9 <b>historical</b> 109:8,15 109:24,25 110:1 <b>history</b> 40:13 57:19 95:3 <b>HMRC</b> 67:6 71:21 <b>HOLAC</b> 54:9 <b>hold</b> 69:9 <b>holder</b> 89:4 <b>holding</b> 34:18 97:18 <b>holds</b> 94:2 97:17 <b>holidays</b> 104:9 <b>holistic</b> 35:23 <b>home</b> 17:21 <b>homes</b> 41:5 <b>homosexual</b> 110:15 115:19 <b>homosexuality</b> 111:1 <b>honest</b> 21:20 <b>honesty</b> 120:1 <b>honorary</b> 95:17,18 <b>honour</b> 46:2,3 49:5,10 56:2 57:25 58:2 61:2 61:6,7,11,18,18 65:9,9,17 66:15 66:22 68:9 69:6 69:12,25 70:1,4 71:12 72:16 73:11,13 74:22 74:23,24 75:4,7 75:12,19,20,20 76:1,5,6,7 79:3,5 79:8,9 80:4,24 82:9,14 83:13,15	84:8,16 85:14,22 90:9,15 91:8,9 95:7 96:25 97:14 97:17 98:10,20 99:3 102:14,22 102:24 103:12 109:13 120:15,18 120:19 122:15 124:14 128:11 <b>honoured</b> 73:7 81:15 98:9 108:21 <b>honours</b> 45:16,25 46:7,8 47:9 48:2 48:14,17,22,24 49:1,3,6,22 50:6 50:21,24 51:3,4,7 51:12,12,20,21 51:22,25 52:6,18 53:1,3,4 55:21,24 56:4 57:1,2,8,22 58:11,14 59:19 60:24 61:9 62:6 62:6,22 63:3 65:8,11 66:12,23 67:2,22 68:14 70:24 71:1,4 72:17,21,25 73:6 73:19 76:11,12 76:14,15 77:1 78:3,13,15 81:3 82:23 83:8 86:17 86:24 87:17 88:2 88:15 89:11 91:5 91:14 96:24 97:6 99:24 101:23 102:4 106:1 107:16 108:23 110:9 111:18 119:12,16 120:20 121:17 124:9,23 127:3,9 <b>hospital</b> 104:9 <b>hospitals</b> 103:6 <b>host</b> 58:18,18 <b>hot</b> 2:22,24 <b>House</b> 51:15,17,19 51:20,23 52:22 53:12,12,15,25	54:9,12,16,19 <b>household</b> 56:16 <b>Howe</b> 115:10,11 <b>hundred</b> 55:25 <b>hunger</b> 98:19 99:2 100:11,13 <b>husband</b> 19:18 <b>hybrid</b> 12:7 <b>hypothetical</b> 125:19 127:24
<b>H</b>				<b>I</b>
<b>hairdressers</b> 103:20 <b>halfway</b> 41:22 <b>hand</b> 50:8 75:3,4 119:23 <b>handled</b> 29:2 34:14 <b>hands</b> 113:1 <b>happen</b> 8:14 15:25 42:13 58:3 75:10 95:11 99:6 100:14 <b>happened</b> 10:19 18:6 19:4,12 21:25 32:6 42:9 43:20 46:18 65:10 100:16 111:14 115:1 117:23 <b>happening</b> 7:23 32:8 43:15 118:3 <b>happens</b> 117:18 118:1 <b>happy</b> 9:22 22:7 <b>hard</b> 79:13,15 81:9 81:12,19 82:2,8,8				<b>idea</b> 17:14 18:16 20:3 37:1 48:3 48:18 49:12 57:4 64:5 80:11 97:16 97:18 120:8 125:3,22 <b>identified</b> 31:17 <b>identify</b> 60:2 62:12 <b>identifying</b> 65:23 <b>identity</b> 6:5 <b>idle</b> 9:3 <b>ignored</b> 100:10 117:17 <b>imagine</b> 4:13 62:3 99:20 114:13 126:18 <b>imagining</b> 52:5 <b>immediate</b> 18:23 29:25 32:7 42:10 42:12 98:19 <b>immediately</b> 18:7 19:2 20:2 117:18 <b>impact</b> 6:9 32:23 75:9 80:8 98:21 99:9 <b>impacting</b> 27:20 <b>implemented</b> 110:21 <b>importance</b> 31:23 33:4 35:1 73:6 <b>important</b> 18:16 46:13 51:10 70:2 72:17 73:2 80:7 94:13 96:23 101:6 113:17 124:4 <b>imposed</b> 90:6

<b>impossible</b> 92:15	<b>indictment</b> 93:18	44:14 45:24 47:2	<b>investigative</b>	<b>John</b> 57:21 59:6
<b>imprisonment</b>	<b>individual</b> 28:22	84:19 96:22	110:13	60:17
10:25 15:6 26:8	63:18 65:1 69:2	100:22 114:15	<b>investigatory</b>	<b>Johnson</b> 116:23
89:6 119:18,19	71:18 81:2,13	120:17,22 121:9	82:19 83:19 85:8	<b>joined</b> 9:13,24
<b>imprisonment'</b>	83:12 87:5 88:5	121:21 122:23	<b>invite</b> 39:24 47:13	<b>joining</b> 30:23
94:7	90:15 93:23 95:2	123:4	<b>involve</b> 2:11 116:2	<b>Jonathan</b> 49:1,22
<b>improperly</b> 75:24	98:9,23,25 99:5	<b>inquiry's</b> 124:21	<b>involved</b> 6:21	50:11,18,19 78:3
<b>improvement</b>	118:17	125:8	46:15 71:18 84:3	78:5
23:15 33:20	<b>individual's</b> 98:11	<b>insofar</b> 9:11	93:4 115:17	<b>judges</b> 58:4
<b>improvements</b>	98:21 99:3	<b>instance</b> 62:3	118:9,23	<b>judgment</b> 66:19,22
33:18	<b>individually</b> 5:24	63:18 104:6	<b>involvement</b> 30:6	83:4,17 123:17
<b>improving</b> 33:22	<b>individuals</b> 12:21	<b>instances</b> 32:7	30:18 115:22	<b>judgments</b> 49:9
35:5	57:7 75:13 87:24	<b>instigated</b> 7:4 38:5	<b>involves</b> 5:17	85:17 90:1
<b>inactions</b> 76:13	95:12 97:7 98:18	<b>instigates</b> 19:2	<b>involving</b> 39:5	118:14
<b>inappropriate</b>	111:8	<b>instructed</b> 10:18	79:13 89:9,15	<b>judicially</b> 75:23
40:14,17	<b>ineffective</b> 116:17	<b>integrity</b> 65:22	94:8 126:6	<b>July</b> 4:15 14:23
<b>incident</b> 9:10 84:1	<b>infirmary</b> 103:9	69:10 127:6	<b>Ireland</b> 49:23	110:4 117:20
114:19 119:22	103:11,12 104:5	<b>intend</b> 41:13	<b>Irrespective</b> 28:25	<b>June</b> 14:23 47:24
120:7	<b>influence</b> 72:1	<b>interest</b> 100:10	<b>isolated</b> 119:22	58:15 115:7
<b>inclined</b> 107:23	<b>inform</b> 83:25 84:4	109:8,15,25	120:7	<b>justice</b> 41:13
115:19	84:21	110:1	<b>issue</b> 26:6 32:16	<b>justify</b> 76:4 120:2
<b>include</b> 25:14	<b>informal</b> 70:14	<b>interests</b> 98:25	37:7,11 69:19,21	
71:16 87:4	<b>informally</b> 98:7	<b>interlinked</b> 2:3	69:24 70:2 75:16	<b>K</b>
<b>included</b> 7:15	<b>information</b> 15:16	<b>internal</b> 21:16	100:10 106:19	<b>keep</b> 11:7 96:9
107:24	18:12,14 29:20	38:8 88:8 93:3	121:25 127:5,12	122:5
<b>includes</b> 48:1,3	49:4 63:24 65:23	121:5	<b>issues</b> 6:10 20:23	<b>keeping</b> 74:25
<b>including</b> 10:24	67:23 71:24 72:4	<b>internally</b> 21:25	24:20 28:10 29:9	<b>Kenneth</b> 108:16
24:4 33:4 71:21	72:6 79:19 84:7	<b>internet</b> 67:25	31:10 32:1,13,18	<b>kept</b> 29:11
89:7,17	84:25 85:11	71:25	33:4 35:1 36:11	<b>Kevin</b> 95:22
<b>inclusion</b> 108:10	102:16 103:16	<b>interpreting</b> 46:23	36:18 45:23 60:3	<b>key</b> 35:25 36:13,14
<b>Incorporated</b>	113:22 114:2,23	<b>interviewed</b> 28:9	63:16,25 69:16	127:2
88:17	115:18 123:19	<b>introduced</b> 37:17	106:15 114:5	<b>Kieran</b> 24:8
<b>incorrectly</b> 42:2	<b>informed</b> 11:15	60:16	117:12	<b>kind</b> 19:14 50:21
<b>increasing</b> 92:19	12:11,18 13:14	<b>Introducing</b> 78:23		57:6,12 58:19
<b>indecency</b> 115:2	15:14 29:22	<b>introduction</b> 24:17	<b>J</b>	66:22 71:8 72:22
116:1	30:21 123:20	<b>investigated</b>	<b>jailed</b> 16:22 17:6	80:9 83:17 114:3
<b>indecent</b> 10:24	<b>informing</b> 26:19	120:17	17:11,19	<b>kindly</b> 43:21 44:11
88:22 94:23	<b>initial</b> 91:19 128:3	<b>investigation</b>	<b>January</b> 1:17	<b>knew</b> 30:6,17,19
<b>independent</b> 17:1	<b>innocent</b> 82:20	15:13 23:15,16	22:21 23:21	34:6 126:13
23:16 24:12,24	<b>input</b> 122:14	24:24 25:6,8,10	<b>Jimmy</b> 96:20 97:5	<b>Knight</b> 97:11
42:13 48:7,23	<b>INQ004080</b> 17:3	25:12 26:21 38:9	97:10 99:1	<b>knighted</b> 104:24
49:16 58:13	<b>INQ004081</b> 16:11	42:14 45:24	101:22 102:9	105:5 114:18
59:16 60:24 62:6	<b>INQ004181</b> 121:4	84:20 94:3	105:4,19 106:8	<b>knighthood</b> 107:9
63:4,6,10 64:19	<b>INQ004181_044</b>	120:23 121:2,8	106:25 108:13	107:13,15 108:22
77:2 78:21	123:3	121:12,14 122:19	110:2,5,14	109:4 110:6
109:19 123:17	<b>inquiries</b> 24:14	123:5,10	111:22	111:22 116:6
<b>indicate</b> 31:14	<b>inquiry</b> 1:17 4:22	<b>investigations</b>	<b>job</b> 41:2 58:3	117:7 120:13
<b>indicated</b> 2:18	18:9 38:18,19	24:13 38:12	<b>jobs</b> 61:9	122:16 123:8
<b>indicating</b> 21:4	39:12 43:6,14,24	82:22 96:2 127:7	<b>jockey</b> 102:19	124:19 125:22

126:4 129:9	<b>leadership</b> 17:14	<b>likes</b> 41:8	29:15 34:20	<b>M</b>
<b>knighthoods</b> 52:1	<b>leads</b> 89:6	<b>limitations</b> 24:15	77:22 80:6 110:6	<b>Madam</b> 110:10
<b>knights</b> 67:4	<b>leave</b> 74:21	<b>limits</b> 111:1	114:21 118:8,8	<b>Maidstone</b> 88:24
<b>know</b> 1:19 7:1	<b>leaves</b> 41:19	<b>line</b> 40:6 59:11	<b>longer</b> 106:13	<b>Mail</b> 40:12 41:25
8:14 12:6 13:2	<b>led</b> 97:5	60:8 79:10 82:18	<b>look</b> 3:11,20 4:24	<b>main</b> 25:5 35:21
14:3 19:12,13	<b>Leeds</b> 103:9,11,12	93:18	10:18 15:8,10	62:17,18 63:9,21
20:20 21:5,18	<b>left-hand</b> 102:3	<b>lines</b> 59:10 63:7	16:6,10 24:7	63:23 64:12,14
22:12,20 24:11	<b>legal</b> 9:5 23:25	73:13 103:23	25:3 26:18 29:16	68:18 71:8 78:10
28:12,18 32:8	83:2 85:17,19,22	121:19	30:23 37:24	<b>maintained</b> 98:8
34:12 36:21	<b>legally</b> 75:22	<b>linked</b> 1:21	39:24 43:3 47:20	<b>maintaining</b> 100:6
40:22 41:15 42:4	<b>legislation</b> 26:10	<b>links</b> 12:24 25:1	49:18 58:23	<b>Majesty</b> 56:4 78:4
42:6 70:7,16	<b>legitimate</b> 27:18	<b>list</b> 55:3,4,6,11,14	59:10 64:4,6	78:5 91:6,8
80:21 87:9 90:8	<b>legwork</b> 68:3	55:17,19,22	65:18 70:9 75:1	<b>major</b> 26:22 29:5
92:16,24 98:2	<b>lengthier</b> 97:20	56:13,16 57:10	78:17 83:18 86:5	57:21 59:6 60:17
101:11 103:14,17	<b>let's</b> 3:11 16:6	63:2,13 64:9	88:5 91:11,25	<b>majority</b> 13:5,6
107:21,22 111:14	37:24 44:19	65:13 67:4 68:16	93:2,24 97:2,3	55:21 63:4
112:14,14,19	49:18 51:2 52:16	68:17,18 71:5,8,9	105:1 108:1	<b>making</b> 49:7 69:11
113:13 118:3,13	52:16 58:23	73:19 79:12 81:1	110:19,24 115:15	72:15 78:6 80:10
118:24 120:9,12	59:23 60:5 64:4	86:16 88:15	116:12 117:9	80:10 82:13
126:18	68:1 70:8 76:9	102:4 105:7	121:2,4 123:2	94:14 100:24
<b>knowledge</b> 2:21	77:10 78:17	106:25 107:3,24	<b>looked</b> 92:9 96:23	112:16 118:15
15:17 22:16 36:5	81:25 86:5 91:11	108:11 113:9,12	96:24 122:24	120:19 126:2
46:14 67:7 95:1	93:2 94:16 97:2	119:17	124:25	<b>malice</b> 40:24
110:23	113:6	<b>listed</b> 15:5 65:6	<b>looking</b> 1:13 4:1,8	<b>man</b> 16:16,19
<b>knowledgeable</b>	<b>letter</b> 78:23 79:1,2	<b>listened</b> 7:3 41:3	10:22 27:18	40:18 73:20 88:9
63:4	79:5,6 110:8	<b>lists</b> 51:13 52:4,11	35:15 46:6,10	88:14 108:17
<b>known</b> 1:10,11	111:10,15,17,20	52:12,17 54:22	72:12 88:14,20	115:3
19:24,25 29:10	111:23 112:4,8	54:24,24 56:19	91:2 93:6 97:8	<b>manage</b> 49:10
32:14 62:17	112:12,16,19	58:14 91:14	100:4 104:16	62:10
93:13 124:4	115:6 117:22	<b>little</b> 12:19 24:7	117:10 127:18	<b>managed</b> 51:19,21
127:10	124:1	30:12 32:20 37:9	<b>looks</b> 2:15 32:12	<b>management</b>
<b>L</b>	<b>letters</b> 80:22	51:2 62:11 71:14	102:13	36:14
<b>lack</b> 94:12	<b>level</b> 6:9 7:15 28:4	84:18 106:13	<b>Lord</b> 105:12,13	<b>managing</b> 24:13
<b>lady</b> 103:19	28:5,9,11 32:11	121:6	116:13 117:17	38:25
<b>language</b> 97:20	37:4,5 72:7	<b>lively</b> 109:9,16	<b>Lords</b> 51:15,18,19	<b>Mandeville</b> 107:10
<b>lapse</b> 107:12	123:9 126:8	<b>living</b> 96:24 100:8	51:20,24 52:22	108:9
<b>large</b> 87:15,21	128:8	106:9	53:12,12,16,25	<b>manner</b> 81:3
<b>largely</b> 116:18	<b>LGBT</b> 12:21	<b>Liz</b> 1:10,11	54:9,12,16,20	<b>Manual</b> 48:12
<b>Lastly</b> 95:15	<b>LGBTIQA</b> 9:14	<b>local</b> 7:15 12:20	<b>lose</b> 111:2	<b>March</b> 1:1 92:8,10
<b>late</b> 63:25 97:5	<b>libel</b> 115:23	14:21 17:24	<b>lot</b> 36:1 39:13 61:4	129:14
115:1	<b>lies</b> 29:1	19:16,22 20:25	62:9 67:7 68:3	<b>mark</b> 98:15 128:5
<b>lavatory</b> 115:3	<b>life</b> 21:10 52:21	27:22 28:5,17	<b>loudly</b> 13:12	<b>marked</b> 124:12
116:3	53:4,18 57:17	30:14,14 32:10	<b>low</b> 28:9,11 32:19	<b>married</b> 41:1
<b>law</b> 83:5 97:6	73:21,25 97:17	37:4,5 39:4	<b>lowest</b> 34:10	<b>Martin</b> 24:23
99:12	98:11 101:24	124:13	<b>Lucy</b> 24:9	33:11
<b>lead</b> 108:17	107:12 108:20	<b>locally</b> 29:8 30:17	<b>Luffingham</b> 41:24	<b>material</b> 10:3 61:5
<b>leader</b> 14:24 17:6	<b>lifetime</b> 98:10	<b>location</b> 40:9	42:7	111:25 114:19,24
17:9 41:17	<b>lifetimes</b> 99:25	<b>London</b> 99:17,18	<b>lurid</b> 106:11	<b>materials</b> 57:20
	<b>light</b> 76:5 96:2	<b>long</b> 2:9 19:8		

<b>Matt</b> 3:16 4:5,9 11:16 12:2,11 13:7 29:23	100:10,11,13 124:10	<b>merit</b> 65:2 66:1 68:22 72:17,18 106:18	<b>monarch</b> 56:5	12:21 31:19 33:3 117:13 127:20
<b>matter</b> 13:20 21:17 25:2 29:17 34:24 38:13 53:15 69:16 74:19 96:18,21 100:14,21 102:5 117:16,21 127:14 129:7	<b>medical</b> 68:8 81:16 <b>meet</b> 92:14,22 <b>meeting</b> 36:25 40:15 92:10 100:9 <b>meetings</b> 5:3 <b>meets</b> 63:12 <b>member</b> 2:9 3:15 9:24 10:12 17:8 18:13 27:11 28:3 28:22 34:3 42:11 63:6 80:4 94:21 96:25 114:22 129:4	<b>merits</b> 65:4 <b>message</b> 12:15 13:7,7 15:19,21 <b>messaged</b> 29:23 <b>MI5</b> 122:12 <b>Michael</b> 116:9 <b>Midlands</b> 34:1,6 34:12 <b>mild</b> 120:1 <b>mind</b> 27:12 41:18 49:19 61:3 108:23 118:15 122:3 <b>minds</b> 126:1 <b>Minister</b> 53:21 54:14,15 56:6,7 56:12 57:21 63:14 70:13 105:15,17 106:24 108:3 109:7,10 109:12,17,23 129:3	<b>months</b> 2:8 34:21 34:21 35:22 36:22 40:20 43:2 43:15 44:14 82:6 89:7 90:4,6 <b>months'</b> 94:7 <b>moral</b> 117:12 <b>morally</b> 41:13 <b>morning</b> 1:3 40:6 51:7 125:1 <b>mother</b> 18:8 19:11 19:12 41:1 <b>move</b> 31:1 51:2 94:16 96:10 <b>moved</b> 39:9 <b>moving</b> 72:11 107:6 <b>MP</b> 40:9 41:13 129:6	<b>neither</b> 20:4 96:3 <b>never</b> 34:7,17 83:24 98:4 101:4 127:17 <b>new</b> 25:23 27:21 28:19 36:24 39:3 39:21 52:5 54:23 58:15 88:15 102:3 105:7 106:25 <b>newer</b> 114:4 <b>news</b> 106:7 <b>Nicholas</b> 129:6 <b>Nick</b> 24:23 33:11 <b>nine</b> 60:23 62:22 <b>no-fault</b> 18:25 42:12 <b>nods</b> 18:21 56:9 70:18,22 <b>nominate</b> 57:24 61:6,7,10 <b>nominated</b> 68:9 72:19 <b>nominating</b> 61:17 128:3 <b>nomination</b> 49:3 59:25 60:1,10,11 60:11,16,21 61:24 127:3 <b>nominations</b> 49:7 49:8 57:24 58:16 59:17 60:5,20 62:2 65:3 <b>nominee</b> 70:15 71:15,16 73:15 126:3 127:10 <b>nominee's</b> 65:24 <b>nominees</b> 60:22 70:13 95:1 <b>normal</b> 18:9 93:20 <b>normally</b> 44:25 112:24 <b>Northern</b> 49:23 <b>notable</b> 58:4 111:10 <b>note</b> 77:13,18,24 78:1,5 81:8 88:9
<b>MBE</b> 91:14 <b>MBEs</b> 52:3 <b>McNamara</b> 44:22 45:7,8,11,12 47:1 47:6,19 48:4 59:1 64:5,9 70:10 77:13 82:3 86:12 96:11 98:24 101:21 111:6 113:1,6 120:16 121:6 123:5 128:14,18 128:20 129:23 <b>McNamara's</b> 47:15 <b>mean</b> 9:19 23:8 26:14 36:9 69:20 72:14,18 74:2 82:9 90:5 95:18 99:1 101:9 104:22 114:1 118:14 125:11 127:23 <b>meaning</b> 73:7 <b>means</b> 2:12 11:4 28:12 35:18 80:20 85:8 107:21 <b>meant</b> 77:11 81:11 82:25 123:23 <b>measure</b> 60:3 <b>media</b> 64:17,20 98:19 99:1,24	<b>members</b> 5:4 6:22 7:7,14 11:16,22 13:14,18 15:12 21:17 25:15 27:8 28:8 30:17,20 31:9,13,18 34:24 36:15 37:2,6 38:2 39:6 49:7 54:16 56:15 61:10 63:4 64:14 64:19,20 66:20 80:12,16,23 88:1 100:8 116:11,16 116:16 <b>members'</b> 28:15 <b>membership</b> 5:24 9:18,20 18:20 30:18 36:7 42:6 78:21 <b>memo</b> 121:22 <b>memory</b> 24:9 <b>men</b> 73:23 95:24 <b>mental</b> 93:10 <b>mention</b> 24:21 52:11 54:2 69:16 72:24 89:24 118:4 <b>mentioned</b> 37:7 49:16 56:14 59:4 66:11 74:22 78:7 80:16 81:8,9,14 98:12 106:15 112:9	<b>Minister's</b> 55:2,6 55:17,22 119:16 <b>Ministerial</b> 48:11 <b>ministers</b> 48:6 54:16 <b>Ministry</b> 55:14 <b>minute</b> 58:23 109:1 <b>minutes</b> 74:22 112:24,25 128:23 <b>misconduct</b> 87:1 <b>missed</b> 18:23 99:25 <b>mixture</b> 116:22 <b>Mmm</b> 106:17 <b>Mmm-hmm</b> 51:8 52:19 59:8 <b>models</b> 66:23 <b>modern</b> 57:2 111:2 <b>moment</b> 36:8 37:23 51:11 62:12 74:21 88:11 <b>moments</b> 66:12	<b>name</b> 1:8 23:23 40:8,16 45:10 94:19 107:24 108:4,7,10 <b>named</b> 14:6 <b>names</b> 109:16 <b>naming</b> 109:16 <b>narrow</b> 32:21 <b>national</b> 7:14 27:23 28:4 30:19 39:4 124:13 <b>nationally</b> 29:8 <b>nature</b> 8:16 26:5 110:22 <b>near</b> 71:8 99:10 <b>nearing</b> 39:12 <b>necessarily</b> 57:11 73:12 123:24 <b>necessary</b> 22:9 <b>need</b> 8:9 21:9 25:24 36:19 42:17 64:15 71:5 86:10 94:18 99:13 <b>needs</b> 6:10,19 7:6	
			<b>N</b>	
			<b>N</b> 129:17	

88:21 92:9 105:14,21 <b>notes</b> 83:10 105:16 <b>notice</b> 43:2 81:1 117:4 <b>Noticeably</b> 98:24 <b>noticing</b> 112:23 <b>notified</b> 20:16 <b>notwithstanding</b> 94:12 <b>novel</b> 94:11 <b>November</b> 10:10 11:5 12:13 13:13 15:21 77:18 113:12 <b>nudges</b> 107:7 <b>number</b> 20:1 38:4 42:19 51:6 55:9 72:1 87:16 89:14 92:18 123:15 <b>numbers</b> 33:17 92:24 <b>nutshell</b> 97:16	<b>occasions</b> 21:8 <b>occur</b> 39:17 110:21 <b>occurred</b> 89:19 <b>occurring</b> 27:15 27:15 <b>October</b> 4:9 91:20 93:7 109:1 <b>offence</b> 90:21 115:21 119:18,21 119:25 <b>offences</b> 10:13,24 11:14 13:3 15:3 28:25 29:3 87:18 88:25 89:18 93:8 119:13 120:2 <b>offend</b> 116:15 <b>Offenders</b> 74:3,10 <b>offending</b> 90:18 <b>offered</b> 4:7 61:8 <b>offers</b> 108:18 <b>offhand</b> 22:20 <b>office</b> 8:17 20:17 43:4 45:13,17,20 47:23 48:6,7,9 49:24 51:23 55:12 61:5 104:12 110:9 115:13 116:9 121:10,13 123:21 125:8 129:4 <b>officer</b> 3:17,18 29:8 37:3 42:6 <b>officers</b> 116:14 117:4,15 <b>offices</b> 47:22 48:5 48:7 <b>official</b> 45:12 64:20 82:22 <b>Oh</b> 15:22 58:21 <b>okay</b> 44:9 73:17 <b>old</b> 36:22 102:2 103:19 111:8 <b>older</b> 125:1 <b>once</b> 18:5 26:2 39:7 97:1,15,17 103:20 120:9,9 120:21 <b>one-size-fits-all</b>	72:8,13 <b>ones</b> 98:22 114:12 <b>ongoing</b> 85:20,23 127:19 <b>onwards</b> 76:24 <b>open</b> 6:22 57:23,24 60:11 71:24 <b>openness</b> 61:4 <b>operate</b> 37:23 77:7 113:17 120:10 <b>operated</b> 124:23 <b>operates</b> 56:7,24 59:21 80:10 <b>operating</b> 37:21 46:15 <b>operation</b> 57:14 59:18 <b>operational</b> 2:13 <b>opportunity</b> 44:24 79:17 <b>oppose</b> 41:21 <b>opposed</b> 2:14 <b>opposite</b> 83:16 126:12 <b>order</b> 54:16 57:3 62:5 77:3 85:11 86:10,20 88:6 116:8,8,10,11,14 116:16 117:5,15 117:20 <b>ordered</b> 93:19 <b>ordinary</b> 57:5 <b>organisation</b> 2:13 5:17 23:22,24 24:16 28:2,3 29:19 30:14 33:16 36:4 48:19 51:16 68:7 115:18,19 <b>organisational</b> 5:13 36:13 <b>organisations</b> 24:14 <b>organised</b> 53:5 <b>organising</b> 7:7 103:7 <b>orientation</b> 6:4 <b>ought</b> 21:5 74:6 <b>oughtn't</b> 66:3	<b>outcome</b> 94:1 <b>outraged</b> 117:16 <b>outside</b> 9:5 27:16 32:23 35:7 38:22 53:18 <b>outstanding</b> 20:9 <b>overarching</b> 5:5 <b>overarchingly</b> 72:14 <b>overcome</b> 99:19 <b>Overseas</b> 55:3,11 <b>oversee</b> 50:6 <b>overseeing</b> 2:13 3:1 12:8 <b>oversight</b> 48:1,23 49:16 50:25 77:1 <b>overview</b> 66:17	<b>palace</b> 98:6 <b>palaces</b> 64:18 <b>panel</b> 44:7 45:16 46:22 47:4 64:7 77:13 80:10 128:16 <b>paper</b> 78:6 96:21 97:7 100:5,9 101:22 122:2,18 <b>papers</b> 67:12 70:19 93:3 115:4 118:16 125:13 126:19 128:6 <b>paragraph</b> 15:11 17:7 18:2 19:14 20:6 24:22 25:4 26:3,4,18 29:20 30:3,16 31:1,24 37:25 42:16 47:21 49:18 50:13 54:4,5,22 55:23 58:23 59:1 60:7,8 62:19 65:18 66:10 70:9 71:14 73:9,9 76:10 82:2 88:20 88:23 91:13,17 93:12,25 94:19 95:23 97:4,10,13 97:25 98:6 99:11 100:4 101:15 110:11,19,24 115:15 116:12 117:11 119:9 121:5,8 127:1 <b>paragraphs</b> 31:21 89:25 105:20 117:9 123:3 <b>parallel</b> 61:13 <b>paramount</b> 6:2 <b>parcel</b> 113:22 <b>parent</b> 7:10 <b>parent-teacher</b> 61:16 <b>parliament</b> 52:14 <b>part</b> 5:16 10:21 41:2 52:22 53:1 55:2 86:3,3 87:21 109:3	
<b>O</b>			<b>P</b>		
<b>O'Byrne</b> 128:24 128:25 <b>O'Connor</b> 44:23 44:23 45:7,9,10 112:23 113:6 128:14,20,22 129:1,25 <b>OBE</b> 88:15 89:16 89:20 91:14 94:20 95:1,12 97:11 104:14 110:6 <b>OBEs</b> 52:3 70:20 <b>obscene</b> 114:24 <b>obtained</b> 121:9 123:7 <b>obviously</b> 12:20 24:2 75:8 80:2 86:2,22 101:2,22 104:14 109:8 111:25 118:8 125:19 126:1,18 <b>occasion</b> 92:18 <b>occasionally</b> 52:12			<b>paedophile</b> 40:23 114:22 115:18 <b>paedophilia</b> 111:3 111:11 112:9 <b>paedophiliac</b> 110:22 <b>page</b> 3:13,19,24 4:2 5:10,11,21 7:17 8:3,6,8,8,11 10:22 16:24 18:3 23:11,12 24:7,17 24:22 25:3,18 26:1,17 29:16,20 31:1,3,6,23 33:23 35:10 41:7,23 54:4 55:24 58:24 60:6,8 64:14,15 70:8,10 71:20 77:23 82:17 88:8 88:11,14 89:1 90:24 93:3,16,25 94:17 95:16,25 97:24 99:15 103:22 107:6 108:1 117:9 119:6 121:5 122:5 <b>pages</b> 24:5 26:17 35:11 77:22 <b>paid</b> 69:22 89:12		

113:22 122:24 126:15,24 <b>particular</b> 19:24 20:10 24:19 34:25 43:25 47:20 60:15 61:1 72:5 74:15 82:21 83:13,15 85:1 88:9 89:11 90:14 120:18 125:3,24 <b>particularly</b> 12:6 45:19 60:1 84:1 100:23 122:4 125:1 127:6 <b>partly</b> 92:19,20 <b>partner</b> 9:5 <b>parts</b> 55:7 <b>party</b> 1:22 2:5,6,9 2:14,14 3:15 5:3 5:24 6:16,17 7:13,15,20 8:15 9:12,13,24 10:12 10:18 11:10,15 11:16,20,21,23 11:25 12:4 13:14 13:17,23,25 14:9 14:12,24 15:12 18:8,13,22 19:1 19:23 20:5,14,22 21:5,15,17,19 23:20 24:23 25:16,21 26:19 27:5,9,11,15,21 27:22,24 28:5,8 28:17 29:4,8,13 30:5,14,17,18,19 30:20 31:5,9,13 31:18 32:1,9,11 32:15,18,19,21 32:24 33:3,7,18 33:25 34:3,8 35:3,7 36:11,15 37:3,13 38:2,7,8 38:10,12,14,24 39:2,3,6,17 40:11 41:15 43:10,13 43:14 44:18 <b>party's</b> 17:9 23:16 25:11 28:7 32:5	33:14,16 34:2,23 38:16 <b>pass</b> 37:4 112:22 <b>passages</b> 86:23 <b>passed</b> 14:8 34:7 41:23 112:20 114:2 <b>passing</b> 113:22 <b>pasted</b> 3:20 4:6 <b>patients</b> 104:3 <b>Patrick</b> 122:10 <b>pattern</b> 64:23 <b>Paul's</b> 116:18 <b>Pausing</b> 34:5 60:15 103:10 121:10 <b>pays</b> 103:19 <b>peaceful</b> 45:20 <b>peerage</b> 53:9,14,15 53:19,24,25 <b>peerages</b> 52:22 53:5,18 54:14 <b>peers</b> 54:18 <b>pending</b> 18:9 38:8 <b>penetration</b> 11:1 <b>pensioners</b> 103:7 103:19 <b>people</b> 5:2,7,14 6:1 6:3,8,12,19,24 7:9 8:10 11:15 21:9,18,21 22:5 26:15,20,24 28:18,22 30:19 31:11,12,25 32:13 35:6 36:9 37:3,11 48:19 49:9,12 54:15,17 54:18 56:17 57:5 57:8,11,25 58:2,5 61:11,14,25 65:15,17 66:14 66:22 67:1 69:12 71:3,11 72:17 73:7 79:8 80:8 81:14 87:24 95:18,21 98:3 100:21 101:1 111:4 118:14,18 119:12 126:2	128:4,11 <b>perform</b> 69:5 <b>performed</b> 66:13 <b>performing</b> 47:23 <b>period</b> 2:23 23:1 29:4 76:19,23 85:24 91:24 <b>Permanent</b> 49:23 50:5,25 58:11 64:20 65:11 77:2 78:21 115:12 <b>perpetrating</b> 124:18 <b>person</b> 7:5 26:12 40:23 65:8,9 66:21 69:7 72:20 75:9,25 94:19 96:12 97:15 101:9 112:4 119:23,24 <b>personal</b> 2:21 109:22 <b>personality</b> 110:14 <b>perspective</b> 62:10 <b>persuasion</b> 111:4 <b>Peter</b> 114:10,11,16 115:17,20 116:13 116:20 117:2,24 118:10 119:3 125:4 <b>Peter's</b> 116:25 <b>Peverett</b> 88:10,24 <b>Peverett's</b> 89:16 <b>Phillips</b> 50:5 58:10 <b>Phillips'</b> 59:9,12 <b>Phipps</b> 11:17 12:1 12:11 13:8 <b>photographs</b> 10:25 <b>phrase</b> 73:1,2 123:13 <b>PHSC</b> 54:7 66:25 70:17 84:20 121:23 123:16,18 123:22 124:4,7 125:21 <b>physical</b> 5:18 7:4 <b>picking</b> 103:23 <b>picture</b> 16:13	85:13 <b>PJ</b> 122:10 <b>place</b> 34:17 44:4 65:21 66:7,9 76:7 90:16 91:2 92:21 116:2 <b>plain</b> 123:16 <b>plan</b> 40:21 <b>planning</b> 5:13 6:20 6:23 <b>play</b> 72:23 <b>played</b> 16:17 <b>playing</b> 16:21 <b>plead</b> 93:10 <b>pleaded</b> 88:24 <b>please</b> 1:8 3:11 4:23,24 9:10 16:5 18:2 23:10 25:3,18 26:18 29:15 31:1,2 35:8 37:24 39:23 45:10 47:3 49:19 55:23 64:6 65:19 70:8 82:17 88:8 88:9 89:1 91:11 92:6 93:3 94:16 96:10 97:2,24 102:1 105:2 114:12 115:5,15 119:9 120:12 121:3 123:2 <b>pm</b> 113:4 129:12 <b>point</b> 7:22 18:24 21:24 35:21 46:13 58:25 65:25 67:10 70:17 71:10,15 72:15 73:5 82:18 85:15 86:1 90:2 92:2 94:13 95:17 96:5,8,10 97:4,22 98:11 107:8 113:20 120:25 121:1,6,22 122:3 125:12,16 <b>pointed</b> 27:1 <b>pointing</b> 88:2 <b>points</b> 58:25 68:19 84:19 99:16	120:24 <b>police</b> 34:1,6,12 41:9 67:6 68:13 71:9 81:22 88:4 94:25 95:13 96:2 112:20,22 113:22 114:2,6 122:18 123:10,22 124:4 127:6 129:6 <b>policies</b> 25:22,23 26:10 37:16 113:25 <b>policy</b> 1:22 2:1,17 2:25 3:1,11 4:7 4:10,11,12,23,24 5:8,11 7:16,20 8:15 9:4 24:20 27:24 28:7,13,14 28:18,19 34:2 35:4 36:17,23,24 38:17,23 39:21 48:10,10 49:1,6 50:24 78:2,14,19 78:20 89:24 97:9 98:1,8 99:14 100:7,17 119:8 119:17 120:4 123:14 <b>policy'</b> 7:11 <b>political</b> 2:15 21:6 66:12 111:4 120:20 <b>politics</b> 123:10 124:13 <b>popular</b> 106:5 <b>pornographic</b> 114:19 <b>porter</b> 103:9 <b>position</b> 3:2 20:24 40:10 44:19 76:16 86:7 97:8 97:14 119:24 124:17 <b>possibility</b> 27:12 78:25 79:10 113:21 <b>possible</b> 28:17 34:1 65:22 92:12 99:23 104:6
--	---	--	--	--

109:4 111:8 117:20 118:12 <b>possibly</b> 9:25 115:9 116:16 <b>post</b> 3:6,8 114:24 <b>postdated</b> 19:21 <b>posthumous</b> 96:13 99:22,23 <b>posting</b> 41:7 <b>potential</b> 5:15 39:5 111:21 127:4 <b>pounds</b> 103:6 <b>power</b> 40:10 124:16 <b>powerful</b> 124:20 <b>practical</b> 97:25 <b>practice</b> 18:10 33:19 46:11,11 127:3 <b>praise</b> 108:17 <b>pre</b> 109:19 <b>precautionary</b> 5:13 <b>precedent</b> 94:3,6 <b>precious</b> 69:9 72:16 74:25 <b>precisely</b> 80:21 100:16 125:12 <b>predated</b> 33:16 <b>predates</b> 42:8 <b>predecessor's</b> 123:25 <b>prefer</b> 69:10 117:18 <b>preferential</b> 118:10 <b>preferred</b> 73:1 <b>prelate</b> 117:1 <b>premiership</b> 104:25 <b>Prep</b> 88:18 <b>Preparatory</b> 88:17 <b>prepared</b> 39:3 120:22 126:13 <b>present</b> 46:11 116:21 126:16 <b>presentation</b> 69:24 <b>presentational</b> 69:16 106:15,19	117:12 <b>presented</b> 125:20 <b>press</b> 13:14 20:17 81:2 97:4 106:5 107:1 108:6,19 123:11,20 <b>pressing</b> 109:7 <b>presumably</b> 2:21 3:3 10:11 11:16 21:5 27:3 <b>presume</b> 100:18 <b>pretty</b> 16:23 67:6 <b>prevent</b> 17:15 76:7 127:13 <b>preventative</b> 5:12 <b>preventing</b> 30:1 <b>previous</b> 6:9 27:24 67:18 94:8 108:15 124:14 <b>previously</b> 17:10 38:17 66:13 70:14 120:17 122:11 <b>Pride</b> 12:18,19,24 29:16,21,25 30:4 30:5,10 <b>primarily</b> 32:16 63:9 <b>primary</b> 64:25 <b>Prime</b> 53:21 54:14 54:15 55:2,6,17 55:22 56:6,7,12 57:21 63:14 70:13 105:15,17 106:24 108:3 109:7,10,12,17 109:23 119:16 129:3 <b>principle</b> 6:11 <b>principled</b> 97:14 <b>principles</b> 5:5,22 <b>prior</b> 121:14 <b>Prioritising</b> 28:21 <b>private</b> 12:15 15:19,21 47:22 48:5 107:12 108:20 <b>Privy</b> 48:7 <b>proactively</b> 65:23	<b>probably</b> 16:3 28:12 34:6 37:21 48:22 55:19 100:12 112:25 114:17 115:9 120:2 <b>probity</b> 60:1,3 63:16,23,25 65:20 66:14 68:4 68:21 69:19,21 70:11 71:10,15 71:16 75:3 76:3 76:4 <b>problem</b> 32:14,20 34:10 37:12 99:17 109:3 126:10,14 <b>problems</b> 21:11 34:5 99:18 <b>procedural</b> 24:20 36:18 <b>procedure</b> 7:11 27:22 <b>procedures</b> 5:14 7:15,19 25:22,23 28:8 33:19 35:4 37:14,17 113:9 113:13 <b>proceedings</b> 127:20 <b>process</b> 17:16 19:2 19:4,5,9 49:3,6 49:11 50:22 52:23 53:1,18,23 53:25 54:11,19 56:10 58:15,19 58:22 59:15,25 60:11,16,21 61:1 61:22 62:10,13 65:10 68:16 71:7 75:22 78:19 79:21,21 80:1 81:6 82:10 83:2 83:2 85:19,22 86:1 91:3,4 92:5 112:3,10 113:15 114:5 127:11,21 <b>processes</b> 10:18 28:1 35:5 46:7	46:15,16 53:10 96:6 125:9 <b>produce</b> 3:12 61:11 65:13 <b>produced</b> 2:25 3:15 <b>product</b> 52:8 55:25 <b>profession</b> 71:18 102:19 103:5 <b>professional</b> 12:5 12:8 16:4 33:17 35:16 36:4 68:6 68:8,12 71:17 81:13,23 82:7 83:3,5 85:10,10 87:1 <b>programme</b> 37:1 <b>progress</b> 124:13 129:7 <b>prominence</b> 124:17 <b>prominent</b> 57:7 <b>promiscuity</b> 109:3 <b>promote</b> 12:21 <b>prompt</b> 20:2 <b>prompted</b> 123:19 <b>properly</b> 80:7 95:10 129:7 <b>proportionate</b> 65:20 <b>proposal</b> 102:5 120:19 <b>proposed</b> 35:24 72:7 120:15 <b>proposing</b> 103:12 <b>propriety</b> 48:10 63:24 65:21 <b>prosecute</b> 124:3 <b>prosecuted</b> 114:23 114:25 <b>Prosecutions</b> 123:19 <b>Prosecutions'</b> 123:21 <b>prospect</b> 127:21 <b>protect</b> 4:24 5:2,14 26:15 65:22 116:19	<b>protected</b> 6:13 <b>protecting</b> 32:17 73:6 87:5 <b>protection</b> 6:6 <b>prove</b> 41:19 <b>provide</b> 5:4 34:15 34:16 38:14 <b>provided</b> 47:1 57:20 72:5 96:21 103:17 <b>provides</b> 39:7 <b>providing</b> 122:14 <b>public</b> 1:4 45:23 48:9,9,10 49:5,7 57:6,17 58:9 59:7 60:10,16 61:10,17,24 68:5 69:14 74:1,2 79:19 80:4,16,23 88:1 94:21 96:18 104:9 106:10 108:23 110:22 114:7,7 115:3 116:1,3,17 119:25 123:19,21 124:17 128:12 129:4 <b>publicity</b> 15:17 16:6,8 26:21,25 116:4,24 117:5 <b>published</b> 52:4,11 58:15 72:6 107:11 <b>pulled</b> 17:8 <b>pulls</b> 105:3 <b>pupils</b> 61:16 <b>purpose</b> 4:23 25:8 25:10 67:1 121:5 <b>purposes</b> 4:22 5:8 51:10 <b>pushed</b> 108:7 <b>pushes</b> 109:14 <b>put</b> 1:18 10:16 14:25 16:10 23:10 28:15 40:8 49:4,10 53:24 61:2 65:17 75:15 75:17 79:17 81:6 92:21 102:16
---	---	---	---	---



126:22 128:4,8 <b>putting</b> 34:10 46:6 76:8 115:19 126:7	97:25 103:5 <b>raises</b> 26:6 <b>raising</b> 35:1,5 <b>random</b> 67:19 <b>rape</b> 10:25 17:6 40:20 <b>raping</b> 17:11,20 <b>rationalised</b> 111:2 <b>reaches</b> 79:18 <b>reacted</b> 30:13 <b>reaction</b> 30:15 <b>read</b> 4:20 16:23 17:1 26:23 31:14 36:20 46:19 60:19 83:4 105:14,21 107:25 <b>reading</b> 17:7 52:20 98:14 99:11 101:5,13,14,17 <b>reads</b> 16:18 33:21 40:6 103:4 <b>real</b> 36:10 <b>realised</b> 23:8 <b>really</b> 2:1 20:3 26:1 32:12 57:2 58:8 74:19 75:8 87:16 100:20 101:11 113:20 114:9 118:2,7 120:4,24 126:10 <b>reason</b> 1:6,9,14,16 2:4 12:23 15:8 15:18 24:4 35:14 39:23 44:6,8,10 83:13,15 87:11 97:14 101:5 102:14 104:13 129:19 <b>reasonable</b> 100:20 <b>reasoning</b> 98:24 123:25 <b>reasons</b> 26:18 29:12 44:13 86:25 97:8 121:15 <b>reassure</b> 7:25 <b>reassuring</b> 8:5 <b>recall</b> 84:18 <b>receive</b> 79:4 129:8	<b>received</b> 21:16 43:6,10 84:16 91:16 111:17 112:7 120:13 <b>receiving</b> 49:6 73:11 <b>recipient</b> 40:3 76:12 79:16 112:7 <b>recipients</b> 78:24 <b>recognise</b> 5:25 72:21 <b>recognised</b> 74:6 89:20 <b>recognising</b> 5:17 69:14 <b>recognition</b> 5:19 107:9 <b>recommend</b> 54:15 78:20 91:8 100:6 106:24 116:14 117:6 119:11,17 119:20 <b>recommendation</b> 34:22 53:21 62:2 82:22 84:5 85:5 91:6 102:20 103:1 120:3 <b>recommendatio...</b> 85:3 <b>recommendations</b> 10:19 23:4 33:23 35:13 36:19 38:19,20 39:13 59:9,17 78:6,18 79:21,24 109:22 <b>recommended</b> 54:13 71:12 96:4 108:5 <b>recommending</b> 94:4 102:22 107:9 <b>recommends</b> 96:3 <b>record</b> 32:4 33:15 40:18 42:17 43:12 47:16 69:23 73:14,25 104:13 <b>record'</b> 42:2	<b>recorded</b> 108:3 126:20 <b>records</b> 42:19 44:1 44:2,3,12 70:12 70:20 71:25 <b>recruited</b> 63:7 <b>recurrence</b> 117:3 <b>red</b> 28:23 <b>redacted</b> 40:7,9,10 40:16 86:23 94:20 <b>refer</b> 54:9 62:7 66:11 81:25 82:2 114:5 119:2 <b>reference</b> 24:18 25:4,6,7 27:14 31:6 43:9 53:13 70:16 74:9 95:22 99:1,11 100:12 103:22 104:15 108:6 113:21 120:7 121:9,19 <b>referral</b> 37:19 <b>referred</b> 26:9 51:6 59:13 60:17 85:16 87:10 106:8 112:4 120:21 129:2 <b>referring</b> 59:23 77:20 83:8 <b>reflect</b> 87:21 89:12 <b>reflected</b> 89:24 <b>reflects</b> 82:21 <b>Reform</b> 53:13 <b>reforms</b> 57:22 58:12 59:4 <b>refused</b> 91:20 <b>regard</b> 30:16 89:11 <b>regarded</b> 67:21 124:3 <b>regardless</b> 6:3 106:18 <b>regards</b> 10:13 86:7 116:13 <b>regional</b> 2:14 7:14 19:1 <b>register</b> 81:16 <b>registered</b> 20:7	<b>regular</b> 59:18 <b>regularly</b> 92:22 <b>regulated</b> 24:14 71:18 <b>regulator</b> 82:7 <b>regulators</b> 71:17 <b>regulatory</b> 127:7 <b>Rehabilitation</b> 74:3,10 <b>relate</b> 31:7 86:6,15 <b>related</b> 90:10 <b>relates</b> 102:9 <b>relating</b> 20:10 26:10 91:12 101:25 <b>relation</b> 1:25 2:2 13:9 18:3 21:15 26:2 109:1 119:16,25 <b>relations</b> 40:14 <b>relationship</b> 9:21 50:17 51:23 <b>relative</b> 13:17 <b>relatively</b> 23:1 95:21 <b>released</b> 26:2 <b>relevant</b> 2:23 7:6 63:5 72:6 84:6 105:20 112:1 <b>reliability</b> 119:23 <b>religious</b> 6:4 <b>remained</b> 100:17 <b>remarkable</b> 123:11 <b>remember</b> 1:16 10:5 15:16 19:7 43:3 95:4 107:8 115:16 <b>remembered</b> 42:1 <b>remembering</b> 52:20 <b>remotely</b> 99:10 <b>removal</b> 53:9,15 53:17 <b>remove</b> 54:21 104:9 <b>removed</b> 53:14 99:4 113:10,24 <b>removing</b> 74:23
<b>Q</b>				
<b>qualified</b> 41:1 <b>Queen</b> 53:20 54:13 56:4,15,17 63:14 91:6,7 117:19 <b>Queen's</b> 54:23 <b>question</b> 9:3,9 26:12 43:25 60:4 68:21,22 72:11 72:13 75:16 76:11,17 79:14 80:18,20 82:8 84:23 93:15,21 93:24 96:11,15 98:16 100:2 119:22 120:1 122:14 125:19 127:11 128:5 <b>questions</b> 4:3 15:9 44:7,8 47:19 51:4 59:24 66:8 89:22 92:3 101:21,25 113:1 114:8 120:12 124:2 128:15,16 128:17 <b>quick</b> 97:2 <b>quickly</b> 23:5,8 54:3 <b>quiet</b> 108:18 <b>quite</b> 15:23 22:7 39:19 43:20,21 66:16 69:11,19 87:12 89:25 92:18 109:9 120:25 <b>quits</b> 17:6				
<b>R</b>				
<b>race</b> 17:6,9 <b>racial</b> 6:4 <b>raise</b> 27:23 33:3 41:2 <b>raised</b> 26:21 33:5				

75:4	<b>resist</b> 99:23	28:17 36:13	<b>rough</b> 102:8	107:2,14,15
<b>rendezvous</b> 110:15	<b>resolution</b> 37:18	46:16,20 47:25	<b>roughly</b> 49:12	108:13,16 110:2
<b>rent</b> 110:16,18	<b>respect</b> 28:24 72:5	51:2 53:8 55:10	<b>round</b> 58:16 63:12	110:5,14 111:22
111:7	116:21	59:22 62:18,20	<b>route</b> 54:17 60:15	<b>Savile's</b> 106:4
<b>repeated</b> 123:13	<b>respond</b> 41:18	64:22 65:15,18	61:1,17,24 68:12	108:4
<b>replicated</b> 64:23	<b>responded</b> 79:25	66:5,21 68:2,21	<b>routes</b> 60:10 61:23	<b>saw</b> 32:16 43:19
<b>reply</b> 43:17	<b>responds</b> 45:25	69:2,25 70:4,19	<b>routinely</b> 94:25	101:23 104:23
<b>report</b> 8:2 10:6,7	108:12	70:25 71:6 72:10	<b>Royal</b> 56:18 64:18	<b>saying</b> 13:1 14:5
10:17,17 11:7	<b>response</b> 25:11	72:12 78:7 83:6	<b>RTA</b> 105:8	20:17 27:10
21:21 22:18,20	28:4 29:24 35:15	86:23 87:3 90:8	<b>rule</b> 31:12 89:2,3	48:22 62:8 68:13
23:3,5,19 24:16	38:5	90:20 93:1 94:14	<b>rules</b> 89:21	76:2 80:23 83:24
25:25 26:13,23	<b>responsibilities</b>	95:19,20 100:12	<b>run</b> 3:23 11:23,25	84:8 100:19
27:2 29:12 31:16	7:8 31:5 34:13	102:23 106:18	49:2,3,6	108:3
31:23 33:8,12,13	<b>responsibility</b> 2:12	121:11,18 122:20	<b>runners</b> 17:13	<b>says</b> 20:20 31:16
34:25 35:11	7:12 26:14 28:22	128:10	<b>running</b> 48:5	42:2 61:12 98:14
36:22 38:14 58:9	29:1,4,7 49:1,21	<b>right-minded</b>	56:11	103:18 104:2
58:10 59:12	50:22 68:14 69:9	111:4	<b>runs</b> 24:4 58:16	105:25 113:11
78:17 101:9	76:25 81:1	<b>ring</b> 111:19	68:22 103:8	119:9
120:22 121:3	<b>responsible</b> 2:25	<b>ringing</b> 104:18,21		<b>scandalous</b> 106:8
123:2 124:21	48:6 49:4 51:16	<b>rise</b> 34:3 35:1	<b>S</b>	<b>scheme</b> 87:16
<b>reported</b> 31:19,20	58:11 68:2,10	107:15	<b>sacked</b> 40:14	<b>school</b> 61:17 88:19
39:6	78:2	<b>rising</b> 17:5,8	<b>sadly</b> 71:1 88:4	<b>Schools</b> 88:17
<b>reporters</b> 110:13	<b>rest</b> 68:14 82:15	<b>risk</b> 5:3,15 6:2,12	<b>sadness</b> 116:24	<b>Scott</b> 24:9
<b>reporting</b> 8:5,12	87:10	6:20,24 26:7,24	<b>sado-masochistic</b>	<b>Scott-Moncrieff</b>
35:6 121:24	<b>result</b> 16:7 37:15	27:6 29:5 73:23	16:17,21	24:9
<b>reports</b> 59:18 78:4	42:21 73:12	79:16 107:16,19	<b>safeguarding</b> 1:22	<b>screen</b> 16:10 23:10
108:6 110:22	<b>resulted</b> 32:8	124:9 126:7,13	2:1,17,24 5:6,12	47:3 64:7 86:9
<b>represent</b> 94:10	<b>resulting</b> 5:16 82:5	126:22 128:12	5:17,22 6:11,23	119:6 122:6
<b>representations</b>	<b>retain</b> 116:5	<b>risk'</b> 26:13	7:8,11,16,20	<b>screens</b> 1:18
101:3	<b>reveal</b> 44:2	<b>risks</b> 28:10 35:6	26:11,13 27:7,22	<b>scrutinise</b> 63:12,15
<b>representing</b>	<b>revealing</b> 20:21,22	<b>Robert</b> 105:11	27:24 28:7,9,13	<b>Scrutiny</b> 66:12
40:11	<b>revelations</b> 106:4	108:12 109:10	28:14 29:5,9,25	120:20
<b>repugnance</b>	107:1	119:4,7	31:24 32:1,9,13	<b>Seale</b> 24:8
116:22	<b>revert</b> 117:21	<b>Robin</b> 121:24	32:18 33:4,14,19	<b>searches</b> 121:11,13
<b>reputable</b> 23:24	<b>review</b> 35:3,23	122:12,17	34:4 35:2,4,6	121:16
<b>reputation</b> 32:17	36:21,23 37:22	<b>robust</b> 30:15 67:16	36:23 38:16,16	<b>seat</b> 2:22,24
65:24 66:3	38:18,24 96:9	<b>Rochdale</b> 84:20	38:21,23 41:2	<b>second</b> 3:12,19,24
<b>reputational</b> 27:6	<b>reviewed</b> 28:7	120:23 121:2,8	<b>safeguarding'</b> 26:9	4:2 8:5 18:3
63:24 124:9	38:18 75:23 91:1	121:14 122:1,18	<b>safety</b> 7:6 28:21	34:22 60:25
<b>repute</b> 73:10	<b>reviews</b> 24:13	123:4	<b>Saint</b> 116:13	82:18 93:18
127:12	<b>revised</b> 3:1 113:12	<b>role</b> 2:7,11 39:18	117:17	110:11 119:8
<b>requests</b> 113:10	<b>revision</b> 37:15	47:20,24 50:1,19	<b>satisfy</b> 98:18	123:1 129:2
<b>required</b> 5:14	<b>revisions</b> 4:13	54:10 65:1 66:13	<b>Saturday</b> 36:25	<b>second-guess</b> 83:2
20:19 39:15	<b>reward</b> 57:8	66:23 83:21	104:7	83:23 85:17
40:15 91:23	<b>rewarding</b> 61:14	<b>roles</b> 10:2 11:24	<b>Savile</b> 96:20 97:5	<b>secondly</b> 99:21
99:12	<b>right</b> 1:23 6:6,25	12:5 29:3 31:4	97:10 99:1	<b>secretariat</b> 46:17
<b>requirement</b> 27:25	7:21 8:6 12:16	35:16 37:3	101:22 102:9	48:2,18,24 49:2
<b>resigned</b> 19:5,7	14:5 16:8 21:7	<b>Rolf</b> 91:13,16	104:2 105:4,19	50:8,17,19,22
38:9	21:13 22:18	<b>room</b> 1:12	106:8,12,25	51:21,22 58:17

61:9 62:3 65:12 68:2,15,20 75:13 77:14 78:16 81:4 84:5 85:5 94:1,4 96:2,8 103:16 111:25 <b>Secretaries</b> 50:5 64:21 65:11 <b>secretary</b> 51:1 58:11 77:2 105:9 107:7 115:8,9,13 121:23,23 <b>section</b> 56:19 89:2 <b>sections</b> 54:25 <b>Security</b> 122:14,16 <b>see</b> 3:7,25 10:4,9 20:1 23:12 24:17 25:3 31:3 32:1 32:13 35:19 37:24 40:1 44:6 50:13 54:5 64:1 64:9,13,17,17,19 65:6,19 67:12 70:19 71:10,14 72:2 79:6 83:11 86:11,18 87:15 88:10,18,21,23 89:1 90:2,13,25 91:3,13,17,22 92:2,7,11,17 93:6 93:12,18 94:19 94:23 95:16,25 97:10,12,13,25 98:6 99:15 102:3 102:11,18 103:2 103:4 104:15,19 105:7,8 106:6,23 107:6 108:2,5 109:7,9 110:4,9 113:9,11,21 115:7,15 116:7 117:10,22 121:8 121:19,20 122:7 122:13 123:3 <b>seeing</b> 88:1,3 <b>seek</b> 41:13 83:1 <b>seeks</b> 60:2 <b>seen</b> 38:15 57:19 82:12 86:12	109:3 114:13 123:6 128:6 <b>select</b> 26:17 58:9 <b>selected</b> 11:9 14:11 14:23,25 36:5 <b>selection</b> 41:21 127:10 <b>self-explanatory</b> 65:25 <b>sender</b> 40:2 <b>sending</b> 114:23 <b>senior</b> 45:12 67:3 67:22 76:22,25 116:11 <b>sense</b> 86:11 127:16 <b>sent</b> 38:17 40:5 110:8 <b>sentence</b> 11:3 65:20 81:20,21 82:5,25 83:8 84:12 90:5 91:15 91:18 94:6 103:24 110:25 119:18,20 <b>sentenced</b> 15:6 83:20 <b>sentences</b> 48:19 89:7 <b>separate</b> 51:14,16 69:16 96:10 <b>separately</b> 50:11 55:9 <b>separation</b> 6:5 <b>September</b> 24:25 <b>serial</b> 40:23 <b>series</b> 10:12 <b>serious</b> 10:12,23 29:3 43:21 76:4 76:6 89:10,18 90:13,18 94:22 106:20 126:5,8 127:12 <b>seriously</b> 27:7 32:10 90:12 <b>seriousness</b> 75:7 90:21 128:5,9 <b>servant</b> 76:25 114:7 <b>servants</b> 57:6,7	74:2 76:22 <b>served</b> 17:22 56:17 107:12 <b>serves</b> 24:10 <b>service</b> 8:9 48:8,12 48:25 50:2,4 55:11 57:9,9 59:7 69:14 72:3 74:1 89:19 102:17 117:19 122:14,16 128:12 <b>services</b> 90:16 102:15 <b>set</b> 5:21 7:10 12:20 15:8 25:14 51:18 57:21 75:21 76:2 76:3 82:4 92:23 93:2 97:13,20 101:17 104:18,21 120:22 125:20,23 <b>sets</b> 25:8 26:1 31:8 35:13 <b>seven</b> 59:10 86:19 103:23 <b>severity</b> 74:15 <b>sex</b> 40:13,19 84:15 86:16,25 87:18 87:25 <b>sexual</b> 6:4 10:12 10:25 13:4,5,6 20:11 28:25 29:3 46:1 84:10 86:8 90:10,11 93:8 109:2 <b>shadow</b> 14:4 <b>share</b> 107:23 <b>sharpening</b> 80:1 <b>she'd</b> 30:12 <b>short</b> 23:1 25:8 44:25 45:5 94:7 96:14 114:21 120:25 121:1 <b>shortly</b> 60:23 115:7 <b>show</b> 101:24 110:3 124:12 <b>sick</b> 108:18 <b>side</b> 70:6 75:14 <b>sifting</b> 60:21	<b>sight</b> 111:3 <b>sign</b> 20:19,20 21:3 39:15 <b>signed</b> 20:22 39:16 39:21 <b>significant</b> 33:17 33:18 35:24 57:18 58:8 75:8 124:16 <b>signs</b> 5:18 <b>silenced</b> 41:8 <b>silent</b> 21:8 41:12 <b>similar</b> 29:19 35:13 66:20 73:24 74:25 112:2 114:3 125:20 <b>similarly</b> 112:8 <b>simple</b> 26:12 <b>simply</b> 22:9,12 46:19,22 121:16 <b>Sir</b> 49:1,22 50:11 50:18,19 58:10 78:3,5 105:11 108:12,16 109:10 110:10 111:22 114:16 115:12,17 115:20 116:13,20 116:23,25 117:2 117:10,24 119:3 125:4 129:6 <b>sit</b> 2:5 <b>sits</b> 49:22 50:13,25 <b>sitting</b> 104:12 <b>situation</b> 12:7 73:24 80:3 94:11 <b>six</b> 2:7 59:10 63:7 86:19 <b>size</b> 72:14 <b>Skating</b> 7:12 <b>sketch</b> 4:25 <b>skill</b> 36:10 <b>skilled</b> 9:4 <b>slight</b> 93:4 <b>slightly</b> 44:25 75:2 75:11 77:4 96:10 100:1 113:16 121:1 <b>small</b> 102:18	119:10 <b>smaller</b> 55:7 56:16 <b>Smith</b> 84:18 114:11 120:12,13 120:15 121:16 122:1,15 123:7 123:12,18 124:5 124:8,11,19 127:2,24 128:1,7 <b>Smith's</b> 124:12,23 125:5,22 127:15 127:21 <b>Snaresbrook</b> 93:7 <b>social</b> 6:5 <b>society</b> 28:23 57:9 111:2 <b>softer</b> 83:7,11 84:2 <b>solely</b> 68:14 <b>solicitor</b> 24:10 77:3 <b>somebody</b> 9:21 38:22 41:24 53:14,23 66:21 69:22,25 70:7 74:4 75:8,15,17 75:18 80:3,5,23 81:15,19,23 84:14 85:14,25 111:23 112:6,7 126:8 128:8 <b>someone's</b> 76:3 <b>soon</b> 19:10 34:1 38:2 107:1 <b>sorry</b> 15:22,25,25 18:23 24:11 31:2 35:15 56:21 58:21 61:7 90:24 128:22 <b>sort</b> 12:8 23:25 72:20 85:17 87:2 94:10 97:13 106:7,15 109:16 109:21 116:10 126:22 <b>sorts</b> 58:5 <b>sought</b> 91:18 <b>sounding</b> 78:23 79:1,2,5 <b>sounds</b> 69:11 73:5
---	--	--	--	--

<b>source</b> 71:24	<b>stakeholder</b> 60:13	<b>Stopping</b> 8:4	<b>suggest</b> 21:14	53:6 55:25 56:8
<b>sources</b> 8:25 10:8 85:11	<b>stand</b> 41:12	<b>story</b> 3:8 4:19 23:8	28:11 123:6	56:11,24 57:1,2,8
<b>South</b> 11:11 14:13	<b>standard</b> 78:23	90:23 104:23	<b>suggested</b> 107:11	57:14,22,23
<b>sovereign</b> 56:2	<b>standards</b> 40:15	106:11,21 114:21	117:1	58:12 59:6,19,21
70:14	<b>standing</b> 19:16,22	122:17	<b>suggesting</b> 22:15	60:2 61:4 65:22
<b>Spacey</b> 95:22	65:24	<b>Stowe</b> 108:16	84:24 113:23	66:3,6,9 67:12,15
<b>speak</b> 2:17 6:25	<b>star</b> 17:5	<b>straightforward</b>	<b>suggestion</b> 117:14	67:18 68:1,4
7:2 43:4 44:24	<b>stark</b> 30:5	101:4,7	118:9	69:9,10 72:21,25
66:24 118:14	<b>start</b> 47:19 60:5	<b>strange</b> 108:16	<b>suggests</b> 21:12	73:6 74:25 76:12
<b>speaking</b> 87:7	78:7 112:3,3,9	<b>strategy</b> 2:16	<b>summarily</b> 39:18	76:14 77:1 80:9
113:14	<b>started</b> 38:24 57:5	<b>strengthen</b> 35:4	<b>summarises</b> 86:7	82:23 83:8 86:4
<b>special</b> 69:7	57:13 59:23 91:5	107:13	<b>summarising</b>	89:11 95:8,10,10
119:24	125:12 128:10	<b>strengthened</b>	117:10	107:16 108:23
<b>specialises</b> 24:12	<b>starting</b> 37:1 82:18	31:15 37:10	<b>summary</b> 10:21	109:18 124:9,23
<b>specific</b> 45:23	<b>starts</b> 59:11 64:12	<b>strengthening</b>	24:18 25:25 31:4	126:16 127:4
<b>specifically</b> 108:25	97:3 103:24	37:14 80:9	33:24 35:10,12	<b>systems</b> 43:12
116:20	110:9	<b>stressing</b> 39:4	36:18 47:8 76:2	
<b>speed</b> 25:2	<b>state</b> 57:7 69:14	<b>striking</b> 99:8	77:23 79:23	<b>T</b>
<b>spending</b> 73:22	86:4 115:8	123:15	103:1	<b>tab</b> 1:19 16:10,24
<b>spent</b> 74:12,16,16	<b>statement</b> 1:17	<b>stripped</b> 116:15	<b>Sun</b> 106:21 107:10	16:25 40:1 47:4
104:8	3:12,20 4:3,5,9	<b>stripping</b> 117:6	<b>support</b> 6:23 12:21	64:6 77:12 78:4
<b>spite</b> 40:24	10:6 15:8,10	<b>stroke</b> 93:11	48:8 50:20 61:8	86:8 88:7 91:12
<b>split</b> 62:25	18:1,3 37:10,25	<b>stronger</b> 117:18	78:16	92:6 97:3 102:1
<b>spoke</b> 26:20 31:25	39:10 42:16,22	<b>strongest</b> 60:22	<b>supporting</b> 49:7,8	105:2 110:3
<b>spoken</b> 84:6 104:1	43:11 46:12 47:2	99:16	57:20	113:7 115:5
<b>spokespeople</b> 14:2	47:6,11,12,14,17	<b>struck</b> 81:13,15	<b>supports</b> 50:19	119:6 121:3
38:24,25 39:11	47:21 49:18	<b>student</b> 40:15	<b>suppose</b> 32:25	122:6,6
39:14,16	52:12 54:3,4,24	<b>stuff</b> 16:24	<b>sure</b> 3:4 9:1 67:1	<b>table</b> 86:10,14
<b>spokesperson</b> 9:14	55:23 57:1,19	<b>subcommittees</b>	69:11 84:9 86:12	88:6
13:17,22,25	58:24 60:7 61:12	63:11	100:16 102:7	<b>tainted</b> 69:12
<b>spokeswoman</b>	62:19 64:9 65:19	<b>subject</b> 27:2 40:6	103:17 110:20	<b>take</b> 4:9 10:4 20:2
17:13	66:10 67:11	62:13,15,23 63:5	126:10	27:6 30:22 35:18
<b>sponsor</b> 51:22	68:25 69:17 70:8	71:9	<b>surgeon</b> 104:1	38:18 44:25
<b>springboard</b> 59:21	72:24 73:9 74:8	<b>subject-based</b>	<b>surprise</b> 42:5	64:16 68:7 74:13
<b>squarely</b> 89:21	76:10 81:25	64:13	<b>surprised</b> 108:5	77:22 91:2 94:17
<b>St</b> 116:9,9,18	126:23,25	<b>subjects</b> 114:9	<b>suspect</b> 7:22 36:12	113:19 119:1
<b>Stacey</b> 42:6	<b>status</b> 118:11	<b>submitted</b> 60:23	<b>suspected</b> 114:6	124:12 126:7,13
<b>staff</b> 5:4 7:13,13	<b>statutes</b> 99:13	63:1,13 70:13	127:5	126:24 128:12
12:5,8 13:14,18	<b>stay</b> 41:12	<b>subsequently</b> 9:15	<b>suspended</b> 18:8	<b>taken</b> 9:2 18:4,5
14:9 15:12 16:4	<b>Steel</b> 120:14	73:25 74:5 83:14	38:8 81:21 89:7	20:18 25:15 32:9
33:17 35:17 38:2	<b>stems</b> 57:3	<b>substance</b> 113:18	119:19	38:22 42:10,21
<b>stage</b> 25:18 56:10	<b>Stephens</b> 49:1,22	123:24 125:15	<b>suspension</b> 19:1	58:6 75:2,20,24
63:19,25 65:6	50:11,18	127:14	42:12	76:1 83:4,11
68:15 70:1	<b>stick</b> 90:24	<b>substantial</b> 89:6	<b>sworn</b> 45:8 129:23	86:15 98:19
104:19 126:21	<b>Sticking</b> 110:2	<b>suffer</b> 98:22	<b>system</b> 28:16	<b>takes</b> 80:6 84:11
128:4	<b>Stoke</b> 107:10	<b>sufficient</b> 106:3	38:25 42:9,18,20	94:1
<b>stages</b> 25:13,14	108:9	124:1	45:16,25 47:9	<b>talent</b> 36:10
59:25	<b>stood</b> 17:23 19:20	<b>sufficiently</b> 9:4	48:22 49:22 50:6	<b>talk</b> 50:16 51:2,12
	<b>stop</b> 7:25	89:10	50:25 51:3,13	53:3 55:17 62:11

67:8,10 73:3 74:20 101:11 112:1 126:1 127:22 <b>talked</b> 65:7 76:14 92:20 <b>talking</b> 22:23 49:13 52:6 54:23 79:6 <b>talks</b> 111:20 <b>taught</b> 40:13 <b>tax</b> 68:13 87:12 <b>taxes</b> 69:22 <b>teacher</b> 40:14,16 40:16 41:1 61:15 61:18,21 88:18 <b>teachers</b> 61:22 <b>team</b> 13:15 48:23 49:14 50:9,23 77:15,16 78:15 112:12 113:16 114:3 <b>teams</b> 62:9 <b>technicality</b> 94:14 <b>tell</b> 2:4 4:22 9:11 12:18 18:4,23 24:7 35:19 37:11 40:8,12 42:9 44:5 77:11 91:4 102:11 113:25 <b>ten</b> 60:23 62:22,23 62:25 <b>tend</b> 28:11 92:14 <b>tendency</b> 124:12 <b>tends</b> 57:8 <b>term</b> 26:13 72:24 76:11 81:9,11 89:6 111:10 <b>terminology</b> 8:22 11:25 <b>terms</b> 7:13 12:13 15:5 18:17 22:12 24:17 25:3,5,6 46:10 48:20 51:9 55:9 56:11 68:3 71:7 74:24 <b>terribly</b> 18:16 <b>test</b> 72:11 73:4 74:24 84:13	107:18 <b>tests</b> 72:22 75:10 75:21 80:14 <b>text</b> 78:23 <b>thank</b> 1:5,13 13:13 36:17 44:6,8,10 44:19 45:2,3 47:18 51:2 54:21 64:25 69:15 81:8 85:15 95:15 103:18 113:5 120:11 128:14,17 128:19,20 129:11 <b>thanks</b> 44:9 87:23 128:11 <b>Thatcher's</b> 104:25 129:4 <b>thing</b> 4:1 21:13 42:1 60:6 69:7 72:16,19 74:6 75:6 87:2 96:23 100:25 104:15 123:1,1 125:11 <b>things</b> 7:24 39:9 61:3 67:25 69:3 69:24 73:4 92:23 111:19 126:19 127:25 <b>think</b> 1:23 3:14,16 4:15 8:23 11:3 13:4,11 16:7 18:12 21:20 22:7 27:5,7,10,17,18 27:25 28:4,17 30:16 31:4 32:9 39:1,20 40:25 43:8 45:19 47:3 49:15,19 50:3 52:17 53:12,16 54:21 57:12 59:20 60:5 61:3 62:19 63:1 65:16 67:6,17,23 72:20 72:25 74:14 75:6 75:15 77:7,9 80:4 85:7 86:11 87:3,3,23 88:2 90:1,20,20 91:9 93:1 94:13 96:20	97:13 99:7,18 100:3,12,19,20 100:25 101:14,19 102:13,25 104:20 105:16 106:6,19 106:21 108:22 109:3,23 111:18 115:3,9 117:13 118:2,7,24,24 120:10 122:10 125:12 126:3,11 126:15,21,24 127:25 128:1,6 128:13 <b>thinking</b> 28:5 51:25,25 52:3 61:13,21,21 127:15 <b>third</b> 5:21 91:17 <b>thought</b> 28:1 43:5 53:2 56:21 66:25 100:1 101:10,11 113:7 116:14 118:17 124:1 <b>thousands</b> 103:6 <b>three</b> 13:14 34:21 35:11 37:2 40:20 41:1 54:25 82:6 89:7 90:4,6 94:7 108:20 117:9 <b>three-month</b> 81:20 84:12 <b>Thursday</b> 1:1 <b>tightened</b> 31:18 <b>time</b> 8:15 12:3 13:1,22 18:17,18 23:1 26:7 27:21 29:15 35:18 42:7 42:21 43:19 44:25 52:21,24 52:25 53:6 57:2 57:5,18 65:15 70:20 71:13 73:22 76:15 79:9 80:6,14,15 85:19 85:24 88:12 89:17 91:24 95:2 95:7 103:21 105:1 106:3,18	107:12 109:4,14 109:14 110:4,6 110:15 112:13,23 118:8,15,20,21 120:16 121:7,21 122:12 125:21 <b>times</b> 6:13 51:6 52:13 108:7 <b>timing</b> 69:25 75:16 96:8 110:20 <b>timings</b> 113:16 <b>Tina</b> 14:20 18:8,13 18:25 19:13,15 38:7 <b>title</b> 23:13 <b>today</b> 4:11 42:13 45:15,22 46:5 89:25 112:12 120:5 <b>today's</b> 129:10 <b>told</b> 12:23 13:21 16:2,3 25:1 29:19,22,24 30:9 30:9,12,13 32:15 33:15,17 38:11 39:1 42:11,23 43:8 44:14 119:10 <b>top</b> 5:10 91:13 92:7 102:3,11 113:9 <b>topic</b> 14:3 <b>torture</b> 16:16,20 <b>torturing</b> 17:20 <b>totally</b> 84:11 <b>touch</b> 13:19 115:20 <b>touching</b> 56:14 <b>traced</b> 114:21 <b>tradition</b> 56:1 57:25 <b>train</b> 53:2 113:7 <b>trained</b> 37:2 <b>training</b> 32:10 37:1,5 <b>transition</b> 11:22 <b>transparent</b> 59:16 <b>transwoman</b> 9:15 <b>trawl</b> 60:12	<b>Treasury</b> 77:3 <b>treated</b> 107:20 <b>treatment</b> 118:11 <b>trial</b> 19:19,21 27:4 93:9,13,13,20 94:2,5 127:17 <b>tried</b> 84:21 93:6 <b>trigger</b> 79:13,15 81:9,16,19 83:7 83:11 84:3 89:24 90:4 94:8 <b>triggered</b> 71:5 <b>triggers</b> 79:20 81:12 82:1,3,8 83:6 <b>trips</b> 103:8 <b>trouble</b> 110:17 <b>troubled</b> 19:23 124:6 <b>true</b> 45:21 95:14 124:15 128:1 <b>trust</b> 119:25 <b>trustee</b> 12:22 29:18,21 <b>try</b> 1:16 44:11 57:22 73:22 83:25 84:4,25 112:1 <b>trying</b> 59:6 101:1 <b>turn</b> 1:12 8:11 20:18 35:10 59:23 122:5 <b>turned</b> 73:21 94:24 95:6 <b>twice</b> 52:4 111:11 120:21 <b>twist</b> 19:15 <b>two</b> 1:20 2:3 7:23 11:15 15:24 25:13 29:5 34:21 37:21 42:7 47:14 51:9 52:11,13,17 54:22 55:6,7 56:19 57:18 59:2 60:10 61:3 64:21 78:19 81:12,21 88:5 93:16 95:21 95:24 99:15 101:25 104:8,8
---	---	--	---	---

108:20 114:9 120:24 128:22,23 128:25 <b>type</b> 26:8 70:10 72:3 109:12 <b>types</b> 70:15 87:8	<b>unremarkable</b> 104:17 <b>unresolved</b> 127:17 <b>unsighted</b> 123:23 <b>unspeakable</b> 110:13 <b>unusual</b> 118:2,7 118:24,25 <b>unwilling</b> 128:4 <b>unwillingness</b> 124:16 <b>up-to-date</b> 63:2 <b>update</b> 4:16 <b>updated</b> 4:7 <b>uppermost</b> 117:1 <b>upset</b> 21:20 <b>upsetting</b> 6:14 <b>urgency</b> 34:24 <b>urgently</b> 35:3 <b>use</b> 8:22 24:15 26:13 47:12 61:17 66:25 67:25 73:1,4,17 76:10 101:8 <b>usually</b> 65:8 89:6	124:4 <b>visit</b> 41:4 <b>voluntary</b> 57:8 104:4 <b>volunteer</b> 30:6 <b>volunteering</b> 30:1 <b>volunteers</b> 5:4 7:14 12:7 35:16 36:1 <b>vulnerabilities</b> 27:1 <b>vulnerable</b> 6:8,24 7:5,9 8:10 26:6 26:12,15 27:9 28:21 32:22	61:25 63:20 66:16,20 69:13 74:19 75:1,11 76:8,18 80:9,18 85:6 94:14 104:5 107:19 113:17 114:7 120:8,18 121:24 123:7 124:22 125:24 126:12 <b>ways</b> 9:23 81:3 106:9 <b>we're</b> 12:3,4,6,9 28:19 <b>weaknesses</b> 33:14 <b>website</b> 28:15 61:5 <b>week</b> 17:20 23:7 45:20,20 103:20 105:14 111:7 <b>weekend</b> 39:20 <b>weeks</b> 122:21 <b>weight</b> 94:2 127:4 <b>Weinstein</b> 95:22 96:1 <b>Welcome</b> 1:3 <b>welfare</b> 6:1 <b>well-being</b> 2:15 <b>well-known</b> 95:21 <b>went</b> 40:16 78:5 <b>weren't</b> 70:21 98:4 126:20 <b>West</b> 34:1,6,12 <b>whichever</b> 68:10 <b>whilst</b> 27:14 <b>Whit</b> 104:7 <b>wide</b> 32:22 <b>widely</b> 29:13 <b>wider</b> 63:23 105:16 121:13 <b>wife</b> 14:20 <b>Willenhall</b> 19:17 <b>willing</b> 126:7,21 128:8 <b>willingness</b> 104:5 <b>wish</b> 2:18 99:6 <b>withdrawing</b> 17:15 <b>withdrew</b> 44:21 128:21	<b>witness</b> 15:8,10 18:1,3,21 19:18 37:25 42:22 44:21,22 45:7 46:12,21 47:1 56:9 65:19 70:18 70:22 128:21 <b>WM-A30</b> 40:3 <b>wonder</b> 23:11 <b>wonderful</b> 69:3 104:15 <b>wonders</b> 108:6 <b>Woods</b> 117:1 <b>Woods'</b> 117:14 <b>word</b> 4:21 53:8 111:9 <b>words</b> 101:8 102:18 <b>work</b> 2:2 12:8 30:7 37:3 40:17 46:17 48:5,24 50:23 56:10 61:10 68:11 73:23 86:4 87:22 89:17 91:4 104:1 107:10 108:8 <b>worked</b> 10:3 11:15 65:12 103:20 <b>working</b> 7:14 8:10 47:9 69:8 104:9 104:16 112:10 <b>works</b> 51:13 95:10 103:8 109:18 <b>worried</b> 26:24 <b>worry</b> 58:22 <b>worse</b> 75:19,19 <b>worth</b> 48:22 56:14 62:8 68:13 84:8 100:19 101:6 <b>worthy</b> 67:2 <b>wouldn't</b> 24:11 83:1,3 94:13 101:3,7 128:1,12 <b>writing</b> 61:25 79:17 80:16 88:1 <b>written</b> 39:10 42:11 79:4 89:2 103:11,15 105:17 <b>wrong</b> 4:1 41:13
<b>U</b>				
<b>UK</b> 55:24 <b>unable</b> 30:22 <b>uncomfortable</b> 6:14 7:1 <b>uncovered</b> 110:13 <b>Under-Secretary</b> 49:23 <b>underage</b> 40:13,19 <b>underline</b> 58:25 <b>underlying</b> 6:11 <b>undermine</b> 86:3 <b>underneath</b> 64:13 <b>understand</b> 7:8 13:1 43:13,20 44:4 46:3,9 78:9 85:1 111:20 <b>understandable</b> 121:15 <b>understanding</b> 46:14,18 53:11 87:14 115:14 <b>understood</b> 18:5 <b>undertake</b> 12:5 23:24 37:22 <b>undertaken</b> 35:22 36:24 42:14 70:11,21,23 121:12 <b>undertaking</b> 54:11 66:14 <b>undue</b> 6:5 <b>unfavourable</b> 107:16 109:6 <b>unfit</b> 93:10 <b>unfortunate</b> 106:4 110:20 <b>Unit</b> 110:9 111:18 <b>unmanageable</b> 128:7 <b>unorthodox</b> 107:11	<b>validating</b> 69:1 <b>variation</b> 93:4 <b>variety</b> 72:22 <b>various</b> 50:13 67:25 106:8 <b>vary</b> 71:15 <b>vast</b> 55:21 <b>vein</b> 31:22 <b>verifiable</b> 72:4 <b>verify</b> 60:20 <b>Verita</b> 10:7,17,17 10:18 21:21 22:18 23:5,14,22 24:12,24 38:13 38:19 <b>version</b> 114:4 <b>victim</b> 99:10 <b>victims</b> 98:25 99:5 118:19 125:17 <b>view</b> 84:11 94:1 98:9 108:8 116:18 122:23	<b>wait</b> 35:18 70:6 85:23 91:23 92:5 92:22 106:13 127:20 <b>waiting</b> 34:20 <b>Wales</b> 6:17 23:20 <b>Walker</b> 122:10,10 <b>walks</b> 103:8 <b>want</b> 3:23 4:20 11:20 19:7 22:15 35:19,20 58:22 61:10 66:8 79:9 88:5 96:10 100:8 101:24 113:2,19 120:11,24 126:9 <b>wanted</b> 22:12 73:4 94:17 101:19 110:3 119:1 <b>wants</b> 109:12 <b>ward</b> 19:17 <b>wards</b> 104:7 <b>warning</b> 117:2,14 117:24 120:8 <b>warnings</b> 118:1 <b>warns</b> 78:24 <b>wasn't</b> 14:25 18:11 67:18 84:22 95:13 114:23 126:10,14 127:18 <b>way</b> 19:6 20:16 21:12,23 29:1,16 31:15 40:6 46:6	<b>W</b>	
	<b>V</b>			

<b>wrote</b> 43:14 44:14 101:9 105:21	<b>1.2</b> 24:22 <b>1.25</b> 129:12 <b>10</b> 1:17 82:2 89:14 91:12 <b>10-year-old</b> 10:13 16:16,19 17:21 <b>10.00</b> 1:2 129:14 <b>11</b> 55:23 100:4 101:15 <b>11.05</b> 45:4 <b>11.30</b> 45:1 <b>11.33</b> 45:6 <b>111</b> 47:16 <b>112</b> 47:16 <b>113</b> 47:16 <b>114</b> 47:17 <b>115</b> 47:17 <b>116</b> 47:17 <b>117</b> 47:17 <b>12</b> 26:17 35:22 64:6 94:17 117:20 <b>14</b> 1:1 58:23 <b>15</b> 40:21 92:11 112:25 122:9 129:14 <b>16</b> 66:10 88:21 92:10 <b>17</b> 40:5 54:4,5 <b>18</b> 5:8 <b>19</b> 29:16,20 31:3 95:23 <b>1917</b> 57:3 <b>1960</b> 88:19 <b>1968</b> 104:6 <b>1969-70</b> 123:10 <b>1970</b> 124:1 <b>1970s</b> 67:3 <b>1971</b> 97:11 <b>1972</b> 102:4 <b>1979</b> 123:11,20 <b>1983</b> 106:7 <b>1984</b> 105:8 115:7 119:8 <b>1987</b> 108:2 <b>1988</b> 120:13 129:3 <b>1990</b> 88:19 97:12 104:24 111:22 <b>1990s</b> 111:10	<b>1993</b> 57:20 59:6 <b>1995</b> 93:9 <b>1996</b> 88:16 <b>1998</b> 93:9 110:4 112:19	<b>2</b> <b>2</b> 8:2 24:7 25:18 47:21 70:8 97:10 115:15 <b>2.00</b> 113:4 <b>2.1</b> 25:4 <b>20</b> 31:1,6 112:25 121:3 <b>2000</b> 51:17 88:12 89:23 <b>2000s</b> 50:4 <b>2004</b> 93:5 <b>2005</b> 58:8 59:10 66:7 76:16,23 <b>2007</b> 113:12,14 <b>2010</b> 94:20 <b>2011</b> 97:12 110:8 <b>2013</b> 2:10 <b>2014</b> 9:13,25 40:5 42:25 53:12 91:19,20 <b>2015</b> 9:25 10:1,1 93:7 <b>2016</b> 1:23 2:25 4:10,12 8:14 9:25 10:10 11:5 12:13 13:13 15:21 28:14 37:17 38:17 94:21 <b>2017</b> 11:10 14:11 14:15 17:23 20:8 20:25 39:14 <b>2018</b> 2:7 4:9,15 14:18,20,23 15:2 15:15,23,25 19:16 20:9,25 22:24 24:25 38:4 77:18 92:8 <b>2019</b> 1:1,17 23:21 129:14 <b>21</b> 31:23 122:6 <b>22</b> 10:23 13:3 15:6	16:22 17:2,19 28:25 33:23 <b>23</b> 95:16 97:3 127:1 <b>24</b> 77:12 <b>25</b> 113:7 <b>26</b> 102:1 <b>27</b> 17:2 110:3 <b>28</b> 105:2 122:4	<b>3</b> <b>3</b> 5:11 18:2 24:17 35:3 40:1 88:7 88:20 <b>3.10</b> 26:4 <b>3.27</b> 26:18 <b>3.28</b> 28:6 <b>3.29</b> 28:20 <b>3.60</b> 29:20 <b>3.61</b> 30:3 <b>3.62</b> 30:16 <b>3.65</b> 31:1,16 <b>3.72</b> 31:24 32:12 <b>3.73</b> 33:2 <b>3.74</b> 33:6 <b>3.9</b> 26:3 <b>30</b> 49:15 88:19 92:6 <b>300</b> 103:21 <b>31</b> 86:8 109:1 <b>32</b> 78:4	<b>4</b> <b>4</b> 4:4 24:22 49:18 50:13 55:24 60:7 88:23 97:13 116:12 <b>43</b> 121:5 <b>45</b> 129:23,25	<b>5</b> <b>5</b> 11:5 12:13 13:13 16:10 19:14 25:3 62:19 88:8 115:5 119:6 <b>50</b> 17:19 76:21	<b>6</b> <b>6</b> 8:6 16:25 20:6	54:4 65:18 117:11	<b>7</b> 7 8:8 70:9 92:8 93:3 97:25 110:4 <b>70</b> 57:10 <b>70s</b> 115:1 <b>71</b> 35:10	<b>8</b> <b>8</b> 26:1 42:16 73:9 98:6 <b>80</b> 24:5 <b>88</b> 121:5,8	<b>9</b> <b>9</b> 1:3 8:11 24:19 37:25 76:10 99:11 <b>92</b> 123:3 <b>93</b> 123:3
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