

By hand and by email:

Rt Hon Yvette Cooper - Secretary of State for the Home Department
Home Office
2 Marsham St,
London
SW1P 4DF

Our ref: DE/MO/IICSA

15 January 2025

JUDICIAL REVIEW PRE- ACTION PROTOCOL LETTER

Dear Sirs,

Government Response to the Final Report of the Independent Inquiry into Child Sexual Abuse

Please treat this letter as a pre-action letter within the pre-action protocol for judicial review.

The proposed Claimant

Mrs Maggie Oliver

The proposed Defendant

The Secretary of State for the Home Department.

Reply date

4pm on 3 February 2025.

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References

Our Ref: DE/MO/IICSA

Your Ref: Not known

The decision under challenge

1. The ongoing delay by the Secretary of State for the Home Department (“the SSHD”) and failure to accept and implement in full the 20 recommendations made by the Independent Inquiry into Child Sexual Abuse (“IICSA”) in its Final Report published on 20 October 2022.
2. Alternatively the failure of SSHD to commit to implementation of all 20 proposals within a specified timescale in SSHD’s published statement of 7 January 2025.
3. The failure of the SSHD to set a timetable for implantation of the 20 recommendations made by the IICSA.
4. For the avoidance of doubt the continuing and ongoing delay to implement the 20 IICSA recommendations is confirmed in the Secretary of State’s published statement to the House of Commons of the 7 January 2025, which can be found here:

<https://www.gov.uk/government/speeches/tackling-child-sexual-abuse>

Background

5. The proposed Claimant Maggie Oliver is a retired detective constable of the Greater Manchester Police. Mrs Oliver became a Detective Constable in 2002 and joined the Major Incident Unit of the Serious Crime Team of the Great Manchester Police in 2004.
6. During her time as a Detective Constable, Mrs Oliver was tasked to work first on Operation Augusta (2004-5) and later Operation Span (2010-12), during which investigations she

interviewed large numbers of children who had been the subject of sexual abuse and child sexual exploitation.

7. During these operations Mrs Oliver witnessed the repeated failure of Senior Officers to record CSA and CSE allegations, to prosecute serial offenders or to protect the young victims. In order to publicly speak out about the police neglect of child sexual abuse victims, Mrs Oliver was forced to make the difficult decision to resign from the Greater Manchester Police in 2012 so that she would be free to do so.
8. In May 2017, the BBC televised the series *Three Girls*, dramatising the cases in which Mrs Oliver was involved, which put child sexual abuse at the forefront of the national debate. On 13 May 2018 the series was awarded 5 BAFTAs. Mrs Oliver had worked on this programme for 4 years as the programme consultant, and was instrumental in bringing on board all of the main characters, including the three girls who the programme was named after.
9. Following airing of *Three Girls*, Mrs Oliver was contacted by thousands of survivors of similar patterns of abuse and poor treatment by police and other statutory services as the girls in the drama. Mrs Oliver founded the Maggie Oliver Foundation for the survivors of the Rochdale abuse scandal, and other victims of child sexual exploitation and abuse. Mrs Oliver was a core participant in the Independent Inquiry into Child Sexual Abuse (IICSA), and made a significant contribution to the IICSA's Child Sexual Abuse by Organised Networks Investigation, which reported in February 2022.

The Independent Inquiry into Child Sexual Abuse (IICSA)

10. On 7 July 2014, the then SSHD, Theresa May MP, announced the establishment of the Inquiry, initially in non-statutory form. On 22 January 2015, the SSHD made a further statement in the House of Commons describing the Inquiry as a "*once-in-a-generation opportunity*" to deliver justice for survivors of child abuse. In her statement, she

emphasised the need for the Inquiry to make recommendations that would prevent such abuse from occurring again in future.

11. In February 2015, the Inquiry was reconstituted as a statutory inquiry under the Inquiries Act 2005, enabling it to compel witnesses and request any material necessary to investigate where institutions failed to protect children in their care.

12. The scope of the Inquiry, as set out in its Terms of Reference, was to (emphasis added):

*“... consider the extent to which State and non-State institutions have failed in their duty of care to protect children from sexual abuse and exploitation; to consider the extent to which those failings have since been addressed; to identify further action needed to address any failings identified; **to consider the steps which it is necessary for State and non-State institutions to take in order to protect children from such abuse in future; and to publish a report with recommendations.**”*

13. The Inquiry’s Terms of Reference required it to produce an Interim Report. This was published as the *Interim Report of the Independent Inquiry into Child Sexual Abuse* in April 2018.

14. The Inquiry completed 15 separate investigations, which examined the extent to which institutions took sufficient care to protect children from sexual abuse, and the extent to which the institutions involved knew or should have known about the abuse, and how they responded.

The findings and recommendations of IICSA

15. The IICSA’s first recommendation in its final report (Recommendation one) was that, “**A single set of core data relating to child sexual abuse and child sexual exploitation.**” Mrs Oliver is particularly concerned that this particular recommendation has not been implemented and that there should be mandatory recording of the age, ethnicity, religion and occupation of all perpetrators of child sexual abuse and their victims.

Relevant findings and recommendations of the IICSA organised networks investigation – the basis for IICSA recommendation one.

16. This IICSA first recommendation arose from the IICSA’s Child Sexual Abuse by Organised Networks Investigation. In that Report the IICSA addressed the, “**widespread failures to collect data about the ethnicity of perpetrators and victims in the case study areas.**” At Section H of that report and in its conclusions the IICSA found:

Profiling

30. Problem profiling involves the drawing together by the police of information about child sexual exploitation from different agencies into one place. As the Children’s Commissioner made clear in 2013, a profile should include data about how many children and young people have been sexually exploited, intelligence on places of concern, and information on gangs and other networks, groups and individuals who present a risk of sexual harm.

*31. Despite this, none of the police forces in the case study areas had an accurate profile setting out a clear picture of the networks sexually exploiting children in their area. Profiles were often based on limited, inaccurate or incomplete data. Issues with the flagging process contributed to these problems. **There were widespread failures to collect data about the ethnicity of perpetrators and victims in the case study areas.***

32. As a result, none of the police forces or local authorities in the case study areas had an accurate understanding of the networks sexually exploiting children in their area.

33. The improved collection and use of data is critical to the response to child sexual exploitation if these offences are to be properly investigated and resourced.

17. The IICSA recommended in its Organised Networks report:

Recommendation 5: Child sexual exploitation data

Police forces and local authorities in England and Wales must collect data on all cases of known or suspected child sexual exploitation and child sexual exploitation by networks. These data should be separated from other data sets, including data on

child sexual abuse, and be disaggregated by the sex, ethnicity and disability of both the victim and perpetrator.

This disaggregated data should be used by police forces to inform problem profiling and activities to disrupt and investigate offenders. Local authorities should take account of the disaggregated data when commissioning services for children.

The UK Government and the Welsh Government should take steps to ensure that these data are being collected and disaggregated in a consistent and accurate way by police forces and local authorities.

The IICSA final report – The Inquiry’s recommendations for change

18. In its Final Report published on 20 October 2022, the Inquiry made 20 concluding recommendations, including six from earlier reports which were reiterated. These are set out in full in Section II, Part K of the Final Report (pages 326-354).

19. In summary, the Inquiry recommended that the UK (and Welsh) governments:

1. Introduce a single set of core data relating to child sexual abuse and child sexual exploitation.
2. Create a Child Protection Authority in England and in Wales.
3. Create a cabinet-level Minister for Children.
4. Commission regular programmes of activity to increase public awareness about child sexual abuse.
5. Prohibit the use of any technique that deliberately induces pain (previously referred to by the Inquiry as ‘pain compliance techniques’) by withdrawing all policy permitting its use in custodial institutions in which children are detained, and setting out that this practice is prohibited by way of regulation.
6. Amend the Children Act 1989 to give parity of legal protection to children in care.
7. Introduce the registration of care staff in children’s homes.

8. Introduce professional registration of staff in roles responsible for the care of children in young offender institutions and secure training centres.
9. Make arrangements to enable any person engaging an individual to work or volunteer with children on a frequent basis to check whether or not they have been barred by the Disclosure and Barring Service from working with children.
10. Take steps to improve compliance by regulated activity providers with their statutory duty to refer concerns about the suitability of individuals to work with children to the Disclosure and Barring Service
11. Extend the disclosure regime to those working with children overseas.
12. Introduce a mandatory requirement for all regulated providers of search services and user-to-user services to pre-screen for known child sexual abuse material.
13. Introduce legislation which places certain individuals ('mandated reporters') under a statutory duty to report child sexual abuse in certain circumstances.
14. Commission a joint inspection of compliance with the Victims' Code in relation to victims and survivors of child sexual abuse.
15. Remove the three-year limitation period for personal injury claims brought by victims and survivors of child sexual abuse.
16. Provide a national guarantee of specialist therapeutic support for child victims.
17. Direct the Information Commissioner's Office to introduce a code of practice on retention of and access to records known to relate to child sexual abuse.
18. Implement further changes to the Criminal Injuries Compensation Scheme to: include other forms of child sexual abuse, including online-facilitated sexual abuse; amend the rule on unspent convictions; and increase the time limit for child sexual abuse applications.

19. Establish a single, tiered redress scheme in England and Wales, taking into account devolved responsibilities.

20. Introduce legislation requiring providers of online services and social media platforms to implement more stringent age verification measures.

20. In its concluding remarks, the Inquiry stated that *“addressing the past and present concerns requires **prompt and effective action**”* and as such, it *“expects the UK government, the Welsh Government and the specified institutions to act upon its recommendations promptly”* (Part K, paras 122, 124). It also commented that *“**the recommendations are designed to provide a comprehensive response by the State**, as well as institutions and organisations which work with children, to address the very current problems in preventing, reporting and responding to child sexual abuse”* (Part K, para. 123) (emphasis added).

21. The failure to implement the IICSA’s recommendations, including the IICSA’s first recommendation is, as you will be aware, the cause of widespread national concern. This includes Mrs Oliver’s widely shared concern, that the failure to implement these recommendations has placed children across the UK at heightened risk of Child Sexual Abuse and Child Sexual Exploitation by organised groups of child predators.

22. It is Mrs Oliver’s firmly held belief that without data to prove a problem, any such problem cannot fully be addressed, and speculation and extreme views are fuelled as they cannot be disproven or confirmed. In her written submission to the Home Affairs Select Committee in 2013 Mrs Oliver flagged to Committee Chair the importance of a national database containing this information which has still not been actioned 12 years later, despite another recommendation in the final IICSA report.

Further ministerial statements

23. On 24 October 2022, two days after the publication of the Inquiry's Final Report, the then SSHD, Grant Shapps MP, made a statement to Parliament (emphasis added):

*" ... I have laid a copy of the inquiry's report before Parliament. It is only right that the Government will now take time to carefully consider its findings and recommendations in full. **We will respond comprehensively** and in line with the inquiry's deadline, but let me make this promise now: **I will use all available levers to protect our children and right the wrongs exposed by the inquiry's findings, I will do all in my power to improve how law enforcement and the criminal justice system respond to child sexual abuse**, and I will work with ministerial colleagues and across party lines to hold organisations to account, bring perpetrators to justice and support victims and survivors with compassion and total care.*

[...]

*Child sexual abuse is a terrible but preventable crime—and we must prevent it. **We will do so with the inquiry's recommendations in front of us and with the words of heroic survivors ringing in our ears.** I commend this statement to the House."*

24. In response to a statement made by Theresa May MP, the SSHD stated (emphasis added):

*"I thank my right hon. Friend for all that she did in setting up the inquiry. This has involved seven years, 725 witnesses, 20 reports across 15 investigations, 24 research reports and, as I mentioned, the processing of 2 million pages of evidence. **It is extremely important that we take all this information and ensure that we act on it, and I give an undertaking from the Dispatch Box today to honour the spirit in which she set up the inquiry in the first place.**"*

25. Finally, the SSHD stated as follows (emphasis added):

*" ... As I mentioned, the problem of sexual abuse happens in so many different settings, so we have to act simultaneously on all fronts. This seven-year report—brilliantly commissioned by my right hon. Friend the Member for Maidenhead, as many colleagues have mentioned—is just the start. **We now need to make sure that we enact all the recommendations.**"*

(Vol 721, Col 46-60)

The Government's Response to the Final Report

26. On 22 May 2023, the then SSHD, Suella Braverman MP, published the *Government Response to the Final Report of the Independent Inquiry into Child Sexual Abuse* policy paper.
27. In her Forward to the Government Response, the SSHD claimed that she had "*accepted the need to act on all but one of the Inquiry's recommendations*" (page 2) (emphasis added). She specifically rejected Recommendation 5, the suggested ban on the use of pain compliance techniques on children in custodial institutions.
28. Mrs Oliver is aware of a previous proposed judicial review, brought by Mr Peter Smith, a fellow core participant. Mrs Oliver is aware that Mr Smith submitted a Pre Action Protocol Letter to the then Secretary of State, challenging the refusal of the Secretary of State to implement the IICSA's recommendation 5 (The use of pain compliance techniques on children).
29. Mrs Oliver understands that, in response to Mr Smith's proposed action, the then Secretary of State committed to implement the IICSA's recommendation 5 and to ban the use of pain compliance techniques on children in custodial institutions.
30. However, in the SSHD's statement of 7 January 2025, the SSHD stated, "*None of the 20 recommendations from the independent inquiry into child abuse have been implemented.*"
31. The Government Legal Department Reference for that pre action exchange was Z2308734/AOR/DS4.

Failure to implement IICSA Recommendations

32. However, whilst the then SSHD purported to accept the IICSA's recommendations in the 22 May 2023 response, this acceptance was often qualified:

- a. Recommendations 1, 2, 3, 4, 12, 14 and 20 – the SSHD stated that the recommended course of action was already in place or in progress.
- b. Recommendations 6, 7 and 8 – the SSHD expressed an intention to address the recommendations through alternative means.
- c. Recommendations 9 and 11 – the SSHD stated that acceptance would be subject to further assessment or consideration.
- d. Recommendations 15, 16, 18 and 19 – the SSHD stated the Government would engage in further consultation to explore how the recommendations might be addressed in future.

33. On 22 May 2023, Suella Braverman MP stated in Parliament (in reference to the government’s response of the same date to the IICSA final report) that:

“The interests of victims and survivors are at the heart of the inquiry’s report, and of the Government’s response ... Today is about ensuring their voices are heard and reflected in our work, so that future generations do not suffer as they did. I promise that their courage will count”. She reiterated that “we are accepting the need to act on 19 of the inquiry’s 20 final recommendations” (Vol 733, Col 41-43).

34. Several MPs raised questions in response to the SSHD’s statement. The current SSHD, Yvette Cooper MP, said as follows (emphasis added):

“May I also say to the Home Secretary that the rest of the statement is inadequate as a Government response to such a serious and weighty report? I am glad that she has accepted the need to act on 19 of the 20 recommendations, but that is not the same as accepting the recommendations or as setting out what action she is actually going to take. For example, the inquiry said that victims and survivors should receive “a guarantee of specialist therapeutic support”, but all her statement says is: “We will elicit views on the future of therapeutic support”.

We know that that therapeutic support is inadequate and that there are lots of views already—the whole point of the inquiry was to gather those views and that evidence. On many of the recommendations, there is little detail. All that the Home Secretary has done is simply point to what the Government are doing already. I hope that there is more in the full report to which she refers, but there is far too little in the statement today to give us any confidence.”

(Vol 733, Col 43-44)

35. The SSHD responded (emphasis added):

“ ... The Government have accepted the need to act on 19 out of the 20 recommendations. We are accepting the vast majority of them. I hope that that reflects our genuine and real commitment to getting this right ... Let me be clear: we will do whatever it takes and whatever is necessary to protect children from abuse—no ifs and no buts.”

(Vol 733, Col 44-46)

36. On or around 30 May 2023 the IICSA panel (Alexis Jay OBE, Drusilla Sharpling CBE, Ivor Frank and Sir Malcolm Evans) wrote a letter to the Times Newspaper and stated:

“ Sir, We are writing to express our deep concern at the government’s inadequate response to the 20 recommendations in the final report of the Independent Inquiry into Child Sexual Abuse. The Inquiry lasted seven years, published 52 reports and made more than 100 recommendations. These were based on exhaustive investigations, research, consultation and formal evidence taking from victims, experts and a wide range of organisations and institutions.

By its response the government seems to have failed to understand the recommendations either in substance or significance, Some are deemed to be ‘accepted’ when, in reality, they clearly are not, while others are conditional on yet more research, review or consultation. To none is a timeline attached or a committed action plan. We fear that for the sake of other political priorities, action will be deferred indefinitely.

While the government is free to reject or partially accept the recommendations of a statutory public inquiry, what it ought not to be free to do is purport to accept them through what is little more than a very weak and, at times, apparently disingenuous official response. As a result, the hopes and expectations of victims and survivors

will be dashed yet again, and the scourge of child sexual abuse will continue to increase unabated."

37. In a statement, published on 7 January 2025, the SSHD stated, in respect of the implementation of the IICSA's recommendations:

Introduction – serious crime

Child sexual abuse and exploitation are the most vile and horrific of crimes – involving rape, violence, coercive control, intimidation, manipulation and deep long-term harm.

The information from the crime survey should be chilling to all of us. It estimates that half a million children every year experience some form of child sexual abuse – violence and sexual violation within the home, repeated rapes or exploitation by grooming or paedophile gangs, threats and intimidation involving intimate images online, abuse within institutions that should have protected and cared for young people. Cruel and sadistic crimes against those who are most vulnerable.

All of us have a responsibility to protect our children.

Perpetrators must be punished and pursued. Victims and survivors must be protected and supported.

But these crimes have not been taken seriously for too long and far too many children have been failed. That is why this government is determined to act – strengthening the law, taking forward recommendations from independent inquiries, supporting stronger police action and protection for victims.

Reports and recommendations

There is no excuse for anyone not to take these crimes seriously. Brave survivors speaking out have shone a light on terrible crimes and the failure of institutions to act – be it in care homes in Rochdale, Asian grooming gangs in Rotherham or Telford, abuse that was covered up within faith institutions including the Church of England and Catholic Church, or within family homes.

[NB – Mrs Oliver notes that SSHD was incorrect in her statement. Mrs Oliver maintains that victims and survivors in Rochdale did not reside in care homes,

however, victims identified in the Augusta review in Manchester were all children in care homes.]

That report alongside other appalling crimes coming to light is why in opposition our party called for a national Independent Inquiry into Child Sexual Abuse and supported that work when it was launched by the previous government. Over 7 years, that inquiry – expertly led by Professor Alexis Jay – engaged with more than 7,000 victims and survivors, processed 2 million pages of evidence and published 61 reports and publications.

Its findings should be truly disturbing for everyone – describing the pain and suffering caused to victims and survivors, the deviousness and cruelty of perpetrators.

Exploitation and gangs

Nor is there any excuse for anyone not to recognise and act on the deep harm and damage from organised gang exploitation, abuse, sexual assaults and rape.

Ten years ago 2 reports by Alexis Jay and Louise Casey into Rotherham found that 1,400 children were sexually exploited, raped by multiple perpetrators, trafficked across other towns, abducted, beaten, threatened with guns, even children who had been doused in petrol, girls as young as 11 who were raped. Their reports identified then a decade ago, a failure to confront Pakistani heritage gangs and “a widespread perception that they should “downplay” the ethnic dimensions” for fear of being seen to be racist.

When those reports came out, those failings in Rotherham were condemned across the board by both government and opposition in this House, and as I said at the time “it is never an excuse to use race and ethnicity or community relations as an excuse not to investigate and punish sex offenders.” And the then Home Secretary made clear “cultural concerns and fear of being seen as racist must never stand in the way of child protection.”

The Independent Inquiry into Child Sexual Abuse also ran a specific investigation strand into child sexual exploitation by organised networks – it ran for 2 years and produced a separate report in February 2022 which concluded that police forces and local councils were still failing to tackle this serious crime and set out further recommendations for change.

Failure to act

But Madame Deputy Speaker, despite these different inquiries drawing up multiple recommendations, far too little has actually been done. None of the 20 recommendations from the independent inquiry into child abuse have been implemented.

As the act on IICSA campaign group from The Survivor's Trust has said this week, victims of child sexual abuse "cannot afford further delays in meaningful action".

And they said that it is now "imperative to keep the focus on radical reform".

Two different Conservative Home Secretaries said after the report was published that it was a watershed, should be the beginning of a new chapter for change. But that has not happened.

Government response

We need now new impetus and action.

Since coming into office, the Safeguarding Minister has met with Professor Alexis Jay and survivors and convened the first dedicated cross government group to drive forward change.

And to ensure that victims' voices remain at the very heart of this process. I can tell the House we will set up a victims and survivors panel to work on an ongoing basis with the inter-ministerial group and guide them on the design, delivery and implementation of new proposals and plans, not just on the IICSA inquiry but on wider work around child sexual abuse and exploitation and we will set out more details and timescales based on that work.

...

The independent inquiry recommended as one of its first recommendations, a single core data set on child abuse and protection but that has never been done.

38. It remains the case, over two years after the IICSA laid its final report before Parliament, that the SSHD has not implement fully or at all, the recommendations of the IICSA, including

the IICSA's first recommendation for, "A single set of core data relating to child sexual abuse and child sexual exploitation."

Legitimate Expectation

39. The Supreme Court in *Re Finucane's Application for Judicial Review* [2019] UKSC 7; [2019] 3 All ER 191 reviewed several of the leading cases on substantive legitimate expectations. Lord Kerr (with whom Lady Hale, Lord Hodge and Lady Black agreed) stated at [62]:

"62. From these authorities it can be deduced that where a clear and unambiguous undertaking has been made, the authority giving the undertaking will not be allowed to depart from it unless it is shown that it is fair to do so. The court is the arbiter of fairness in this context. And a matter sounding on the question of fairness is whether the alteration in policy frustrates any reliance which the person or group has placed on it. This is quite different, in my opinion, from saying that it is a prerequisite of a substantive legitimate expectation claim that the person relying on it must show that he or she has suffered a detriment."

40. Statements addressed to the public at large (or a subsection of it) may give rise to legitimate expectations. This includes statements made to, or answers given in, Parliament: *R (Abbasi) v Secretary of State for Foreign and Commonwealth Affairs* [2002] EWCA Civ 1598; [2003] UKHRR 76 at [91]; and *R (British Civilian Internees (Far East Region)) v Secretary of State for Defence* [2003] EWCA Civ 473; [2003] 3 WLR 80 at [2].

41. More weight might be placed on expectations of a fundamental human right, such that some rights are entitled to greater protection than others: see for example *R (Reprotech (Pebsham) Ltd) v East Sussex CC* [2002] UKHL 8; [2003] 1 WLR 348 at [34] where Lord Hoffman contrasted the right to a home with ordinary property rights which "are in general far more limited by considerations of public interest".

United Nations Convention on the Rights of the Child

42. Article 3 of the UN Convention on the Rights of the Child (“UNCRC”), to which the UK is a party, provides that:

“Article 3 – Best Interests of the Child

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

43. Article 34 UNCRC specifically concerns the sexual exploitation of children. It provides:

“Article 34 – Sexual Exploitation of Children States

Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials.”

PROPOSED GROUNDS FOR JUDICIAL REVIEW

44. Given the above, and the SSHD’s statement of 7 January 2025 that, “None of the 20 recommendations from the independent inquiry into child abuse have been implemented”, Mrs Oliver intends to challenge that failure on the following proposed grounds:

45. **Proposed Ground 1:** The Secretary of State has acted irrationally and unreasonably in failing to implement any of the Inquiry’s recommendations. We submit that the Secretary of State’s delay of over two years since the publication of the IICSA final report is inherently unreasonable.

46. The delay is rendered more egregious by the clear statement by the then SSHD (Suella Braverman) on 22 May 2023 to the effect that the government “*are accepting the need to act on 19 of the inquiry’s 20 final recommendations*”.
47. Essentially SSHD has acted unreasonably in stating publicly that it would implement the recommendations, but failing to do so. The proposed Claimant relies on the letter of the IICSA Inquiry Chair dated 30 May 2023, in which the IICSA panel publicly expressed concerns that the government was not genuine in stating that it would implement the 20 recommendations within a specified timetable.
48. **Proposed Ground 2:** The Secretary of State has acted in breach of a legitimate expectation when failing to implement any of the Inquiry’s recommendations. The proposed Claimant relies upon unequivocal public statements as detailed above made by the Secretary of State that the recommendations would be implemented. The proposed Claimant will aver that the public statements as to implementation were understood to convey that the implementation would be undertaken within a reasonable timeframe.
49. **Proposed Ground 3:** The Secretary of State has acted irrationally and unreasonably in failing to set a timetable for implementation. The Secretary of State has acknowledged that: ‘*Over 7 years, that inquiry –expertly led by Professor Alexis Jay – engaged with more than 7,000 victims and survivors, processed 2 million pages of evidence and published 61 reports and publications*’. It is submitted that many hundreds of victims and survivors of Child Sexual Abuse gave evidence before the IICSA and, in many cases, experienced re-traumatisation through having to re-live the experiences of their abuse. Those victims put themselves forward in the hope that future generations of children would not be required to undergo similar abuse from sexual predators in the future.
50. Without prejudice to proposed grounds one and two above, whilst a delay in implementation might in some cases be acceptable – it is neither acceptable nor reasonable

for the victims and survivors of abuse who contributed to the Inquiry to be left in a position where they are unable to know when the important recommendations of IICSA.

51. **Proposed Ground 4: Failure to comply with positive obligations in relation to Article 3 ECHR.** More broadly, SSHD's ongoing delay and/or failure to accept and enact the Inquiry's 20 recommendations is incompatible with her positive duty to act to avoid a risk of breaching Article 3 of the ECHR.

52. Furthermore, the delay amounts to breaches of the rights of victims and survivor of abuse, who have suffered re-traumatisation through re-living their own experiences to assist IICSA in resolving issues surrounding child sexual abuse and exploitation. The Secretary of State is under a duty to act in such a manner so as to avoid such breaches.

53. Additionally SSHD has acted in breach of her duty to consider the interests of children (Article 3 UNCRC) and protect them from all forms of sexual exploitation and sexual abuse (Article 34 UNCRR).

54. Further, or in the alternative, in unreasonably delaying implementation or alternatively deciding not to accept and enact the Inquiry's 20 recommendations, the SSHD failed to take the best interests of the child (Article 3 UNCRC) as a primary consideration.

Further Public Inquiry

55. Mrs Oliver is aware of the widespread and growing calls for a Public Inquiry into organised grooming of girls in cities and areas across Britain. Not surprisingly, given her background, work and core participant status in the IICSA Organised Networks Investigation, Mrs Oliver's views on this proposal have been repeatedly canvassed.

56. Mrs Oliver considers that a significant part of the motivation for these calls for an Inquiry arise from the failure of the SSHD to implement the recommendations of the IICSA. For example, had the SSHD implemented the IICSA's first recommendation over two years ago

there would now be reliable data on the ethnicity of perpetrators, suspected perpetrators and victims. Such data, depending upon its content, could have allayed concerns or highlighted the need for urgent further action.

57. Although Mrs Oliver was a core participant in the IICSA Organised Networks investigation, she was and remains highly critical of that investigation, the decision not to adequately, or at all, investigate organised grooming groups in the north of England and elsewhere, and the widely held concern that a disproportionate number of perpetrators or suspected perpetrators were/are of Pakistani ethnicity.

58. Mrs Oliver remains neutral on the calls for a further public inquiry at this time, in significant part due to the concerns of victims and survivors that a further public inquiry:

- Might delay the implementation of the IICSA's recommendations,
- The concerns of victims and survivors that a further public inquiry would again fail to investigate, adequately or at all, the key concerns of victims and survivors and
- Fail to hear directly from victims of grooming.

59. However if, as it appears likely, a public inquiry is to be held, Mrs Oliver is willing to engage with those establishing that inquiry, and setting its terms of reference.

60. If the Secretary of State remains minded to continue the stance of this and the previous government to refuse to provide a timetable on the implementation of the IICSA recommendations, we ask that SSHD indicates, in her response to this letter, whether she will institute a statutory public Inquiry into the government's failure to implement the 20 IICSA recommendations. We take the view that this failure is sufficiently egregious to engage section 1 of the Inquiries Act 2005.

Action that we require you to take

61. We require that the SSHD takes the following action:

- a. Confirms that all 20 of the recommendations made by IICSA will be implemented within a specified timeframe.
- b. Sets out the actions that are to be taken in respect of each of the said 20 recommendations.
- c. Provides a timetable for implementation of the 20 recommendations and detailed proposals as to how the aforesaid 20 recommendations will be implemented,
- d. Where no immediate action is to be taken in respect of a particular recommendation, publishes details of the specific steps the UK government will take in response to each recommendation to ensure that it is fully implemented promptly and effectively.

62. Accordingly, we must insist on the above actions being taken in response to this letter before **4pm on 3 February 2025**, the Reply Date specified at the outset of this letter.

63. Alternatively, we would accept an unequivocal undertaking before the said Reply Date that the above action will be taken with a timetable for implementation of the action.

64. Should we not receive a satisfactory response in relation to these matters before the Reply Date, we will issue Judicial Review proceedings, in which we will seek:

- a. Declaratory relief as to unlawfulness based on the reasons given above;
- b. An Order to compel the Secretary of State to unequivocally accept the IICSA's 20 Recommendations;
- c. An order to compel the Secretary of State to provide a timetable as to the implementation of the 20 recommendations.

Action to be taken by the Claimant

65. Should the SSHD fail to take the above action by the response date specified at the outset of this letter, we will commence Judicial Review proceedings in accordance with the pre-action protocol and seek to recover the costs in bringing the claim from you.

Proposed Interested Parties

66. We wish to put you on notice that we are considering the addition of interested parties, including the IICSA Chair and panel, in these proposed proceedings.


Costs Capping Order

67. Given that the matters are plainly matters of public interest and importance, Mrs Oliver will seek a Costs Capping Order under CPR 46, which the Defendant will be invited to agree, and which we anticipate the Court will grant. Mrs Oliver does not have sufficient means to fund a claim and meets the criteria set out at sections 88 and 89 of the Criminal Justice and Courts Act 2015.

Details of Claimant's solicitors

68. The Claimant's solicitors in this matter are:

David Enright
Howe + Co
1010 Great West Road,
London
TW8 9BA


Tel: 0208 840 4688

69. If you are responding close to the given deadline then please ensure that the letter is sent by email as well as by post to ensure receipt prior to the given deadline.

Address for Reply

70. For the avoidance of doubt, the address for reply is: David Enright by email –



Alternative Dispute Resolution

71. We are happy to consider any proposal from the Proposed Defendant in relation to Alternative Dispute Resolution within the next 14 days. However, we will not entertain any proposals that would result in our having to delay issuing a claim for judicial review beyond 3 months of the date of the Secretary of State's public statement of 7 January 2025.

72. If you have any queries, please contact us via the email address mentioned above.

Yours sincerely

A handwritten signature in black ink that reads "Howe + Co".

**DAVID ENRIGHT JP
PARTNER
HOWE + CO SOLICITORS**

CC. Government Legal Department, by way of formal service

Professor Alexis Jay (Chair – Independent Inquiry into Child Sexual Abuse), out of courtesy, and as Professor Jay may consider that she/her inquiry may be an interested party in any proceedings

