

INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE
ALLEGATIONS OF CHILD SEXUAL ABUSE LINKED TO WESTMINSTER

CLOSING STATEMENT ON BEHALF OF THE HOME OFFICE

INTRODUCTION

1. This written closing statement is provided in addition to the oral closing statement given by Counsel to the Home Office on Day 14 of the hearing (29 March 2019).¹ It covers the following ground:

[1] The Home Office and the Government in the Westminster Investigation

[2] Paedophile Information Exchange

[3] Honours System

[4] Safeguarding

2. Transcript references are given in the format: hearing day (1-14) / page number / line number.

[1] THE HOME OFFICE AND THE GOVERNMENT IN THE WESTMINSTER INVESTIGATION

3. Home Office witnesses have provided statements covering the Wanless Whittam Review and safeguarding. The Home Office has also made substantial disclosure to the Inquiry for the purposes of this Investigation.

4. The Home Office was granted Core Participant status on the basis that it would also represent government departments more widely as lead government department. As a

¹ 14/102/20 - 14/111/20

result, the Home Office marshalled the evidence from 21 central government departments in connection with their safeguarding and child protection policies. All of this was amongst the material considered by the Inquiry's expert, Professor June Thorburn. In addition, the Home Office has assisted more generally with liaison between the Inquiry and other relevant government departments and bodies before and during the course of the hearings.

5. The Inquiry has also received statements and substantial disclosure from other government departments and bodies covering a range of other matters, such as the honours system. Furthermore, the thoroughness of the Inquiry's approach, and the commitment of the government to assist, have led to the provision of witness statements from MI5, MI6 and GCHQ. The Inquiry heard oral evidence from MI5 and MI6 witnesses.
6. The Home Office and Her Majesty's Government have been and remain committed to assisting the Inquiry in this Investigation.

[2] PAEDOPHILE INFORMATION EXCHANGE

7. The key issue being considered by the Inquiry in this Investigation in relation to the Paedophile Information Exchange (PIE) is *"the suggestion that the organisation may have been funded by the government"*.² That suggestion originates with Tim Hulbert, a former consultant working in the Home Office's Voluntary Services Unit (VSU) in the late 1970s and very early 1980s.
8. The principal suggestion made by Mr Hulbert is that the VSU funded PIE by channelling funds through another organisation (the Women's Royal Voluntary Services (WRVS)), and that this was in order to aid the "Security Services" or "Special Branch" as part of an effort to infiltrate PIE.³

² *Notice of Determination, Scope of Westminster Investigation*, 8 May 2018

³ Most recently summarised by Sam Stein QC, Counsel for Mr Hulbert, in his closing statement at 14/56/4 - 14/58/9

9. This is the fourth occasion on which at least some aspects of this suggestion have formally been considered (initially in two separate Home Office reviews and then within the Wanless and Whittam review). There has been a process of learning, with more ground being covered at each stage and each review building on the work of that which preceded it. This Investigation has been able to take matters further than the earlier reviews, with greater resources and time within which to complete its task. The Inquiry has received further information in many areas, including about the VSU and its funding, the WRVS (including its PIE schemes and funds), and Special Branch and the Security Service. Perhaps most importantly of all, the Inquiry has also heard Mr Hulbert's testimony under the questioning of Lead Counsel to the Inquiry, Brian Altman QC.⁴

10. The Panel may think that it is now possible to reach conclusions that Mr Hulbert is genuine but mistaken in his various recollections and that this suggestion can be ruled out as a reasonable possibility.

11. The Home Office draws the Panel's attention to a number of relevant factors, which are not exhaustive of this issue but which are of principal significance. They are addressed below under the following headings:
 - a. The inherent improbability of Mr Hulbert's suggestion
 - b. Inconsistencies in Mr Hulbert's evidence
 - c. The absence of supporting evidence
 - d. The significance of Clifford Hindley's call for a WRVS review and other contemporaneous evidence
 - e. The WVS Pie Scheme

A. The inherent improbability of Mr Hulbert's suggestion

12. In his most recent witness statement, Mr Hulbert describes being shown a sheet of paper by Alan Davies "*in the early summer of approximately 1979*" which was the quarterly summary of pending grants and grants for renewal. Mr Davies "*pointed out an entry which*

⁴ 11/54/6 - 11/164/9

read 'WRVS (P.I.E.)' which was shown as a grant for renewal and that amount was at least a five figure sum – I think it was £30,000 ...". Mr Hulbert saw Clifford Hindley, Head of Unit at the VSU, early in the afternoon and expressed his disapproval about what he had seen. However, he was left with the clear understanding that he was to "back off".⁵

13. According to Mr Hulbert's suggestion, the aim was to fund PIE for the purposes of Special Branch or Security Services action but to disguise the source of funding. This was achieved by involving the Home Office's VSU and then channelling the funds through the WRVS. This is an unnecessarily complex and convoluted way to achieve the purpose of infiltrating PIE. A further fundamental problem with Mr Hulbert's evidence is that, whilst the aim of this circuitous funding route was to hide the source of the money, the VSU records as he recalls them did not disguise the ultimate destination of the funding in question at all and clearly mentioned "P.I.E.".⁶

B. Inconsistencies in Mr Hulbert's evidence

14. On his own evidence, Mr Hulbert decided not to take matters further following his conversation with Clifford Hindley, which took place in the late 1970s. It was not until 15 or so years later, in 1994, that he next raised the issue by speaking to or leaving a message with a BBC producer. The Inquiry has been provided with a short written note concerning this.⁷ Sam Stein QC, Counsel for Mr Hulbert, said this of the note: "*It was provided to Mr McKelvie. It's a document that is not guaranteed to be the note of the conversation that Mr Hulbert had with the BBC, but it could well be. That's probably the highest that we can put it*".⁸ There was then a further gap of approaching a decade, until 2013 and Mr Hulbert's statement to the police.⁹ That was followed by statements provided by Mr

⁵ Witness statement dated 29 January 2019, paragraphs 22, 28-32 [INQ003974_005]

⁶ Mr Hulbert adds that "*the sheet(s) ... were circulated in the Voluntary Services Unit to help all staff know what was going on*", witness statement dated 29 January 2019, paragraph 21 [INQ003974_005]

⁷ PMK000233

⁸ 14/179/23 - 14/180/2. Mr Stein QC had previously described it as "a note of [Mr Hulbert's] conversation or message" [11/167/25]

⁹ OHY006536

Hulbert in 2014¹⁰, 2017¹¹ and 2019.¹² Finally, there was Mr Hulbert's oral evidence on Day 11 (25 March 2019).

15. There are substantial inconsistencies between the various accounts given by Mr Hulbert, which were explored during Mr Altman's questioning on Day 11.¹³ They suggest that Mr Hulbert's evidence, though genuinely given, may not be reliable. Mr Hulbert's description of the circumstances in which he saw the WRVS / PIE funding information has differed and he has made the perhaps improbable suggestion that his memory has improved over time in important respects from "hazy" to "sure". We note in particular that:

- a. the note of Mr Hulbert's 1994 conversation or phone message with the BBC made no reference to PIE or the WRVS;¹⁴
- b. Mr Hulbert's 2014 statement referred only to a "hazy recollection" of seeing a spreadsheet that "may have shown" an entry for WRVS (P.I.E.);¹⁵
- c. but his 2019 statement to this Inquiry includes that he is "sure" that it was Mr Davies who pointed out an entry showing "WRVS (P.I.E.)";¹⁶ and
- d. when asked by Brian Altman QC for the Inquiry in March 2019 whether there was any possibility that his memory was playing tricks on him, Mr Hulbert replied: "No. None whatsoever as far as the basics are concerned. I was sure then and I'm sure now."¹⁷ He added later that: "I'm certainly not in doubt now".¹⁸

16. Mr Hulbert would not countenance the possibility that his memory of events purportedly taking place around 40 years ago had got worse, not better, over time. The Crown Court

¹⁰ INQ001268_014

¹¹ INQ001267 (the statement gives the date of June 2016 in its heading but was signed on 12 October 2017)

¹² INQ003974

¹³ 11/54/6 - 11/164/9

¹⁴ PMK000233

¹⁵ INQ001268_015

¹⁶ Paragraph 22 [INQ003974_005]

¹⁷ 11/114/20 - 11/114/24

¹⁸ 11/144/25 - 11/145/1

regularly deals with cases involving historic allegations. Judges are advised that it will probably be necessary to address the jury with an appropriately worded direction where there has been a substantial delay between the alleged offence and the current proceedings. The suggested wording for that direction includes the following, which the Home Office suggests is of direct application now too:

“(1) The passage of time is bound to have affected the memories of the witnesses.

(2) A person describing events long ago will be less able to remember exactly when they happened, the order in which they happened or the details of what happened than they would if the events had occurred more recently.

...

(4) The jury must therefore consider carefully whether the passage of time has made the evidence about the important events given by any of the witnesses concerned less reliable than it might otherwise have been because (depending on the evidence in the particular case) they cannot now remember particular details / they claim to remember events in unlikely detail/their memories appear to have improved with time.”¹⁹

C. The absence of supporting evidence

17. Following extensive checks, no reliable evidence has emerged to corroborate Mr Hulbert’s suggestion but there is strong evidence that undermines it.

18. Neither the Metropolitan Police Special Branch nor Regional Special Branch provide support for Mr Hulbert. On the contrary, there is nothing to suggest they were ever tasked in relation to PIE or sought government funding to sustain PIE to aid their infiltration of it.²⁰ Similarly, the evidence from the Security Service is that it never actively investigated PIE and no records have been found to suggest that Special Branch liaised with or updated the Security Service about PIE.²¹ In fact, extensive enquiries conducted first at the instigation of the independent Home Office reviewers and in the Wanless and Whittam

¹⁹ The Crown Court Compendium, Part 1: Jury and Trial Management and Summing Up, “Delay: the effect on the trial”, at page 10-16

²⁰ Commander Bell’s letter to Richard Whittam QC, 3 October 2014 [HOM003183_001]; and Richard Fewkes statement 18 February 2019, paragraph 9 [OHY007088_002]

²¹ MI5’s letter of 18 March 2019 [HOM003243_001]

review, and thereafter at the instigation of this Inquiry have revealed no evidence of any desire to infiltrate PIE or any suggestion that funding that organisation would in some way assist the “security services”.

19. The Inquiry now have VSU funding figures for WRVS throughout the period of interest, from 1971/72 to 1979/80 (in two cases they are estimates) and indeed afterwards.²² There is no evidence to suggest that PIE received funds from the VSU. On the contrary, the evidence is that PIE was short of funds during the period in question.²³

20. The evidence of Alan Davies is a further good example. He was a Principal in the VSU. Reverend Davies’ (he was subsequently ordained) statement to the police in 2014²⁴ and to this Inquiry, signed in 2017, do not support Mr Hulbert’s version of events. The 2017 statement is in the following terms: *“I did not see any documents to the best of my recollection with PIE marked on it. I had no thoughts whatsoever that money was being diverted. If I had I would have raised it with my superior Clifford Hindley.”*²⁵

21. The 2017 statement was provided to the Inquiry after a 2016 exchange of emails between Reverend Davies and Mr Hulbert.²⁶ Reverend Davies’ 2016 email also does not provide support for Mr Hulbert’s version of events. Whilst Reverend Davies recalled in it *“the questions raised on the WRVS renewal”*, he made no reference to the funding of PIE and it is now clear that this was a reference to an entirely separate matter. As Mr Hulbert himself has said, Reverend Davies was there referring to *“a controversy over the WRVS grant. I do not have a clear recollection of the details of the controversy but believe it may have been something to do with the Treasurer of WRVS. Alan Davies refers to this in his email to me... My only involvement was to find out if and why it had no constitution / was*

²² 1971/2-1979/80; [HOM001676_005, in which the funding figures are split into three broad categories for each year]; and 1981/82-1983/84 [HOM001470_015]

²³ MI5 note for file dated 28 October 1983 [INQ004034_003] included that: *“A treasurer’s report which was compiled in October 1982 showed that there was £460.48½ in the PIE’s account. Recently, PIE’s finances are thought to be in a parlous state. There is no evidence of any other source of funds except from the membership.”*. To the extent that it can be relied on, Tom O’Caroll’s evidence was to similar effect (witness statement dated 23 November 2018, paragraph 32 [INQ003739_008])

²⁴ OHY006474_002

²⁵ INQ000130; it was signed on 19 May 2017

²⁶ INQ000132; Mr Davies’ email in response to Mr Hulbert is dated 30 June 2016

not a registered charity...".²⁷ The contemporaneous VSU documentation provides further information about this, including the 1980 note in which Mr Hulbert addresses the WRVS constitution and charitable status. We return to consider it below.

22. Where other individuals give evidence that is inconsistent with his own, or otherwise fails to corroborate it, Mr Hulbert finds fault with them rather than with his own memory:

- a. The deficiencies in Mr Hulbert's first witness statement in 2013 were attributable not to him, but instead to the approach taken by the police officer who took it.²⁸
- b. Reverend Davies' failure to substantiate Mr Hulbert's account may have been because he was ill, confused or even out of a concern to protect his pension.²⁹ Alan Davies is now deceased and not here to respond to this suggestion.
- c. Finally, and even more seriously, Mr Hindley's character was attacked in the most unjustified and serious way on the last day of the hearings. Mr Hulbert's counsel raised the possibility in his oral closing statement that Mr Hindley's motivation in disguising payments to PIE might have been because of his own sympathies for pederasty.³⁰ There is no reasonable basis on which to make such a suggestion (Mr Stein QC placed reliance on Mr Hindley's writings in the 1980s in magazines such as *The Musical Quarterly* and *The Classical Quarterly* about issues such as the music of Benjamin Britten). Furthermore, it is in direct contradiction to Mr Hulbert's earlier evidence that "*... I never heard any suggestion from [Mr Hindley] or anyone else that he had paedophile sympathies*".³¹ The Home Office submits that it should be immediately and expressly rejected.

23. No action should be taken in the context of this Inquiry that would unfairly damage Mr Hindley's or Reverend Davies' memories.

²⁷ Statement of 29 January 2019, paragraph 36 [INQ0003974_008]

²⁸ "written by a police officer in a very ... illiterate way" [11/100/5 - 11/100/6]

²⁹ 11/140/16 - 11/141/3

³⁰ 14/72/23-14/73/4

³¹ 2014 Statement for Home Office Inquiry [INQ001268_014]

D. The significance of Clifford Hindley’s call for a WRVS review and other contemporaneous evidence

24. The evidence we have is that Clifford Hindley took his responsibilities as Head of Unit for the VSU seriously. The contemporaneous documents do not suggest that Mr Hindley would have condoned the use of WRVS to channel funds to PIE. They demonstrate that he was, in fact, concerned that WRVS should properly be reviewed during the time in question.

25. Mr Hulbert’s recent evidence is that he saw the WRVS/PIE entry, confronted Mr Hindley about it and was left with the clear understanding that he was to “back off”.³² His most recent statement suggests that he viewed the entry in “the early summer of approximately 1979”³³ – but he previously put it earlier than that.³⁴ However, contemporaneous documentation shows that *afterwards*, in 1980: (a) Mr Hindley was nevertheless seeking reasons for a WRVS review; (b) he was asking Mr Hulbert to provide them; and (c) Mr Hulbert’s response made no reference to concerns about the funding of PIE and no suggestion of impropriety.

26. On 26 November 1980, Mr Hindley asked Mr Hulbert to address the question why a Review of WRVS would be appropriate. Mr Hulbert provided his response on 19 December 1980.³⁵ This is the note which also addresses the WRVS constitution and charitable status (see paragraph 21, above). He identified six primary reasons and nine secondary reasons for a review, concluding:

“To make a specific case for a Review is difficult in particular because we lack contact and information with WRVS both centrally and locally, but I hope that a process of re-examination of some issues can be instituted to the mutual benefit of WRVS, VSU and the community it seeks to serve.”³⁶

³² Statement of 29 January 2019, paragraph 32 [INQ003974_007]

³³ Paragraph 19 [INQ003974_004]

³⁴ Namely 1978 [11/85/20 - 11/85/23]

³⁵ HOM001673

³⁶ HOM001673_004

27. This chain of events, based on contemporaneous documentary evidence, therefore significantly undermines Mr Hulbert's suggestion of Home Office/VSU funding of PIE via WRVS. It is unlikely that Mr Hindley, as the person apparently behind WRVS being used as a means of concealing the payments, would himself be encouraging a review of that organisation; and, moreover, that he would be encouraging such a review to be conducted by the very person who had previously confronted him about it.

28. However, this may begin to provide an explanation for the source of Mr Hulbert's confusion concerning WRVS. Clearly, the WRVS had been an issue for critical consideration during his time in the VSU, albeit not in connection with the Paedophile Information Exchange.

E. The WVS Pie Scheme

29. There is a further possible explanation for how Mr Hulbert's confusion may have arisen. The Inquiry has obtained documentation that shows there was indeed a WVS Pie Fund or Scheme. It was run by the WVS (or Women's Voluntary Services, as the WRVS was previously known) during and after the War, relating to the provision of pies (the food) during this time. The documents obtained make frequent reference to the Pie Scheme and, indeed, to the figure of £30,000, which Mr Hulbert has referred to as the likely sum of funding going to the Paedophile Information Exchange. By way of example, one document includes the "WVS" acronym next to the word "*Pie*" in connection with the figure of £30,000.³⁷

30. Mr Hulbert suggests that he would not have seen or heard about documents such as this. Yet, his recent evidence is that he and Alan Davies had "*joked about whether WRVS were having a bake-up, in reference to the acronym PIE.*"³⁸ It is accordingly possible that some discussion within the VSU about the WRVS during Mr Hulbert's time there, or even something he learnt later, may actually have been about WRVS pies and not "P.I.E.". This,

³⁷ RVS000002_062. RVS000002 comprises 63 pages of material provided to the Inquiry by the Royal Voluntary Service. It includes reference to a Pie fund and to the figure of £30,000 at pages 24, 25, 31, 40, 62, 63.

³⁸ Paragraph 23 and 28, *idem*

in addition to his critical review of the WRVS in 1980, may have led over the years to Mr Hulbert's confusion.

31. In conclusion, the Home Office therefore relies on the numerous factors set out above to submit that Mr Hulbert's evidence about WRVS/PIE, although genuinely given, is not reliable and invites the Panel to consider whether his suggestion can therefore be ruled out as a reasonable possibility.

Albany and Princedale Trusts

32. The Inquiry has also considered evidence going to the question whether the Home Office may indirectly have funded PIE by the provision of VSU funding to the Albany and Princedale Trusts.

33. The Home Office's Independent Review concluded that:

"No evidence was found to support the allegation that VSU provided direct funding to PIE. Evidence of connections between PIE and a number of other organisations were established and two of these organisations, Albany Trust and Princedale Trust, received grant funding from VSU; however no evidence was found to indicate that either organisation used this funding to support PIE."³⁹

34. Following the further evidence received by this Inquiry, including from Jeremy Clarke of the Albany Trust, and its close consideration of the contemporaneous documentation, the Home Office submits that this conclusion remains good.

[3] HONOURS SYSTEM

35. This Investigation has considered *"concerns about honours granted to individuals who had been accused of child sexual abuse or where allegations of this nature were made after*

³⁹ Paragraph 1.3, *Independent Investigation into the Alleged Payment of Home Office Funding to the Paedophile Information Exchange* [INQ003804_003]

the honour had been granted."⁴⁰ The Inquiry heard detailed evidence about the Honours System, past and present, from Helen MacNamara, Director-General of Propriety and Ethics in the Private Offices Group in the Cabinet Office.⁴¹

36. It is right to say that the spotlight on past events has shown that in certain cases wrong decisions were made and that processes were not sufficiently robust. Changes have since been made. As you heard, the operation of the Honours System is very different today than it was during the period in the 1980s of particular consideration by the Inquiry. However, it is recognised that there will always be room for improvement and the Cabinet Office welcomes the Inquiry's views and any recommendations it may wish to make.

[4] SAFEGUARDING

37. The Home Office and other government departments welcome the report of Professor June Thoburn⁴² and the thoroughness with which she approached her task of reviewing the safeguarding and child protection policies and practices of 21 government departments.

38. Professor Thoburn found instances of good practice in all the government departments. She gave oral evidence that "*every department had something to commend it*".⁴³ She also identified areas for improvement. Government departments are grateful for the clear and practical nature of Professor Thoburn's recommendations as set out in her report and summarised in her oral evidence. They are now considering them carefully, as they will of course any recommendations the Inquiry makes in due course, after it has considered the report and evidence.

⁴⁰ *Notice of Determination, Scope of Westminster Investigation*, 8 May 2018

⁴¹ Witness statement dated 3 August 2018 [CAB000040]; oral evidence 9/45/8 – 9/128/20

⁴² INQ004088

⁴³ 12/104/12

CONCLUSION

39. The Home Office and Her Majesty's Government await the Panel's findings and recommendations in this Investigation with interest.

Nicholas Griffin QC

Rachna Gokani

12 April 2019