

The Independent Inquiry into Child Sexual Abuse

Allegations of Child Abuse Linked to Westminster Investigation

Written Submissions on behalf of

Mr Tim Hulbert

Summary Introduction

1. The Inquiry is asked to find from the evidence of Mr Hulbert, that the Home Office, or persons working within the Home Office, did fund, or intended to fund the Paedophile Information Exchange (P.I.E.).
2. Following on from this finding, the Inquiry is asked to make detailed recommendations in relation to whistleblowers, including on building a culture and structure that encourages, protects and promotes whistleblowers and particularly whistleblowers in child sexual abuse matters.

Mr Tim Hulbert

3. Mr Hulbert is a man of considerable personal and professional standing. Mr Hulbert is a dedicated public servant with over 35 years in senior positions within Social Services and as an advisor in related fields in national and local government. His professional career included:
 - The Director Bedfordshire County Social Services;
 - Deputy Director of Social Services for Hereford and Worcester;
 - Home Office; Voluntary Services Unit (the 'VSU') as a consultant with a civil service rank equivalent to a Principal; and
 - Principal Officer for Community Services within the Leicestershire Social Services Department.

4. In his career Mr Hulbert enjoyed many professional achievements including:
 - setting up the first Independent Neighbourhood Advice Centre (One Stop Shop) in Camden in 1969;
 - pioneering model contracts with voluntary organisations; and
 - setting up the first 'franchising' of a local authority Care Home.
5. Mr Hulbert's career was serious and considerable; he held weighty responsibilities for the people under his care and the staff who worked for him. No party to this Investigation has suggested, in any way whatsoever, that Mr Hulbert was, or is, dishonest, or a publicity seeker, or has any ulterior motive which could explain the evidence he has given other than the fact that it is true.

Mr Hulbert's evidence

6. Mr Hulbert's account is simple, focused and unadorned by speculation. In summary, he states that in approximately mid 1979, while he was employed in the Home Office Voluntary Services Unit, he saw a spreadsheet of grant renewals; one of those was in favour of the Paedophile information Exchange (P.I.E.), and appeared to be a part of a grant or under the guise of a grant to the Women's Royal Voluntary Service (WRVS). Mr Hulbert met with the head of the VSU, a Mr Clifford Hindley, and challenged the grant renewal to P.I.E. Mr Hindley confirmed that the grant renewal was in favour of the Paedophile information Exchange. Mr Hindley justified the grant renewal on the basis that:
 1. P.I.E was a bona fide campaigning organisation even if its objectives appeared to be objectionable;
 2. that it was funded at the request of Special Branch/Security Services in order to identify people with paedophile inclinations; and
 3. that this was an extension of a grant and therefore did not require the input of a consultant, in which capacity Mr Hulbert was employed by the Home Office.

Credibility of Mr Hulbert's evidence

7. The Inquiry will recall from our oral submissions that Mr Hulbert has previously been found, by two separate Home Office Reviews, to have been a credible and a truthful witness in relation to his account.
8. The Home Office Independent Investigation into alleged payment of Home Office funding to the Paedophile Information Exchange, which reported on 7 July 2014, found at 7.3 that:

"The allegations were made by one individual. As a former employee, the individual's account is credible; however no information or other person has corroborated their account."

9. The Wanless/Whittam QC Review, which was published on 11 November 2014, was assessed by the IICSA's legal team, who concluded in their letter of 9 March 2019 that:

"We do not read the Wanless and Whittam report as suggesting anything other than that Mr Hulbert had truthfully relayed his memory of the events in question."

10. Therefore, in the absence of any compelling new evidence or factor, the Inquiry will have to approach, treat and find that Mr Hulbert's testimony is very likely to be true; certainly beyond the civil standard, and very probably to a standard sufficient for a criminal court.
11. Mr Hulbert has been clear, in his evidence and via his counsel's submissions, that his evidence is limited to the above summary (paragraph 6 above), which is set out more fully in his statement to the Inquiry and evidence to the Inquiry.
12. Mr Hulbert does not know how or why (other than the justification provided by the head of the VSU) the Home Office, or persons working with in the Home Office, decided to or intended to provide this funding/renew funding to P.I.E.

13. Mr Hulbert does not know if the grant renewal was actually made via the WRVS, or whether the Home Office 'vote head' (internal financial funding conduit) was or was not used without WRVS knowledge. He does not know if the proposed grant renewal in favour of P.I.E was in fact carried through to fruition.
14. Mr Hulbert did not suspect or believe, at the time of the grant renewal, that the Head of the VSU, Mr Clifford Hindley, had any sympathies for P.I.E; albeit it now appears clear from Mr Hindley's published writings that he expressed sympathy and support for pederasty. The Inquiry holds copies of those extensive writings, along with a measured summary analysis of those writings that we prepared to assist the Inquiry. We suggest that this material should be read and considered by the Chair and Panel. The Relativity reference for Mr Hindley's writings are THT000010 – THT000024, and our analysis of those writings is annexed to these submissions.
15. Whereas, Mr Hulbert was aware that Clifford Hindley personally negotiated the grant to Albany Trust and guided it through the VSU funding process (as per the evidence of Jeremy Clarke of the Albany Trust). Mr Hulbert did not know, at the time, that the Albany Trust was actively working with and providing support to paedophiles.
16. Mr Hulbert's account is tightly focused and limited precisely to his own knowledge and actions, and is devoid of speculation.
17. Given the above, and:
- the first Home Office Review's finding that Mr Hulbert is credible;
 - the Inquiry's assessment of the Wanless & Wittham QC Review was that Mr Hulbert had *"truthfully relayed his memory of the events in question"*;
 - the fact that the Chair has had the benefit of receiving evidence directly from Mr. Hulbert during cross examination, over some hours;

- the fact that no party, including the Home Office or Counsel to the Inquiry challenged, in any way, Mr Hulbert's account of his crucial meeting with Mr Clifford Hindley (which we will address in more detail below);

18. The Inquiry is invited to, and we say should, find that the core elements of Mr Hulbert's evidence are true and that the events he describes occurred.

19. In simple terms, such finding by the Inquiry should be that the Home Office, or persons within the Home Office, did or intended to, fund the Paedophile Information Exchange by way of a grant renewal in 1979.

Wider Contextual Evidence - Albany Trust, P.I.E. and the VSU

20. In the relevant time referred to in Mr. Hulbert's evidence the Home Office was in fact providing material support to organisations that were a support to and working with the Paedophiles Information Exchange.

21. In particular, the Inquiry received and heard extensive evidence from the Albany Trust that the Home Office Voluntary Services Unit. In particular, Mr Clifford Hindley, the head of the Voluntary Services Unit, provided substantial funding to the Albany Trust at the time of the height of support by the Albany Trust for the Paedophile Information Exchange.

22. Mr Hulbert's evidence is therefore not only credible and true, but it is consistent with the policy and actions of the Home Office Voluntary Services Unit at the very time of the events described by Mr Hulbert.

23. For example, on 26 March 2019, the Inquiry heard evidence from Jeremy Clarke (a trustee of the Albany Trust). Mr Clarke confirmed that the Home Office/VSU were funding the Albany Trust at a time when the Trust was meeting with P.I.E. and providing them with material support, including translating reports that P.I.E. deemed useful and subsequently circulated.

24. It is also known that at this time, P.I.E. had infiltrated the NCCL, was associated with Release, and was making progress in its attempts to have its position on lowering the age of consent accepted as reasonable.

25. The evidence of Jeremy Clarke, of the Albany Trust, demonstrated this at various points. On Day 12 at page 9, lines 20-22 of the transcript, Mr Clarke confirmed that it was Clifford Hindley who assisted the Trust to gain the funds (that were then used to, among other things, assist P.I.E.):

'Jeremy Clarke: "[Clifford Hindley] had managed to help, as it were, steer the applications for funding through to success and the funding grants that Albany Trust got"'

26. This confirms that Clifford Hindley, who, as Mr Hulbert's evidence demonstrated, was aware of and apparently involved in the funding of P.I.E. via the VSU, had also agreed the funding of the Albany Trust and by implication, their work with P.I.E.

27. Then at Page 10 (line 22) - page 11 (line 18), Mr Clarke then confirmed that the Albany Trust were working with paedophiles using this grant.

'Mr. Henderson: Can we have a look at tab 8 in your bundle. For the screen it's LSE003159. You will see here we have a report from the Albany Trust to the Voluntary Services Unit, describing the activities that had been done in the year 1974/1975 under a grant made by the VSU.

We can see paragraph there, if we just zoom in:

"The VSU made a grant to the Albany Trust of GBP10,000 a year for each of the years 1974/'75 and 1975/'76."

Then we have got a short account of the work that was done.

Can we turn over to page 3. If we could zoom in on the latter third of the page, first of all we'll see down the bottom of the page, paragraph 7, there was an application to renew the grant, and we'll see in 12 a minute that it was renewed.

But also, do you see under the (ii) there, under the heading "Paedophiles", it looks like there is -- very much the VSU is made aware that part of the Albany Trust's work using the grant was with paedophiles.

Jeremy Clarke: Yes.

28. On page 12, lines 11-18, the VSU's knowledge of the Albany Trust's work with paedophiles was confirmed:

Mr. Henderson: Again, if we just look at the bottom of this, this is another report from the Albany Trust saying what they've done with the money and, if we look at the bottom of the screen, under 3(c), there's another reference to work with paedophiles. So none of this is hidden. They tell the VSU they held meetings with paedophiles?

Jeremy Clarke: Yes.

29. This further confirms that Hindley and the VSU were aware of the Albany Trust's work with paedophiles at this point, and in spite of that knowledge, the provision of funding was continued .

30. On page 13, lines 3-9, Mr Clarke responded:

"Mr. Henderson: So we have there a fairly basic fact. It seems the Albany Trust, as you've said, under Clifford Hindley granted GBP10,000 a year initially and then GBP15,000 a year in the late 1970s by the VSU. And entirely open with the VSU about some of that work involving meeting with paedophiles?

Jeremy Clarke: Yes."

31. This final exchange confirms that Mr Clifford Hindley, now aware of the Albany Trust's work with paedophiles, continued to fund the organisation despite that work.

32. This evidence, and these matters, was not known to Mr Hulbert at the time he challenged Mr Hindley in relation to the VSU grant renewal in favour of the Paedophile Information Exchange.

33. In addition to the evidence of Mr Hindley and the VSU's involvement with the Albany Trust, the Inquiry heard and received significant other evidence which

circumstantially supports aspects of Mr Hulbert's central statements. For example, evidence from the security services indicates that there was an interest in P.I.E. Although no funding link was established between the Security Services and P.I.E., there was significant evidence of an interest on the part of the police and Security Services in P.I.E:

- a. from the Obscene Publications Squad, which resulted in the prosecution of Tom O'Carroll and other members of the Executive Committee of P.I.E.;
- b. from MI5 regarding its work and files on 'subversives', including the infiltration of the NCCL by P.I.E. members; and
- c. from MI6 regarding Sir Peter Hayman.

34. Notwithstanding this, the evidence of the contemporaneous funding by the Home Office VSU of organisations, who the Home office knew to be working with the Paedophile Information Exchange, provides considerable support to Mr Hulbert's already cogent, coherent and credible evidence.

Home Office Submissions

35. Mr Hulbert was gravely concerned with the submissions made on behalf of the Home Office, in which the Home Office sought to persuade the Chair that Mr Hulbert's account was in some way not accurate or reliable or may be based on a mistake.

36. As the Inquiry is aware, the Home Office commissioned two Independent Reviews, the first of which found his account credible the second of which was assessed by the Inquiry's legal team to have found that his account was truthful. Indeed, even the Home Office oral closing submissions invite the Inquiry to conclude "*...that Mr Hulbert is genuine but mistaken*".

37. The Home Office is a public body with a duty to act lawfully, fairly, consistently and rationally. In the absence of any compelling new evidence or factor, the Home Office

must provide valid reasons to challenge the credibility of Mr Hulbert, in circumstances where the Home Office has already ‘independently’ assessed his evidence as credible. To do so would appear to be perverse and irrational for a public body. If the Home Office now wish to assert that Mr Hulbert is not credible, then it should *first* repudiate the findings of its two independent reviews (the second of which reported to the Home Affairs Select Committee and was the subject of a statement in the House of Commons by the then Home Secretary and current Prime Minister), and provide reasons (including reasons to the Home Affairs Select Committee and House) for so doing. The Home Office have not, we note, provided any reasons for why these reviews were insufficient.

38. Further, and notwithstanding the Home Office attempt to go behind its own positive assessment of Mr Hulbert’s credibility, no party, including the Home Office, challenged Mr Hulbert’s account, in any way or at any time, of his evidentially crucial meeting with Mr Clifford Hindley, the head of the VSU. As the Inquiry is aware, in Mr Hulbert’s unchallenged account, that meeting confirmed, in a manner incapable of any misinterpretation, that the grant renewal was intended for the Paedophile Information Exchange.

39. Mr Hulbert’s account regarding this evidentially crucial meeting was not challenged by Counsel to the Investigation and was not challenged by the Home Office, either during Mr. Hulbert’s examination nor indeed in the Home Office’s closing submissions. There clearly could not have been a mistake on the part of Mr Hulbert.

40. As such it is wholly inappropriate, if not improper, for the Home Office to now seek to argue to the Chair that Mr Hulbert’s account of this meeting was anything other than a true factual account of that meeting. Indeed the Home Office did not even attempt to do so in their closing submissions.

41. Given this, and regardless of the Home Office’s untenable closing submissions, the Inquiry must find Mr Hulbert’s account of this meeting is a true statement of events.

Rebuttal Home Office submissions

42. Before we address the points raised by the Home Office in closing we would highlight that if the Home Office seek to raise new or additional points in their written submissions, our client reserves the right to make further submissions to address any such new points.

43. Our client's primary position, for the reasons set out above, is that the Inquiry will find that his account is true and will reject the Home Office's submissions.

44. However, out of an abundance of caution, and in compliance with our client's instructions, we carefully address and rebut each of the Home Office submissions as they relate to our client.

45. Mr Griffiths, Counsel for the Home Office addressed the Inquiry, in closing (page 102 – of transcript, day 14). He addressed the Chair on three issues, the second of which was the evidence of Mr Hulbert.

46. Taking the Home Office's submissions in the order they arose. Mr Griffin submitted that:

"There are real difficulties with Mr Hulbert's evidence. The inconsistencies between his various accounts, about which you have heard in detail, and the improbable suggestion that his memory has improved over time from hazy to certain in respect of some of the most important aspects of what he has to tell you."

47. First, it bears repeating that is not open to the Home Office to now state that *"There are real difficulties with Mr Hulbert's evidence"* in circumstances where the Home Office's own review found him "credible". The Home Office established its own Independent Review. The Home Office assessed Mr Hulbert's evidence and found it "credible". In order for the Home Office to now make this submission, it would first have to repudiate (with reasons) both the Home Office Independent Review Report,

and the Wanless & Wittham QC Review. It has not done so. This line of argument conflicts, of course, with the Home Office's previous finding that Mr Hulbert was credible, as detailed above.

48. The Home Office now says that there are *"inconsistencies between his various accounts"* as regards Mr Hulbert and that it is *"improbable ... that his memory has improved over time from hazy to certain in respect of some of the most important aspects of what he has to tell you."*

49. Mr Hulbert's 2013 statement, his 2014 statement and subsequent IICSA statement of was the subject of Mr Altman's forensic cross-examination on 25 March 2019. Mr. Stein QC's questions of Mr Hulbert also drew out further evidence, in particular Mr Hulbert's recollection of the meeting he had with Mr Hindley, that emphasised that this was funding to Paedophiles and was consequently unforgettable.

50. It is important to note that the core elements of Mr Hulbert's claims have remained consistent since they were first recorded by the BBC in 1994, while he was still Director of Social Services (see document PMK000233).

51. The Chair and Panel had the benefit of observing that detailed examination and Mr Hulbert's responses and demeanour. We submit that Mr Hulbert's account was thoroughly tested by Mr Altman QC's lengthy examination. That examination demonstrated that Mr Hulbert's account was consistent in every material matter.

Failure to challenge central element of account

52. The Chair and panel will have noted that Mr Hulbert's account of his meeting with Mr Clifford Hindley (the head of the Home Office Voluntary Services Unit) was not challenged either by Mr Altman QC or, as far as we are aware, by any questions put forward by Mr Griffin QC. The Chair and Panel might want to consider and then disclose what questions were put forward to be asked of Mr Hulbert by the Home Office to the Inquiry at any stage.

53. The Inquiry will recall that Mr Hulbert's 'credible' evidence is that, after he had sight of the grant renewal entry for WRVS (P.I.E.), he held a meeting with Mr Clifford Hindley to challenge the making of this grant renewal.

54. This meeting was crucial to Mr Hulbert's evidence, as it was in this meeting that it was confirmed (without any room for doubt whatsoever) by the Head of the Home Office VSU that the grant renewal was intended for the Paedophile Information Exchange.

55. The detail of this meeting was set out in Mr Hulbert's statement. He was also taken to this meeting in re-examination by Mr Stein QC. The relevant exchange from the transcript is:

"Q. Could you just help us, please, then, with the conversation that you had with Mr Hindley, how it started and what happened?

A. I -- I asked to see him. I went in. There were just the two of us, nobody else present. I think my opening comment is -- was something along the lines of "Clifford, what the hell are we doing funding this outfit?". And you may be surprised at my use of phraseology to my revered assistant secretary, but being an outsider in the Civil Service, from time to time a selective use of the vernacular was a way of demonstrating to civil servants, who weren't used to it, that one was extremely concerned about a particular matter. So that's why I used that phrase, and such was my relationship with Clifford Hindley that he didn't take exception to that, but he obviously realised I was very concerned.

Q. You say at paragraph 29 that you expressed your disgust at PIE's -- Paedophile Information Exchange -- avowed aims. How did you do that?

A. Well, I -- I said there were two main reasons. First of all, I was absolutely shocked by their campaigning for a reduction of the age of consent to 4. That was informed in part by the fact that I had two sons, at that stage,

aged 5 and 7, and the notion that either of them, at that age, would have been able to give informed consent to sexual activity with an adult seemed absolutely abhorrent.

So the first bit, and I made that point to Clifford, was, if you like, informed by personal experience. The second bit was that we were an interdepartmental unit and we had liaison officers with all the major departments of government, including the DHSS, and the DHSS of course was constantly looking for new ways to protect children from abuse, and here was an organisation that was actively promoting the – what I considered the abuse of children above the age of 4.

Q. What was Mr Hindley's response?

A. He said several things. First of all, that PIE – he acknowledged that we were talking about PIE. He said that PIE was an appropriate organisation, a campaigning organisation, which, however much we might dislike what they were campaigning on, had a perfect right to do so, and therefore was a not inappropriate organisation to support.

Secondly, he made the point, and as I said in answer to Mr Altman, I believe he said to me that it was funded at the request of Special Branch because of their interest in maintaining a watchful eye on paedophiles, and we know, I think, that, at that stage, there was at least one enquiry going on by the Obscene Publications Squad into PIE. So, you know, that takes care of that.

The second -- the third issue was in relation to my role, which, as a consultant in relation to what was --and he emphasised the fact that it was a renewal of grant, and therefore did not require the regular input which a brand new grant would have had from a consultant, and therefore it was inappropriate for me to pursue it.

Q. This is a paraphrase. He essentially told you "It's none of your business"; is that fair?

A. Yes.

56. Mr Hulbert's evidence to the Inquiry was that he held a meeting with Clifford Hindley (head of Home Office VSU). That meeting unequivocally confirmed that the grant renewal Mr Hulbert was challenging was intended for the Paedophile Information Exchange (P.I.E) and that the rationale given for funding P.I.E was that:

- P.I.E was a bona fide campaigning organisation even if its objectives appeared to be objectionable;
- that it was funded at the request of Special Branch/Security Services in order to help identify people with paedophile inclinations; and
- that this was an extension of a grant and that did not require the input of a consultant, in which capacity Mr. Hulbert was employed at that time.

57. There is no room for mistake, for confusion or for any misunderstanding of Mr Hulbert's evidence regarding this crucial meeting. The funding was for the Paedophile Information Exchange and Mr Hulbert was told to 'back off' by the head of the Home Office VSU, and so he did.

58. We reiterate that Mr Hulbert's account of this evidentially crucial meeting was not the subject of any challenge by Mr Altman QC, nor, more importantly, by Mr Griffin QC on behalf of the Home Office.

59. As set out above, the disclosure of what questions were put forward to the Inquiry from the Home Office to be asked of Mr Hulbert will be informative of what the case and position of the Home Office was and has been. The Home Office failed to put these issues to Mr Hulbert, and failed to give him an opportunity to rebut the assertion that he is 'confused', for example.

60. It must be the case that, unless the Home Office have put these questions to the witness under Rule 10 of the Inquiry Rules, then it is not open for them to challenge the credibility of his evidence in this way. The Inquiry cannot take account of points such as these, given that the Home Office chose not to put them to the witness to test them in evidence.

61. If the Home Office had taken the decision to now repudiate its own previous and positive assessment of Mr Hulbert's credibility, and more particularly to challenge this crucial part of his evidence, the time to do this was when Mr Hulbert gave evidence to the Inquiry.

62. The Home Office were entitled to ask Counsel to the Inquiry to challenge or test this crucial part of Mr Hulbert's evidence. Additionally, the Home Office could have submitted questions to Mr Hulbert on this issue via a rule 10 application.

63. Furthermore, the Home Office in its closing submissions did not challenge Mr Hulbert's account of this meeting, or address it in any way. It cannot do so now.

64. Mr Hulbert's account of this vital meeting, which is completely central to his evidence, stands as unchallenged; and must therefore be accepted as a true account of the facts.

65. Mr Griffin also submits that Alan Davies *undermines* Mr Hulbert's evidence:

*"Following extensive checks, no evidence has emerged to **corroborate** his suggestion. But there is, unfortunately, strong evidence which undermines it. The evidence of Alan Davies is a good case in point. Mr Hulbert suggests in his most recent statement that during their time in the VSU, Mr Davies pointed out an entry on a sheet which read "WRVS" and then in brackets the acronym "(PIE)". It was shown as a grant for renewal in the sum of what Mr Hulbert thought was £30,000, and yet Mr Davies' own statement to the police in 2014 and to this inquiry in 2017, and so after the email exchange between Mr Hulbert and Mr Davies that you have heard about, do not support Mr Hulbert's recollection."* [our emphasis.]

66. First, Mr Griffin appears to misunderstand the civil and criminal position in relation to the requirement to provide corroboration. As detailed in our oral closing submissions, there is no requirement for a witness to provide corroboration in order for that witness's evidence to be accepted as true.

67. The ability to accept the single account of a credible witness is a part of the law that will be well understood by the Chair and her legal team. The need for the jury to be warned about convicting a person on the uncorroborated evidence of a person was abrogated by the Criminal Justice and Public Order Act 1994.
68. The Home Office submission in this regard is therefore misguided.
69. Further, Mr Griffin fails to provide an adequate or complete summary of the evidence of the late Mr Alan Davies.
70. Counsel to the Investigation explored Mr Davies' varying accounts with Mr Hulbert in live examination on Day 11 of the hearing. Mr Hulbert is unable to say why Mr Davies's evidence has been equivocal, and because of his personal regard for Mr Davies, Mr Hulbert is very reluctant to speculate as to the reasons for Mr Davies's apparent failure to more clearly corroborate Mr. Hulbert's account.
71. In relation to Mr Davies statement to the Inquiry Mr Altman QC's exploration of this matter can be found at Day 11, pages 131 – 132 of transcript:

"Brian Altman: "The Metropolitan Police asked me in 2014 whether I was aware of or had seen any documentation relating to PIE. I was not aware of any such documentation. I am aware that Tim Hulbert has relayed to me his recollection of a dialogue between myself and him concerning the Albany Trust. I have absolutely no recollection of this at all. I cannot say the conversation didn't happen, only that I have no memory of it. I do, however, have a vague recollection, possibly in early 1979, when the general conversation was about WRVS funding when someone used the expression PIE. I cannot be sure, but I think it was Tim Hulbert. I only remember it because of the acronym, as it wasn't something I recognised. I never gave it another thought because it wasn't something on my radar."

Then he gives a little more detail.

So there's a slight nod towards you in that final paragraph. But what he's talking about, because there's the intervening email exchange between the pair of you and a conversation, isn't there? [Our emphasis]

Tim Hulbert: Yes. Can I just say that, as far as this statement is concerned, the bit you have just referred to, I have no recollection of a conversation between him and me about the Albany Trust."

72. It is evident that, contrary to the Home Office submission, CTI acknowledged that the statement of Mr Davies to the Inquiry does provide some support to Mr Hulbert's account.

73. Mr Altman then referred Mr Hulbert to an email exchange between Mr Hulbert and Mr Davies. This email exchange followed a telephone call between the two. That call and email exchange was set out in Mr Hulbert's statement to the Inquiry at paragraphs 45 to 49 of Mr Hulbert's statement. Mr Altman took Mr Hulbert to the exchanges in his examination of our client.

74. Mr Hulbert and Mr Davies spoke on the phone on 23 June 2016. Immediately after that call Mr Hulbert emailed Mr Davies (however the email was first sent to a slightly incorrect email address and was therefore resent and received on 30 June 2016). Mr Hulbert's email to Mr Davies read *inter alia*:

"In particular it was your spontaneous response to my mentioning that I clearly remember a reference to WRVS (P.I.E) I think on the quarterly reference sheet on grants for renewal. I have always regarded this as the most bizarre part of my recollection and have wondered from time to time if my memory was playing tricks. When you said you remembered that too, it hit me like a sledgehammer, because for the first time in this whole sorry saga, I had confirmation that my recollection was shared. Indeed after two Inquiries found no evidence to corroborate what I know to be true, without any prompting you provided a key. I hope you don't mind, but I immediately passed this on to the Inquiry lawyer who is gathering the evidence together for this part of the Goddard Inquiry and he may get in touch."

“Alan my sincere best wishes for your improved health and whatever you decide to do about the VSU thing, just know how grateful I am to you for relieving me of doubt.”

75. Mr Davies responded (on the same day) to that email, in which Mr Hulbert had fully set out the content of their telephone conversation. Mr Davies’s email response states:-

*“It is one of these tricks memory plays on one. My recollections of VSU are mostly vague but I still hold some memories of Elisabeth Hoodless and CSV and others of Nicholas Hinton and NACRO. However, over and above those, I do recall very clearly the questions raised on the WRVS renewal. WRVS was, of course, one of our largest grants and was therefore subject to fairly careful scrutiny at these moments. It was this recollection which made me mention it in particular to the Met. Police when they interviewed me a couple of years ago. I was never given a copy of the written statement they prepared – and which I signed, so I’m not sure that they took much notice of it. Their interest mainly lay in the Albany Trust and Clifford [I believe this to be Clifford Hindley], although they did ask me who I worked with and it was then I mentioned Brian. **I hope this is of some use, but let me assure you that your memory is still very accurate.** [Our emphasis]*

Alan”

76. The Inquiry will note that far from contradicting or demurring from the account of the telephone call as Mr Hulbert set out in his email immediately following that call (albeit not received for one week), Mr Davies confirmed and reinforced Mr Hulbert’s memory as **very accurate**.

77. There is no need for Mr Hulbert to obtain or advance corroboration, particularly when he has already been assessed as credible by the Home Office, and where no party has challenged his account of his evidentially crucial meeting with Mr Clifford Hindley. However, Mr Davies’s evidence, unclear as it is, does provide some

corroboration. We reiterate, however, that corroboration is not required by Mr Hulbert.

78. Home Office counsel then turned to a review of the WRVS financial practices, commissioned by Clifford Hindley and undertaken by Mr Hulbert. The Home office submitted:

"This was, on any of the versions of events that we have heard about from Mr Hulbert, after he would have seen the document showing "WRVS (PIE)". It is significant that Mr Hindley is asking that a review be conducted precisely on that organisation, WRVS. We have the response from Mr Hulbert. He identified six primary reasons and nine secondary reasons why a review should be conducted. None of them had anything to do with funding of PIE and none made any suggestion of impropriety."

79. This evidence does not contradict Mr Hulbert's statements in any way whatsoever.

80. Mr Hulbert accepts entirely that he was asked, a year or more after the events he describes, to prepare a paper on whether a review should be conducted on the WRVS. The evidence shows that the WRVS was in receipt of millions of pounds of public money, but its financial reporting was almost non-existent. It is crucial to the understanding of this evidence that this review was of the accounting practices of the WRVS and **not** the internal accounting within the Home Office VSU. This misunderstanding reveals the conflation of two separate issues: the accounts kept by the WRVS and the accounts of funding records kept by the Home Office/VSU. Mr Hulbert saw the reference to the funding of PIE on the internal records within the Home Office/VSU of accounting for various grants to various organisations. This would never have been a record available to the WRVS as it was an internal Home Office document.

81. It is notable that Mr Hulbert has never suggested that he believed that there was any suggestion of impropriety on the part of the WRVS.

82. It is notable also, as the Wanless & Wittham QC Review found, that the Home Office financial records, for the precise funding period in question are missing.

83. Mr Hulbert has never suggested that he knows if the grant renewal to P.I.E. in fact was actioned and, if actioned, he does not suggest that he knows the grant was actually made via the WRVS or even with their knowledge.

84. Mr Hulbert's evidence is discrete and finite. He saw a grant renewal sheet with reference to a number of organisations showing a grant renewal in favour of 'WRVS (P.I.E.)', and subsequently raised the matter with the head of the VSU, Mr Hindley, who confirmed the purpose and recipient of the grant renewal.

85. Mr Hulbert is entirely unaware of whether the grant renewal was ever transferred to the Paedophile Information Exchange, or what Mr Hindley did subsequently. Mr Hulbert makes no claims in these regards, and they are immaterial to his evidence and to his credibility.

86. The Home Office's submission in this regard is therefore irrelevant.

87. Mr Griffin then addresses the prospect that Mr Hulbert might have been 'confused':

"Given all of this, the panel may wish to consider whether Mr Hulbert has in fact become confused over time. And, on Mr Hulbert's own evidence, it's 15 years that elapsed between his seeing the document and first referring to it, and then about another decade between the BBC phone message and interaction with reviews and inquiries."

88. First, there is no *"all of this"*, as Mr Griffin describes his demonstrably weak, inappropriate and badly-judged submissions.

89. We repeat our earlier submission that no party, including the Home Office challenged in any way or at any time Mr Hulbert's account of his evidentially crucial

meeting with Mr Clifford Hindley, the head of the VSU. As detailed elsewhere, in Mr Hulbert's unchallenged account, it was at that meeting that it was confirmed, in a manner that was incapable of permitting any misinterpretation, that the VSU grant renewal was intended for the Paedophile Information Exchange.

90. As such it is not possible or permissible for the Home Office to now seek to argue to the Chair that Mr Hulbert's account is "confused".

91. In the Bar Standards Board's Code of Conduct, under the title 'Not abusing your role as an advocate', it states at 2:

"..2 you must not make a serious allegation against a witness whom you have had an opportunity to cross-examine unless you have given that witness a chance to answer the allegation in cross-examination;.."

92. This rule would have to be read so as to apply to an Inquiry. That system of asking questions relies upon any party setting out of questions that they suggest should be asked by Counsel to the Inquiry. well in advance of the witness giving evidence, If Counsel to the Inquiry refuses to ask the question as suggested, the advocate must make an application for those questions to be put to that witness. Mr Hulbert, via his legal representatives, put forward questions in this way for a number of the witnesses. No indication has been given to suggest that Mr Griffin QC put forward any questions for Mr Hulbert on these points on behalf of the Home Office.

93. In our submission, this underlines the significance of Mr Griffin QC's failure to put these serious allegations to Mr Hulbert so that he could respond, and so that his responses could be tested in evidence. Failure to do so must prevent Mr Griffin QC, on behalf of the Home Office, from relying on the un-evidenced and untested assertion that Mr Hulbert is '*confused*' at this point in time.

94. The Inquiry panel had the benefit of observing Mr Hulbert give evidence over a period of hours. We are confident that the panel will find that, far from Mr. Hulbert being '*confused*' his evidence was crystal clear on the material matters.

95. Given the Home Office's submission that Mr Hulbert was '*confused*', we invite the Inquiry not just to read Mr Hulbert's evidence but to re-watch Mr Hulbert's live evidence, particularly Mr Stein QC's re examination and Mr Hulbert's powerful closing comments (25 March 2019 - PM3, starts with re examination; Mr Hulberts closing comments can be seen at minute 17.45 to 23.22):
https://www.youtube.com/watch?v=LP_Bg4eEaoM

96. The Inquiry should reject this weak, ill-defined and un-evidenced Home Office submission.

97. The final argument made by the Home Office, is to seek to persuade the Inquiry that
"..Mr Hulbert is genuine but mistaken.."

98. In order to demonstrate quite how outlandish and preposterous this submission is, we set out Mr Griffin's full submission on this point, as well as the document he relied on.

99. Mr Griffin submitted

*"It may not be necessary for you to decide how the confusion has arisen, but documents now disclosed by the RVS may provide an answer.
I am going to ask that a document be put up on the screens, please. It is RVS000002_062. Could you highlight or expand the title and the first paragraph, please?"*

Here we can see a document from the late 1940s:

"WVS Pie Scheme, Northamptonshire.

"The WVS Rural Pie Scheme operated in Northamptonshire from 1942 to 1945..."

It goes on to say that it resulted in a magnificent profit of over £30,000. So what we have here is a document that shows WVS -- the "Royal" hadn't been added to the title yet -- in conjunction with the word "pie", and it even mentions a figure of £30,000.

Now, Mr Hulbert suggests that he would not have seen documents such as this or, indeed, other documents concerning the WVS Pie Schemes and funds. That's a matter you will have to consider. But it is possible, I suggest, that some discussion within the VSU about the WRVS during Mr Hulbert's time there, or something he learnt later, may actually have been about WRVS pies and not PIE. This may have led over the years to Mr Hulbert's confusion.

As I have said, the panel may think it is now possible to reach conclusions that Mr Hulbert is genuine but mistaken, and that the PIE/WRVS suggestion could be ruled out as a reasonable possibility.

100. The document Mr Griffin drew the Chair and panel's attention to was *RVS000002_062*, which is set out overleaf.

W.V.S. Pie Scheme, Northamptonshire

The W.V.S. Rural Pie Scheme operated in Northamptonshire from 1942 to 1945 throughout 250 villages, resulting in a magnificent profit of over £30,000. The Scheme was fortunate in having the able administration of Mrs. Glover and the co-operation of two excellent Pie Manufacturers in the County.

On the advice of Lady Reading, an independent Committee was set up in 1944 to administer the profits, the Chairman of the County Council, the Marquess of Northampton, kindly agreeing to be Chairman of the Committee.

Many proposals were considered: a Post Natal Home, a Maternity Home, an Old People's Home. It was much hoped that the latter would prove feasible but no house could be found entirely suitable or possible to make suitable. The County Council were themselves dealing with schemes of the kind and homes for the sick were being provided through the Health Services.

After much weighing of practicable alternatives it was decided to adopt an idea of Mrs. Glover, to establish a W.V.S. Holiday Home, where past and present members of W.V.S. could spend a fortnight's rest. "Elmleigh" Dallington, on the outskirts of Northampton, has been bought for this purpose. It is a pleasant house of the local ironstone for which the County is famed, with a very attractive garden. Although near to the town, with a regular bus service within sight of the gate, it has quite a rural aspect. There are fifteen bedrooms, ten single, five double, the latter for friends or sisters. The dining room is panelled, the main hall roomy, lofty and pleasant, and a sitting room with a large bow window with window seat overlooks the garden.

It is envisaged that this House should principally serve the 9,000 past and present W.V.S. members in Northamptonshire, and that places should be used also as available by other Counties in Region 3, by Headquarters and by other Regions. The charge for the fortnight's stay will be very reasonable and could in particular cases be subsidised.

Rest and relaxation in a happy atmosphere is the objective.

101. As can be seen Mr Griffin, suggests that an internal memo/circular, written by an organisation with a different name (W.V.S. not even the W.R.V.S. at that time), 30 years before the events Mr Hulbert describes, that details profits made from selling meat pies during wartime, somehow magically materialised in the Home Office Voluntary Services Unit general office three decades later and "confused" Mr Hulbert.

102. Alternatively, the WVS (not WRVS) wartime meat pie scheme, that concluded decades before Mr. Hulbert began work at the VSU, was so incredibly interesting

that it was still the subject of discussion and interest within the VSU 30 years after the scheme was terminated.

103. Obviously we ask the Inquiry to reject this risible submission, because there is not a scrap of evidence to suggest that any such material from the WVS would ever have been made known or had been provided to the Home Office VSU.

104. Regardless of the absurdity of this point, had the Home Office wished to rely on this in closing submissions they were duty bound to put the document to the witness.

105. Mr Hulbert's unchallenged account of that meeting with Mr Clifford Hindley, the head of the VSU confirmed, in a manner that was and is incapable of permitting any misinterpretation, that the grant renewal was intended for the Paedophile Information Exchange, not Cornish pasties.

Conclusion on the evidence of Mr Tim Hulbert

106. Mr Hulbert is a mature man with an unblemished character, He has enjoyed a 35 year career in public service, including at the highest levels of Social Services.

107. Mr Hulbert's central testimony can be simply stated: that the Home Office, or persons within the Home Office, did or intended to fund the Paedophile Information Exchange by way of a grant renewal in 1979.

108. The Home Office Independent Investigation into alleged payment of Home Office funding to the Paedophile Information Exchange, found at 7.3 that:

"The allegations were made by one individual. As a former employee, the individual's account is credible; however no information or other person has corroborated their account."

109. The Wanless/Whittam QC Review, which was published on 11 November 2014, was assessed by the IICSA's legal team, who concluded in their letter of 9 March 2019 that:

"We do not read the Wanless and Whittam report as suggesting anything other than that Mr Hulbert had truthfully relayed his memory of the events in question."

110. Even Counsel for the Home Office in his submissions, which in the main we reject in their entirety, urged the panel to find that Mr Hulbert was genuine, albeit that Mr Griffin suggested '*mistaken*'.

111. We are sure that the Inquiry will, once again, find Mr Hulbert genuine, credible and truthful; but we submit that it cannot find that he was mistaken or confused.

112. The Inquiry had the benefit of observing the live examination of Mr Hulbert over some hours on 25 March 2019, and reaching its own conclusion as to his honesty and the clarity of his evidence.

113. Crucially, no party, including the Home Office, challenged in any way or at any time Mr Hulbert's account of his evidentially crucial meeting with Mr Clifford Hindley, the head of the VSU; when Mr Hulbert challenged the grant renewal in favour of P.I.E., and in which meeting it was confirmed, in a manner that was incapable of permitting any misinterpretation, that the grant renewal was intended for the Paedophile Information Exchange.

114. In any other court or tribunal, unchallenged evidence of this type would be determinative and would ground a factual finding in favour of the witness.

115. We submit that the Inquiry must find that Mr Hulbert's account is true.

Purpose of a Public Inquiry

116. Finding Mr Hulbert's account as true will present the Inquiry with a significant difficulty because of the passage of time, the failure to investigate this matter more thoroughly, vital evidence has been lost and the opportunity to act has been lost. But the value and evidence of the importance of Mr Hulbert's actions and evidence cannot be lost.
117. It is for that reason that we visit the fundamental purpose of a public inquiry.
118. A fundamental purpose of a public inquiry is to rebuild and restore public confidence. This is particularly vital in this sensitive investigation.
119. *Lord Laming, who carried out the Victoria Climbié Inquiry, told the British Select Committee on Public Administration that:*
- "There can be little doubt that inquiries matter greatly to the public, especially those directly affected by the events under investigation.... For the Government "the primary purpose of an inquiry is to prevent recurrence". It is also their view that, "the main aim is to learn lessons, not apportion blame". They believe that inquiries have **"helped to restore public confidence through a thorough investigation of the facts and timely and effective recommendations to prevent recurrence of the matters causing concern. Many inquiries have helped to bring about valuable and welcomed improvements in public services** [our emphasis.]*
120. A fundamental purpose for **this** public inquiry is to similarly seek to rebuild public confidence in our political, police and security institutions.
121. We say that the Inquiry must find and report that Tim Hulbert told the truth; to find that he did see evidence that the Home Office, or persons working within the Home Office had, or had intended to provide funding to the Paedophile Information Exchange, and then the Inquiry must grapple with the consequences of that finding.
122. We submit that the most obvious consequence of Mr Hulbert's evidence and the Inquiry's finding is that it compels the Inquiry to consider and make substantial findings and recommendations in relation to whistleblowing.

Whistleblowers

123. We urge the Inquiry in the strongest possible terms to re watch Mr Hulbert's closing remarks of 25 March 2019 at 178:8-179:4, where he raised the question of how inquiries treat whistleblowers:

"My question is this: that if someone of my mature years and, I hope, long and successful reputation in the public sector, is to be doubted because of their inability to adduce that critical piece of evidence, what message is the inquiry sending out to others who, like me, see something in public life that they believe is absolutely wrong, and seek through the proper channels to have it addressed? Is it a message that, "Well, actually, chaps, you'd be better not to have known about that" or "Don't rock the boat" or "Well, we can't really examine that because, you know, it would take too much time, and therefore, for reasons of proportionality, we must limit what we do"? Is it a negative message like that that you want to give people or is it a positive message, which says, "Yes, we, as an inquiry, are listening, we are prepared to listen to people who are prepared to stand up and be counted, however uncomfortable that may be, and that we will treat them with respect and dignity and that we will really pursue the question of whether or not their allegations can be substantiated and, even if they can't, we will take them seriously?"

124. Mr Hulbert's compelling evidence, and concluding remarks, underpin his proposals for reform to encourage, protect and promote whistleblowers such as himself in the future.

Current protections for whistleblowers

125. Protections for whistleblowers are currently provided by the Employment Rights Act 1996 and the Public Interest Disclosure Act 1998. These statutes are currently inadequate for protecting whistleblowers, such as Mr Hulbert.

126. Whether a whistleblower is speaking from within a current institution or talking about events or evidence connected to child sexual abuse from past work, we need to understand that deference, fear, self-protection and loyalty to organisations we work within are factors that play their part.

Deficiencies of employment legislation protections

127. Employment legislation does currently provide whistleblowing employees with some protection against retaliation, but that protection is inadequate: it simply allows a dismissed employee to bring a claim against the employer for unfair dismissal.
128. Many abuse whistleblowers may not enjoy the protections of unfair dismissal legislation, as section 94(1) of ERA 1996 holds that only employees have the right not to be unfairly dismissed, and an employee is defined as "an individual who has entered into or works under (or, where the employment has ceased, worked under) a contract of employment" (section 230(1)).
129. As employment relationships other than the employer/employee relationship increase, the proportion of the labour force who are protected under employment legislation decreases. The so-called 'gig economy' (where persons are not employed but are often 'self-employed', or agency workers), has increased dramatically in recent years. This means an increase in the number of workers who will not be protected from employment legislation when making disclosures about children at risk of sexual abuse.
130. Indeed, Mr Hulbert worked in the Home Office as a consultant. Today many temporary staff and consultants work across the civil service and local government and may not enjoy the protections of unfair dismissal legislation.

131. Access to unfair dismissal remedies are further circumscribed by the lack of resources of whistleblowers to instruct lawyers to bring a claim, and until recently the regime of employment tribunal fees which prevented many from making a claim.
132. There are also territorial limitations to protection for whistleblowers under unfair dismissal legislation. There has been some uncertainty about the territorial scope of the employment rights set out in the ERA 1996, which was resolved to an extent by the House of Lords in *Serco Ltd v Lawson* [2006] ICR 250, and more recently in *Ravat v Halliburton Manufacturing and Services Ltd* [2012] UKSC 1, in which the Supreme Court held that the categories set out in *Serco* were not exhaustive, but merely examples of employees with a "substantial connection" to Great Britain.
133. There may be whistleblowers in British Overseas Territories. Recent allegations of sexual abuse on, to name just a few examples, the Pitcairn Island, St Helena (subject to the Wass Inquiry), Haute de la Garenne in Jersey, and the Dr Giraldi Care Home in Gibraltar, emphasise the importance that whistleblowers' employment protections are not limited by territorial constraints, wherever possible.
134. The current "substantial connection" test for whistleblowers to pass in order to become eligible for an unfair dismissal claim places a potentially excessive burden on whistleblowers in sexual abuse cases, and the knowledge of this apparently insurmountable obstacle may discourage them to make a protected disclosure in the first instance.
135. In summary, protection for whistleblowers cannot be left to employment legislation alone without reforming the entire system of Employment Tribunals.

Recommendations

136. There must be a proactive structure in place to protect whistle-blowers from the moment that they make their disclosure.

137. It is also critically important that potential whistleblowers know that they will be protected.

138. That clarity may be provided by mandating organisations with responsibility for the protection of children being required to produce a whistleblowing policy. That policy must: guarantee the whistle-blower's protection (for example, restricting an organisation's ability to rely on contractual gagging clauses and guaranteeing anonymity where requested), mandate the organisational response to disclosures (including compulsory investigation and/or outside reporting), and provide feedback to the whistle-blower on the consequences of their disclosure.

Recommendations – National Whistleblower reporting centre

139. Firstly, we call upon the Inquiry to recommend the establishment of a watchdog to act as a channel for disclosures to be made, as well as be able to issue penalties to institutions that retaliate against whistle-blowers.

140. A centralised reporting centre for central and local government should be established, to allow for the development of expertise and to monitor trends across central and local government.

141. The Bosnian Law for the Protection of Whistleblowers allows potential whistleblowers to seek protections from an independent agency, and essentially seek a 'whistleblower status'. After a worker applies, the agency conducts an investigation and makes a decision. The agency then investigates whether there has been any retaliation, and if it finds any, then it imposes a fine. The agency has the power to call for persons and papers, and is backed by statutory authority.

142. We recommend the establishment of a watchdog, who can act as a channel for disclosures to be made, with the power to institute investigations of institutions

deemed to have victimised whistleblowers. Such a central body will also be able to monitor trends and develop expertise over local and national government and thereby intervene far earlier. It would also provide the opportunity for a centre of excellence in relation to the continuing development of policy related to whistleblowing.

Recommendations – Mandatory reporting

143. Secondly, we support the introduction of mandatory reporting. This would have the benefit of protecting whistle-blowers. The law must require professionals with responsibility for children (including civil servants) to make a disclosure of any reasonable suspicion that a child is at risk of abuse.

144. Doing so would minimise the risk faced by whistleblowers. Rather than whistleblowers having to go out on a limb, under a mandatory reporting law they would simply be following their legal obligations, making retaliatory action by employers more difficult and less likely.

145. Lastly, there must be whistleblowing protection for those working in the intelligence services and the military. The current (imperfect and retrospective) employment protections do not extend to people working in those areas.

146. The Inquiry has heard evidence that intelligence services were aware of abuse committed against children, for example in relation to Cyril Smith. Whistle-blower protection is clearly necessary for those working in those fields to come forward (with systems embedded to deal with issues that relate to State Security) with any suspicion of abuse, or allegations of coverups.

Conclusion

147. We ask that the Inquiry find that Tim Hulbert told the truth, and then grapple with the consequences of that finding, by making recommendations on whistle-blowers that will ensure that other Tim Hulberts come forward in the future to protect children.

David Enright
Howe & Co

Sam Stein QC
Nexus Chambers
10 April 2019

SEE ALSO ANNEX “A brief analysis of Mr Clifford Hindley’s academic writings”