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The Rt Hon Elfyn Llwyd MP
House of Commons
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28 July 2014

Dear Elfyn,

Following my statement to the House of 7 July about the sexual abuse of children and the Government's intended response, I am writing to respond to your query regarding Lady Justice Macur's review of the Waterhouse Inquiry, and the other points raised during the debate. I am copying this letter to all of those to whom I promised a response during the debate.

Macur review of the Waterhouse Inquiry

As you will be aware, Lady Justice's Macur's Review is an independent review established by the Government on 8 November 2012 to review the scope of the Waterhouse Inquiry, conducted in the 1990s, whether any specific allegations of child abuse falling within the terms of reference were not investigated by the Inquiry, and to make recommendations to the Secretary of State for Justice and the Secretary of State for Wales.

The Review published an issues paper in January 2013 seeking evidence from anyone with information relating to its remit by 29 March 2013. Lady Justice Macur and her team have also met numerous individuals with information relevant to its terms of reference; and Lady Justice Macur held two public meetings in Wrexham on 18 June and on that day privately met anyone who asked to do so.

Under Lady Justice Macur's direction, her experienced team continue to closely scrutinise the very large volumes of materials provided to, and produced in, the tribunal process and to investigate issues arising within and from relevant submissions received by the review. The Macur team continues to liaise with Operation Pallial and to make enquiries of Government departments which may have knowledge of matters pertinent to Lady Justice Macur's terms of reference.

The specifics and timings are a matter for Lady Justice Macur and she will report to Government when she has completed her investigations.

Operation Pallial

In addition, Ann Clwyd MP asked about the progress of Operation Pallial, the independent investigation into recent allegations of historical child abuse in North Wales. Operation Pallial began in November 2012 and is led by Keith Bristow, Director General of the National Crime Agency (NCA). The offences under investigation are believed to have been committed between 1953 and 1995 on boys, girls and young adults aged between six and 19 years old. A total of 28 care homes in North Wales currently feature in the investigation.

The investigation is continuing to make good progress and, to date, 21 people have been arrested on suspicion of serious sexual and other offences and 10 individuals have been charged. I have been advised that more arrests and charges are expected to follow in the months ahead. The number of people coming forward to report historical allegations of abuse in the care system in North Wales continues to increase. Up to 3 June 2014, a total of 271 people have reported one or more allegations.

The NCA are prioritising their work to identify, arrest and charge offenders who are alive, but they are also hoping over the next few months to speak to victims in cases where the perpetrator has died. Clearly, there can be no prosecution in these cases, but it is important that each victim understands how their contribution has supported the investigation. Where it is appropriate to do so, Operation Pallial will also make the outcome of enquiries more widely known.

To avoid any impact on local policing in North Wales, the cost of phase two of the investigation is being met by the Home Office, and is reviewed on a monthly basis. The investigation itself has already been independently reviewed to ensure that it is focused and efficient. The investigation has the full support of North Wales Police, the National Society for the Prevention of Cruelty to Children (NSPCC), the Children's Commissioner for Wales, the CPS, and other partner agencies.

With regard to timescales, Pallial is still investigating a large number of allegations and I have been advised it is anticipated that the associated court cases will continue well into next year, and that the investigation will continue to follow the evidence as quickly as professionally possible. It is likely that the investigation, which is one of the largest ongoing investigations into recent allegations of historical child abuse, will continue into 2016.

Digitisation of films/videos

Dr Phillip Lee MP asked that I consider whether the current legal framework provides the police with the powers they need to protect victims from

blackmail from images recorded in the 1970s and 1980s which have now been digitised.

There are a number of pieces of legislation which are potentially relevant here, depending on the circumstances of a specific case. Blackmail is an offence under section 21 of the Theft Act 1968. An individual is guilty of blackmail if, with a view to gain for themselves or another or with intent to cause loss to another, they make any unwarranted demand with menaces. This may include an individual threatening to publish or distribute historical images – digital or otherwise - unless the victim, for example, paid them a sum of money.

Where such incidents occur but do not fall within the Theft Act because, for example, the offender is not seeking to gain money or property but seeking to discourage victims from coming forward, the offender may be guilty of other offences, including witness intimidation under section 51 of the Criminal Justice and Public Order Act 1994. With regard to the images themselves, if the images shared, uploaded, made or published are of children under the age of 18, the law is both robust and clear. Legislation such as the Protection of Children Act 1978 could be used against those making or circulating such images. Possession of such images is also a criminal offence.

More generally, there is also legislation in place to protect victims from harassment. Even if the images are not themselves illegal, if their distribution is carried out as part of a 'course of conduct' which alarms a person or causes distress, this could amount to a criminal offence under the Protection from Harassment Act 1997, which also provides for civil remedies.

Furthermore, under the Malicious Communications Act 1988 it is an offence to send communications or other articles to another person or persons with intent to cause distress or anxiety. This covers all forms of communication, including email, faxes and telephone calls. Similarly, section 127 of the Communications Act 2003 makes it an offence to send grossly offensive, indecent, obscene or menacing material over a public electronic communications network.

You may also wish to note that the Government is currently looking at the issue of posting online intimate images of individuals without the subject's consent, a practice known generally as "revenge porn". The Ministry of Justice is currently considering whether this behaviour is adequately covered by the criminal law, and I am writing to the Justice Secretary to ensure that the points raised are taken into account as part of that exercise.

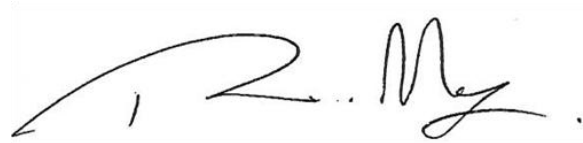
Review and Inquiry timescales

Finally, Nigel Evans MP queried the timescales for the Panel Inquiry as well as the Review being conducted by Peter Wanless and Richard Whittam QC. I will ask the Panel to submit a report to Parliament before the election in May 2015. I expect that it will take longer than that for the matter to be considered fully, but I believe that it is important for Parliament to be kept advised of

progress. Peter Wanless and Richard Whittam QC have been asked to complete their review within the next eight to 10 weeks.

I am also writing to the appropriate Ministerial colleagues about the queries relating to counselling support for victims, tariffs for serious sexual crimes, and mandatory reporting of child abuse, raised by Bill Esterson MP, Mark Pritchard MP, and Cheryl Gillan MP respectively. In addition, I have asked my officials to look at the points raised by Duncan Hames MP, Ronnie Campbell MP, and Sir Peter Bottomley MP regarding the Official Secrets Act, Operation Rose, and the Lawrence Inquiry.

I am placing a copy of this letter in the House Library.

A handwritten signature in black ink, appearing to read 'T. May', with a large, sweeping initial 'T' and a stylized 'M'.

The Rt. Hon Theresa May MP