

Closing Submissions of the Labour Party

We would like to make a few observations on the following topics, on behalf of the Labour Party:-

1. Mr Peter Morrison MP
2. The role of the Whips; and
3. Current practice and procedures on the safeguarding of children.

Peter Morrison MP

1. The suggested involvement of the Labour Party or its members is, we think it would be fair to say, on the margins or the outskirts of any issues about Mr Morrison's sexual conduct or possible criminal misconduct, and how police or his party responded.
2. We will not comment on the proper role of the police, and the issue of whether there should have been a police investigation into the rumours you have heard of. But with regards his party, to put it at its most basic: Mr Morrison was a Conservative Party MP. The first line of defence within Westminster should have been the actions of his own party: assessing if he posed a risk to children, and taking action if needed, if information on these issues was brought to the party's attention.
3. Furthermore, there is no suggestion that any Labour party member or activist had any first-hand or new information about his activities or any misconduct that was not already widely known and, in particular, known to the police. It was all second-hand rumour. This is not a case where individuals knew something new, but did not share it.
4. Rumours had, it seems, circulated for the better part of the 1980s. This is relevant to any suggestion of an 'agreement' if Mr Morrison stood down, in the late 1980s. It seems that gossip was rife about Mr Morrison from an early period in the 1980s. The evidence of Ms Russell on this was confirmed by witnesses such as Lord Armstrong¹ and the Security Service witness heard by you on

¹ Lord Armstrong [INQ 004057] explained that he had heard rumours as early as November 1983 that Mr Morrison had been picked up for "importuning," but had not been charged. He said in his statement that he raised the matter with the Prime Minister. Patricia Green spoke of rumours circulating even earlier [INQ004031], linking them to an incident on a train. Lord Jopling gave evidence of Mr Morrison being 'doorstepped' by the press at a point when he was still Chief Whip (1979 – 1983) [Day 11, page 79]. It was put to him that the Inquiry had heard evidence of this happening later, in 1988/89, and he agreed that his recollection could be at fault ("it might be then"), but it might be that in fact his memory was perfectly accurate. Certainly there is evidence of rumours during this earlier period.

11/3/19.² Well before the 1987 election, there were rumours relating to sexual misconduct on the part of Mr Morrison.³ As a result, it is difficult to see what was truly new in 1988 – 89 – 90, from the perspective of political opponents, when the “agreement” for Mr Morrison to stand down is supposed to have been made.⁴

5. Furthermore, the rumours were widespread through Chester and were not confined to the political community. Ms Russell’s evidence on this was confirmed by Gyles Brandreth MP’s experience, when he campaigned as the new prospective candidate in from 1991 – 1992 [GBR 00001].
6. This is the backdrop to a supposed agreement in 1988 – 1989 or thereabouts, and to whether such a suggestion is a credible one.
7. You heard about: (a) the discussion in the pub involving Jane Lee; and (b) from Mr Nicholls about what he said that he heard from Ms Russell.
8. A discussion in the pub after a local meeting of the Gresford and Rossett Labour Party (in the Wrexham not the Chester constituency), in “1989 or 1990”, was recalled by Jane Lee. Mr Ian Lucas too confirms that at a pub gathering, a local journalist stated that Mr Morrison had been arrested in the Crewe railway station for some sort of sexual offence [INQ 004087]. Both agree that the story was not subsequently reported in the press.
9. Ms Lee says she then learnt that an “official caution” was given by the police (at the hearing she said it was “probably a caution”), apparently at the request of the Prime Minister’s office; “and in return Peter Morrison would stand down at the

² He spoke of events in late 1986 – early 1987. Lord Tebbit in his Police Statement made on 15/03/2018 [OHY 0 5427] also confirms that he was approached by a police officer in around 1986 (i.e., before the 1987 general election). There is evidence of the approach by a senior Cheshire Police Officer or officers in 1986. According to the information seen by Mr McMurdo, a draft parliamentary profile of May 1990 would have stated “Stories of a sex scandal circulated in his patch and in Fleet Street but were never corroborated -- October/November 1986’ (15/3/19, p157). Whatever rumours existed, they seem to have been serious enough to lead the Conservative Agent to speak to David Robinson, the prospective Labour candidate in Chester in the 1987 election, to say that Mr Morrison was “not a well man” and would be standing down before the next election. That at least was Christine Russell’s account, and it is supported by the recollections of Edwina Currie, as well as the letter at CAB 0000123 (Walker of the Security Services to Robert Armstrong, July 1987).

³ See also OHY 007098 and 7099; when police in 2012 recorded information to suggest that Mr Morrison had been “taken off a train in Crewe”, the incident was dated to 1987.

⁴ There are some suggestions of an incident in the “late 1980s”: see the statement of Paul Connen (journalist), who speaks of rumours of ‘cottaging’ in public toilets, Chester or London [OHY006492]. There are Ms Lee and Mr Lucas’s recollection of being told by a journalist that Mr Morrison had been arrested in the Crewe railway station for some sort of sexual offence [INQ 004087]. There was evidence of a what might be called “a publication threat” in May 1990 (see the evidence of Mr McMurdo, 15/3/19, p155 - 156), but that does not match well with the timing of the supposed ‘agreement’. Overall, it is not clear whether there is supposed to have been a new and separate incident after the 1987 election, or whether old news was being rehashed; or whether there is merely vagueness or errors in dates. As Christine Russell said, it is difficult to know if there was one, two or multiple allegations – each person would have a different take on it.

next general election.” We note that this account involves the Conservative Party and the Chief Constable of Cheshire, not the Labour Party.

10. But there are a number of puzzling features. There is the fact that there is no evidence of such events in police files. A caution should leave a trace. In addition, police cautions can only be given if the person in question admits the offence. Judging from the evidence about Mr Morrison saying that he welcomed rumours being printed so that he could sue and clear his name, this seems unlikely. Nor, we suggest, would it be wrong to print details of a police caution recently given to a public figure – so why did the press agree to back off? This all now involves a great deal of speculation.⁵
11. Ms Lee of course also says that she spoke later to Mr Lucas (now Mr Lucas MP) about this “agreement”, and publicising it. She was told, she said, that he had already raised this with an unnamed person “higher up” and he been told that “we just don’t do that; for everyone they have got, we have got one”.
12. You may think it surprising that, if Jane Lee heard such a dramatic or worrying statement, she did not try to find out just who had told Mr Lucas such a thing, or follow it up further. Taking her evidence at face value, all this was, by her own account, very alarming stuff – but she did not seek explore it at all.
13. In addition, you have, now, two written statements from Mr Lucas emphatically denying that any such conversation ever took place. It is important to place that squarely on the record; he is plainly very upset by this allegation. Your Inquiry has chosen not to call Mr Lucas to test his evidence, which would generally mean that you are content with its contents and will accept them. It would be wholly wrong not to do so, given that you have not heard from him.
14. There is then the evidence of Mr Nicholls, who spoke of being told by Christine Russell of a “deal” between the local Tories, the local press, the police and Labour that if Peter Morrison stood down the matter would go no further. You heard from Mr Nicholls, and the statement of Ms Green was adduced.⁶ Neither she nor Mr Nicholls can explain exactly *who* agreed to these things, and there is also great vagueness about dates.

⁵ If, at any rate there was any truth in the rumour of an arrest by the police, there is also the possibility that Mr Morrison was released without any form of action, whether or not there was any form of unofficial police ‘warning’. That could imply a police judgment that no action should be taken.

⁶ She said that Ms Russell had told her in a telephone conversation that she was present at a meeting when “it was agreed” that Mr Morrison should stand down, and “it was agreed not to pursue other matters concerning Peter Morrison’s conduct”.

15. Christine Russell does acknowledge that there were rumours of an agreement.⁷ She also notes that she would have heard of Mr Morrison's plans to retire, and reported it back to the constituency LP – as might be expected.⁸ But crucially, Christine Russell denies being party to any such agreement, or hearing that Labour was. Gyles Brandeth also did not support the suggestion of an agreement: he did not hear any whispers of it at the time he went to Chester as Mr Morrison's successor, despite extensive local contacts and conversations with local key players.⁹
16. Overall, there is no evidence from witnesses from the Conservative Party or the police to support this suggestion. There is also silence, or absence of evidence, from members of the press to support the suggestion of a 'deal'. Yet those three bodies were in fact the 'key players' in any agreement.¹⁰
17. You may also wish to step back and to look at some inherent plausibilities, particularly with regards to the suggested involvement of the Labour Party.
18. First, we have made the point the rumours of sexual misconduct were not new rumours, but old ones, by 1988 - 1990. It is very difficult to see hard evidence of any further events since then which would have changed the electoral landscape since that date. What had really changed, to trigger any sort of an agreement?
19. Second, and more fundamentally, how did being a part of any such an agreement make any sense, from the Labour Party's perspective? Mr Nicholls could not really give a reason when asked.¹¹ You have seen the reaction of Ms Russell: it would not have been in the electoral interests of the Labour Party to make a "deal" as "the rumour mill was doing an excellent job at eroding Conservative Party support in Chester."¹² Ms Russell said further in evidence that there would not have been campaigning on rumours in any event:

“What I'm saying is, there was no agreement to cover up. It would not have been in the electoral interests of the Labour Party to stop the rumours. I mean -- but I, very clearly, being a -- you know, a magistrate and all the rest, I said to them,

⁷ She had to refute national press allegations to that effect [LAB 000037, para 9].

⁸ This may be the source of any confusion on the part of Ms Green about her conversation with Ms Russell; either that, or reference to the actions of Mr Morrison's election agent in the 1987 election (see the evidence of Ms Russell).

⁹ He commented in his witness statement that he had heard nothing of this when he arrived in Chester in 1991. In evidence, he supported that evidence, noting extensive contacts (including chats and gossip) with seasoned local journalists, political activists, senior local police etc (12/3/19, pages 115 – 116, also p120 and p121 - 122).

¹⁰ This stands in contrast to the earlier period, where are records of Mrs Thatcher being spoken before 1987. Whilst there appears to be no evidence to support the suggestion that she or her office intervened to contact the police or to protect Mr Morrison, there are records of concerns being expressed to the PM.

¹¹ page 44, 11/3/19.

¹² LB 000037 para 9.

"We can talk about Mr Morrison's very right-wing political beliefs on the doorstep any time, but you're not to go gossiping about the rumours. We have no evidence. We have no evidence. It's all rumours and allegations". I was always very -- that was always my advice." (11/3/19, page 96).¹³

20. So if Mr Morrison continued as a candidate, there were real and perfectly valid reasons why a party would not campaign on, or actively seek to make political capital out of, rumours such as these. If Mr Morrison stayed, those barriers existed. But if he decided to step down – why would the LP be required to agree that they would not campaign on these rumours? He would be old news and any rumours would simply lose their relevance. In other words, the LP was not a sensible party to any agreement. What would it add? Fundamentally, the tale of a deal with Labour does not make any sense.
21. When judging events of so many years ago, when recollections can honestly differ and be distorted by time, you need both to look for real and credible evidence, and to apply a yard stick of common sense. And on both grounds, the idea that (unidentified) members of the Labour Party would be party to an agreement with regards to Peter Morrison's political future is to be firmly rejected.

The Whips Office

22. You have heard directly from Mr Nick Brown, in evidence on 15 March 2019. Our first comment on that evidence is that, having heard it, there is no basis upon which it could be said or concluded that the Labour Party whips' office has or ever had, since 1964 at least, a 'black book', or that the whips collected and then used, for party advantage, evidence that any of its MPs were involved in the crime of child sexual abuse. Mr Brown's evidence was quite explicit on that point (see page 85 or 94, 95 of the transcript). He told the Inquiry also that he had said that only objective evidence was to be gathered – not subjective opinions, or gossip. He was pressed on this, quite properly, by Inquiry Counsel, and remained quite clear on the point. He added that the whips in the Labour Party were not part of the "establishment" and "I cannot envisage any of them being party to a cover-up of a serious allegation of child abuse" (page 99).
23. He was equally clear that if he heard that any stories were going to hit the press, all that the Whips office could do would be to 'brace ourselves'. "There isn't any intervention I could make to prevent publication, nor do I think that would be a proper thing to do." (page 90).
24. Finally, Mr Brown gave evidence that if serious and credible evidence of criminal conduct was brought to him or the Whips office, he would either report the

¹³ Mr Nicholls too stated that he thought that politics should be about policies not personalities (11/3/19, p44, "I wouldn't like the election to be fought on personalities rather than politics").

matter directly to the police, or would advise the person reporting the matter to do so (see pages 97 – 99). He told the Inquiry that he would report the matter himself “if the evidence seemed, on the face of it, a subject for concern, then I would take it upon myself to do so” (page 101) and that he had regular meetings with the police which would enable him to do so. He also made it clear that he had not actually had to deal with any issues related to child sexual abuse, or had to address these sorts of issues (p105).

Professor Thoburn

25. This evidence of course links to the evidence of Professor June Thoburn, and the safeguarding policies and procedures developed by the Labour Party. We heard from Professor Thoburn on Tuesday 26 March. She commented that the new policies submitted under cover of the witness statement of Ms Jennie Formby pulled all the previous work together, in a more coherent fashion. She noted that the Party had sought input from the NSPCC and had worked on training and DBS checks. They had appointed 16 safeguarding officers. The safeguarding policy was very clear on the Party website. Overall, the policies now were “rather better than several of the others [i.e., political parties]; some of them have a long way to go”. Having heard her evidence, although the Labour Party will be checking the general recommendations made by Professor Thoburn against its policies to ensure full compliance, we have been encouraged by her comments. We submit that they acknowledged the existence of appropriate policies, backed by training, audit, and the appointment of safeguarding officers.
26. She was, of course, asked about the evidence of Mr Brown (para 24 above) and commented that she would have expected referral of any concerns to the safeguarding manager.¹⁴ We accept that this should now take place, given the policies in place, and furthermore, such a referral would have led to rejection of attempts to ‘triage’ or assess allegations heard. There is often, in many contexts, a potential gap between policies and their practical or full implementation, and that the evidence implies that there is still work to be done to embed knowledge of the policies into the Party and its members. We are certainly not complacent. However, we would respectfully point out that Mr Brown was clear that he had not actually been faced with a situation which required him to exercise any sort of judgment with regards to allegations of child sexual abuse, or to “triage”, still less discard, any allegations. Considering such allegations might well, of course, have been the very point when policies were checked, and advice sought. So the

¹⁴ See the Labour Party Safeguarding Children Policy and Procedure, paragraph 13, on reporting concerns to the Safeguarding Unit (or regional safeguarding lead). The “Procedure for the management of a safeguarding allegation involving a child” states that “When the Labour Party receives information that a person who is not a member of staff, volunteer or member of the Labour Party has behaved in a way that constitutes a safeguarding allegation the Labour Party Safeguarding Unit will refer any such allegation to the Multi Agency Safeguarding Hub, Local Authority Service for children and/or the police, in accordance with the conditions described in this procedure. (para 3.4).

importance of this point should not be exaggerated or used to single out an individual who has not, in fact, let children down or actually failed to follow procedures in any way.

27. We do accept that these safeguarding policies they are relatively new, and so the fact that knowledge of them is not yet second nature is not, perhaps, surprising. What you have in the statement of Jennie Formby is evidence not only of the development of policy, but also of the training that has, and is still being undertaken, and also the process of audit which has been developed. Even if there is work to be done, the evidence before you, we submit, suggests strongly that we are a learning organisation with a commitment to getting this right, and a strong commitment to building a safeguarding culture. Present here today and throughout the relevant days of this module, has been the Safeguarding Manager for the Labour Party. We take this incredibly seriously, and I have to comment that we are the only political party that has taken this attitude - attending in person and applying to you to be allowed to participate, as a Core Participant. It was also because of the desire to get this absolutely right, and a lack of complacency, that we explicitly asked for the comments of Professor Thoburn on the Labour Party policies, and we hope that her favourable judgment on that issue will not be lost, but recognised by explicit acknowledgement of what has really been quite excellent work by my clients.

Conclusion.

28. We hope these comments will be useful to the Inquiry. We wish to make it clear that we have been assisted by its scrutiny of policies and practice on child safeguarding, and we wish it well in its task of completing this investigatory module.

ELEANOR GREY QC
28 March 2019