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# Special grant review: Operation Conifer

A review of a special grant application made by the Wiltshire police and crime commissioner in relation to the investigation of allegations of child sexual abuse against the late Sir Edward Heath

June 2017

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# 1. Summary

In January 2017, the Home Office asked HMIC to review a special grant application from the Wiltshire police and crime commissioner for funding to support Operation Conifer. Operation Conifer is a sensitive and controversial investigation into allegations of child sexual abuse against former Prime Minister, Sir Edward Heath.

A decision had already been made to investigate these allegations. It was not our role to examine that decision. HMIC was asked to provide its view on whether the resources deployed to complete the investigation are both proportionate and reasonable when considering the associated risks and threats. We were also to advise on whether the force is applying value for money principles. We conducted our review in January and February 2017.

We found evidence of a small, cohesive investigation team. Chief officers are visible leaders and constantly monitor the risks and threats which primarily relate to expectations of the public, the media, safeguarding issues and reputation. The force draws upon appropriate external advice and guidance and has established an independent scrutiny panel.

Taking account of these threats and risks and the scale of the operation, we conclude that the resources deployed are proportionate and reasonable.

Turning to the question of whether the investigation was providing value for money, the evidence was encouraging. There is a strong governance regime with strict financial controls; staffing levels which have been kept to the minimum required; an approach to recruiting staff which limited costs; and relatively low non-staff expenditure.

However, we were concerned about the number of investigative actions which are outstanding. We recommend that all the outstanding actions be reassessed so that unnecessary lines of enquiry can be terminated.

Therefore, we conclude that:

- the resources deployed are proportionate and reasonable;
- Wiltshire Police is applying value for money principles; but
- outstanding investigative actions should be reassessed with the aim of bringing the operation to a conclusion by its target date of June 2017.

Finally, the Operation Conifer investigation was reviewed at its first anniversary. That review was led by a member of the operation's own gold governance group. Should the operation extend beyond June 2017, Wiltshire Police should consider a further, wholly independent, review of its investigation.

## 2. Introduction

On 11 October 2016, the Minister of State for Policing and the Fire Service invited<sup>1</sup> Her Majesty's Inspectorate of Constabulary (HMIC) to review all special grant applications for funding received from police and crime commissioners during 2016/17, provided such applications met general criteria.

Following this request, in January 2017, the Home Office asked HMIC to review a special grant application from the Wiltshire police and crime commissioner for funding to support Operation Conifer. This operation is an investigation into allegations of child sexual abuse against former Prime Minister, the late Sir Edward Heath.

This investigation is into allegations of offences in various police force areas across England and Wales. However, because Sir Edward Heath's home was in Wiltshire, the investigation is being undertaken on behalf of the police service by Wiltshire Police.

### **Our terms of reference**

A decision had already been made to investigate these allegations. It was not our role to examine that decision. Our terms of reference were:

“To provide advice to the Home Office on Wiltshire police and crime commissioner's Special Grant application in regard to Operation Conifer, the investigation into allegations of child sex abuse involving Sir Edward Heath.

HMIC will be required to review the operational deployment used and provide an assessment. The advice should focus on whether the resources deployed to complete the investigation are both proportionate and reasonable, when considering the risks and threats applicable to the operation in question.”<sup>2</sup>

Therefore, it was not our role to conduct an “investigation review”, the aim of which is to ensure that no investigative opportunities have been overlooked.

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<sup>1</sup> HMIC treated the Minister's request as direction under section 54(3) of the Police Act 1996.

<sup>2</sup> Email from Home Office officials to HMIC dated 5 January 2017.

## Methodology

Before our review, Wiltshire Police provided us with relevant documentation and briefed the HMIC inspector who was to undertake the review.

In January 2017, the inspector visited the major incident room in Wiltshire to assess the scale of the operation. He interviewed senior Wiltshire Police personnel and other staff from the force who were performing significant roles in the investigation.

He discussed governance, finance and resource requirements with due regard to the level of risk and threat.

HMIC also consulted the national co-ordinator for Operation Hydrant,<sup>3</sup> who provides Wiltshire Police with relevant advice and has reviewed Operation Conifer.

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<sup>3</sup> Operation Hydrant is the national policing operation to manage the increasing demand on police forces to respond to non-recent child sexual abuse in institutional settings, or abuse alleged to have been perpetrated by persons of public prominence.

### 3. Findings

#### The scale of the operation

In August 2015, Wiltshire Police agreed to a request by the national portfolio lead for Operation Hydrant<sup>4</sup> to act as the lead force for investigating allegations of child sexual abuse involving former Prime Minister, Sir Edward Heath. Wiltshire Police was one of a number of forces to have received allegations about Heath and it was clear that there needed to be a coordinated response. Until his death in 2005, Heath resided in Wiltshire<sup>5</sup>, which identified his local force as the natural home for the investigation.

Operation Conifer commenced in September 2015, and Wiltshire Police anticipates that it will conclude by June 2017. It operates under the following terms of reference:

“At a national level co-ordinate the policing response and oversee the investigative process into non-recent child abuse allegations surrounding the late Sir Edward Heath.

At a national level ensure all proportionate lines of enquiry are undertaken to a consistent standard, such that this may objectively lead to the identification of witnesses or suspects, whether deceased or alive.

Where relevant in conjunction with the Crown Prosecution Service bring to justice any suspects that are still alive.

To ensure that all victims and witnesses receive the appropriate care and support required in line with national best practice.”<sup>6</sup>

The investigation’s objectives are:

“to identify and safeguard children and vulnerable adults who may be at risk of abuse today;

to seek the truth about the allegations of child abuse made against Sir Edward Heath through an objective and proportionate investigation;

through the course of the investigation, identify, and where possible bring to justice, any surviving offenders if there is sufficient evidence that they

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<sup>4</sup> The chief constable of Norfolk Constabulary is the National Police Chiefs’ Council national portfolio lead for Operation Hydrant.

<sup>5</sup> Sir Edward Heath resided at 'Arundells' in Salisbury, Wiltshire.

<sup>6</sup> Wiltshire Police gold strategy for Operation Conifer.

committed criminal offences related to child abuse or committed criminal offences relating to a 'cover up'; and

to provide public confidence in the police response to the allegations.”<sup>7</sup>

Initially, the national portfolio lead for Operation Hydrant proposed that Wiltshire would co-ordinate a national investigation, with other forces undertaking enquiries which fell within their own geographical boundaries. However, it soon became apparent that this would not provide an effective solution, as individual enquiries were frequently linked and crossed force boundaries. Therefore, Wiltshire undertook to complete all enquiries, regardless of their location.

Furthermore, in our view, the sensitive and specialist nature of this investigation means it is much more suitable for a dedicated team to complete, even though this approach is generally likely to incur higher travel and subsistence costs.

The force has been mindful of guidance issued by the College of Policing in respect of allegations made against a deceased suspect. This says: “There should be a presumption that a full but proportionate investigation is to be carried out which results in a distinct outcome or report. This will ensure that all safeguarding considerations have been managed and that victims can be afforded a meaningful outcome.”<sup>8</sup>

## Risks and threats

Operation Conifer is a highly sensitive operation which has attracted a great deal of media attention. In conducting our review, we formed the view that the principal risks and threats to the operation fell into four broad categories:

- expectations of the public;
- the media;
- safeguarding issues;<sup>9</sup> and
- reputation.

Wiltshire Police seeks to mitigate these risks and threats by setting up a robust governance structure and thorough investigative processes. A risk register has been produced which is monitored and reviewed regularly at gold meetings.

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<sup>7</sup> Ibid.

<sup>8</sup> *Operation Hydrant SIO Guidance*, The College of Policing, November 2015, paragraph 2.5. The College issued further guidance in November 2016: *Operation Hydrant SIO Advice*.

<sup>9</sup> The Care Quality Commission defines safeguarding as: “protecting people’s health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect.”

## Expectations of the public

The allegations, which involve a public figure in the most senior of roles, include allegations of offences during his time in office; the public would expect them to be investigated thoroughly. Furthermore, the investigation of non-recent sexual offence allegations against public figures is a controversial one, particularly in the light of a recent independent review into the Metropolitan Police Service's handling of such allegations (Operation Midland).<sup>10</sup> Therefore, Wiltshire Police must demonstrate not only that Operation Conifer is proportionate, but also that it is legitimate, justified and necessary.

The public may expect a clear outcome, but Wiltshire Police does not intend to draw any conclusions about Sir Edward Heath's guilt or innocence. (Recent media statements to the contrary were inaccurate.)

The force's position on this is similar to that of the Crown Prosecution Service (CPS). Since deceased persons cannot be prosecuted, the CPS will not make a charging decision in respect of a suspect who is deceased; nor will the CPS make hypothetical charging decisions. For instance, it will not indicate whether a charging decision would have been made if a suspect was still alive.<sup>11</sup>

A final report will be produced but a decision has yet to be made about the extent to which its contents will be published. This will be a difficult decision for the chief constable at the conclusion of the operation, and one which is likely to provoke further controversy. We understand that the chief constable has already sought external advice, including the opinions of chief officers from other forces.

On 2 December 2016, Wiltshire Police's chief constable responded to reports of this nature through an open letter, which addressed a number of inaccurate assertions.<sup>12</sup>

It was clear during our review that Operation Conifer is conducted on a 'need-to-know' basis. Nevertheless, speculative media reports, fuelled by leaked information, remain a constant threat to the success of the investigation.

The force has devised a media strategy which is monitored and updated through the gold group. Both the head of corporate communications and head of media services are members of the gold group.

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<sup>10</sup> Sir Richard Henriques, a retired judge, reviewed the Metropolitan Police's handling of a series of allegations that high profile individuals had been involved in the sexual abuse of boys in the 1970s and 1980s. The investigation, Operation Midland, ended in March 2016, with no charges being brought. The Henriques report was published on 31 October 2016, and made 25 recommendations.

<sup>11</sup> Deceased Suspects – CPS Policy on Charging Decisions, CPS website.  
[www.cps.gov.uk/legal/d\\_to\\_g/deceased\\_suspects/](http://www.cps.gov.uk/legal/d_to_g/deceased_suspects/)

<sup>12</sup> <https://youtu.be/YtWVtH8AuA4>

## **Safeguarding issues**

Although Sir Edward Heath died in 2005, Operation Conifer should not be considered as a purely historical inquiry. Sexual abuse has a profound and lasting effect on any victims and, regardless of the veracity of any claims made against Heath, the police and partner agencies have a duty of care to people who are vulnerable.

Each of Operation Conifer's potential victims is risk assessed which provides the basis for an individual care plan. Support is then provided in conjunction with other agencies, as appropriate, and with the individual's local police force should the person reside outside Wiltshire. All contact with the individual is recorded on the care plan.

During the course of the operation, allegations have been made against other individuals; some are alleged to have acted in concert with Heath, others independently. Although some of the individuals may have had no connection with Heath and would not fall within the remit of Operation Conifer, they cannot be disregarded.

Whenever potential offending is identified that does not meet Operation Conifer's terms of reference, the allegations are either referred to the appropriate department within Wiltshire Police for investigation, or to another force if the investigation rightly belongs elsewhere. On occasions, allegations of police misconduct have been referred to the Independent Police Complaints Commission (IPCC).

## **Reputation**

The force is well aware of reputational risks and the potential cumulative effect of the risks and threats to Wiltshire Police, national policing and HM Government. There is also the risk of unjustified damage to the reputation of individuals. We refer, in particular, to Sir Edward Heath, who cannot defend himself against the allegations. We are satisfied that the force is managing these risks appropriately.

## **The financial bid**

It is anticipated that Operation Conifer will be brought to a conclusion by June 2017. The projected total bid is for approximately £1.3m, which comprises of:

- Wiltshire Police salaries and overtime (circa £1.02m);
- mutual aid (circa £100,000);<sup>13</sup>
- agency costs (circa £45,000); and

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<sup>13</sup> Mutual aid is the provision of policing assistance by one force to another. It is a formal arrangement and is usually provided in response to, or in anticipation of, a major incident or event.

- non-staff costs (circa £127,000).

The bid only relates to enquiries arising from investigations within the operation's terms of reference.

## Value for money

As part of the review, we were looking for measures taken by the force to limit the cost of the operation (and therefore the size of the special grant application) without compromising the operation's objectives. This led us to examine the governance arrangements, management of the investigation, and the resource requirements and related cost.

## Governance

The operation has an assistant chief constable, as gold commander, providing strategic direction. However, the chief constable has stated publicly that overall responsibility rests with him alone.<sup>14</sup>

The assistant chief constable chairs a monthly gold group meeting and, in turn, briefs the chief constable every six weeks. The chief constable then provides the police and crime commissioner with updates on a quarterly basis.

Gold meetings are recorded with minutes and have a broad agenda. This varies according to need but typically includes the following: the investigation; potential witnesses and victims; media; finance; resources; and risks. Any actions raised are similarly recorded and monitored at future meetings. Attendance at the gold meetings is restricted to those who need to be there but, nevertheless, includes a wide range of individuals. Legal advice is provided by a force solicitor, while the co-ordinator of Operation Hydrant is available for advice on national guidance. However, it was noticeable that the force's chief finance officer is not represented, although finance is a standing agenda item.

We questioned this aspect and were satisfied that due diligence is being applied through separate finance meetings between the senior investigating officer and finance officers, and between the gold commander and the chief finance officer. All expenditure is centrally controlled and constantly monitored.

We noted that a representative of an independent scrutiny panel also attends gold meetings. The panel was established to offer impartial advice and guidance to the operation and is comprised of a human rights barrister, a forensic psychologist, a

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<sup>14</sup> <https://youtu.be/YtWVtH8AuA4>

community advisor, and a professor of medical ethics. It is clear that the panel members were carefully selected in order to introduce a wide range of skills to advise the investigation.

Further independent scrutiny was applied in December 2016, when the chief constable and gold commander provided local Members of Parliament, including some Peers, with an overview of the operation and responded to questions and challenges. They also sought the views of chief officers from other forces. Those chief officers were asked to consider the more complex problems facing Wiltshire Police, such as the content and publication of a final report.

But, ultimately, Operation Conifer will be judged on the quality of its investigation. The force has introduced what it calls a 'proportionality matrix' which is used by investigators to help determine the range and extent of the lines of enquiry to be adopted during the operation. The matrix is an evaluation tool which helps to ensure that investigators only do what is reasonable and necessary.

## **Management of the investigation**

When we commenced our review, a detective superintendent was responsible for managing the investigation, as senior investigating officer (SIO). He had other responsibilities, including the leadership of a complex, though unrelated, investigation. He estimated that he dedicated approximately 60 percent of his time to Operation Conifer. Therefore, a detective inspector, as deputy SIO, supervised much of the day-to-day investigative activity.<sup>15</sup>

During the course of the review, the original SIO had to be replaced because of illness. The deputy SIO was promoted to temporary detective superintendent and appointed SIO for Operation Conifer. The force then provided another detective inspector, who had prior knowledge of the investigation, to the team. We are satisfied that the operation has not been adversely affected by these changes.

The operation's major incident room (MIR) is housed in suitable and secure police premises, with a Home Office Large Major Enquiry System (HOLMES) facility.<sup>16</sup> The system is used to generate investigative actions<sup>17</sup> for completion by a small but sufficiently sized team of investigators. At the time of our review, 1,151 actions had

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<sup>15</sup> Wiltshire Police does not have an intermediate chief inspector rank between inspector and superintendent.

<sup>16</sup> The Home Office Large Major Enquiry System (HOLMES) is an investigation management system which is used by law enforcement agencies to investigate serious crimes.

<sup>17</sup> An action is any activity which, if pursued, is likely to establish significant facts, preserve material or lead to the resolution of the investigation.

been generated, of which 549 had been completed. It would be incorrect to assume from this data that the operation is only at a half-way stage, as many of the previous actions may no longer be necessary or relevant.

By way of example, it may have been considered necessary at an early stage to interview everyone who attended a particular event. As the investigation progressed, it may have become apparent that the event in question was not as significant as first thought, in which case further interviews would no longer be necessary. This is common practice in major investigations.

We recommend that the team reassesses all outstanding investigative actions, so that any unnecessary lines of enquiry are identified and concluded, allowing investigators to concentrate on the operation's priorities. As it stands, each investigator has approximately 50 outstanding actions, which is difficult for an investigator to manage.

The force also needs to consider its obligations for the future disclosure of material,<sup>18</sup> particularly after the operation has concluded. This is likely to be an onerous task and is an area of concern which needs to be addressed well in advance.

The force has not conducted any internal reviews of the investigation but in October 2016, the chief constable commissioned a review by personnel from Operation Hydrant. The national co-ordinator for Operation Hydrant led the review team, which included experienced senior investigating officers from different forces. We interviewed the national co-ordinator, who was satisfied that the investigation was justified and that it adhered to national guidelines.

We noted that the national co-ordinator is a member of Operation Conifer's gold group. While he did not feel that this presented a conflict of interest, we recommend that the force seeks a further, wholly independent, review should the investigation extend beyond June 2017.

## **The resource requirement and cost**

The vast majority of the operation's costs are staff related; indeed, non-staff costs only account for approximately 12 percent of the budget. Other than minor adjustments, staffing levels have remained constant throughout. The total current establishment is 18 which includes:

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<sup>18</sup> The force should consider potential obligations under the Criminal Procedure and Investigations Act 1996 (CPIA) and any disclosure requirements by The Independent Inquiry into Child Sexual Abuse (IICSA), which is investigating the extent to which institutions have failed to protect children from sexual abuse.

- 1 x superintendent
- 2 x inspector
- 4 x constable
- 2 x full-time employee support staff
- 1 x seconded support staff
- 2 x contracted support staff supervisor
- 5 x contracted support staff investigator
- 1 x agency staff secretarial support.

This is a small team for a complex investigation, but the force has sought to apply value for money principles whilst meeting the needs and objectives of the operation.

When Operation Conifer was reviewed by Operation Hydrant at the time of its first anniversary, a recommendation was made to increase the establishment by four. The force decided against implementing the recommendation, both because the existing staffing levels were considered adequate, and because any increase would have affected the force's resilience elsewhere.

From the outset, Wiltshire Police had difficulty in recruiting staff for the operation; it wanted to avoid the associated travel and accommodation costs for seconded officers, so sought to rely on local officers in the first instance. An attempt was made to recruit staff from the force's own region but was unsuccessful. The force then approached the National Police Coordination Centre (NPoCC) and requested that eight detectives be supplied from around the country through mutual aid. As a result, two members of staff were recruited: a detective from the East Anglia region, who was recalled to his force after three months; and a member of West Mercia Police's support staff, who has been seconded throughout the operation as a HOLMES operator. Wiltshire Police only provides weekly hotel accommodation for that one seconded employee.

As a result, Wiltshire has limited costs by using its own resources wherever possible, supplemented by a small contingent of detectives who have recently retired from the force. Those individuals are employed as investigating officers on a short-term contract basis, which represents a significant saving when compared to the cost of employing serving police officers: a contracted investigator costs £14.33 per hour and a contracted supervisor £15.75 per hour, while a constable and sergeant cost on average £18.48 and £28.13 respectively.

The force made further savings by recruiting the contracted investigators directly, rather than through an employment agency which attracts an additional fee. The only agency employee, who was recruited through the force's preferred supplier, provides

secretarial support as the force lacked this resource. By circumventing the need for mutual aid, Wiltshire Police has also avoided the five percent administration fee which it attracts and any associated travel and accommodation costs.

The majority of non-staff costs relate to travel, as the force used existing accommodation and equipment wherever possible. At the outset, the investigation did not have sufficient extra cars to meet the needs of the operation. The force considered purchasing cars but the finance director recommended long-term lease hire as a more cost effective option. As a result, the force leased four modest specification cars, for use by 18 members of staff.

Further savings have been made by adhering to the principles of necessity and proportionality. As there is no prospect of a prosecution involving Sir Edward Heath, lines of enquiry do not have to be completed to the evidential standard required by a court of law; once a particular fact has been established, investigators do not need to pursue a line of enquiry to the utmost degree.

By way of example, questionnaires have been distributed in order to identify anyone of potential significance, rather than interview all who may have been at a particular location or event. Similarly, when it has not been necessary to obtain a written statement, interviews have been conducted over the telephone or via video-conferencing to save on travel and accommodation costs.

## 4. Conclusion

The terms of reference for this review required us to focus on whether the resources deployed to complete the investigation are both proportionate and reasonable.

Our inspection revealed evidence of a small, cohesive investigation team, which operates within a secure environment. Chief officers provide visible leadership and constantly monitor the threats and risks, drawing upon appropriate external advice and guidance.

Taking account of these threats and risks and the scale of the operation, we conclude that the resources deployed are proportionate and reasonable.

Turning to the matter of value for money, upon which we were also asked to comment, the evidence was encouraging. We found a strong governance regime with strict financial controls; staffing levels which have been kept to the minimum required; an approach to recruiting staff which limited costs; and relatively low non-staff expenditure.

However, we were concerned about the number of investigative actions which are not completed. We recommend that all the outstanding actions be reassessed so that unnecessary lines of enquiry can be terminated.

Therefore, we conclude that:

- the resources deployed are proportionate and reasonable;
- Wiltshire Police is applying value for money principles; but
- outstanding investigative actions should be reassessed with the aim of bringing the operation to a conclusion by June 2017.

Finally, Operation Conifer was reviewed at the time of its first anniversary. That review was led by a member of the operation's own gold group. Should the operation extend beyond June 2017, Wiltshire Police may wish to consider a further, wholly independent, review of the investigation.