

Investigation name:	<b>Operation Linden South: Mr Shaun Wright</b>
IOPC reference:	2015/058025

## > Summary of IOPC referral decision

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At the conclusion of this investigation the IOPC is required to consider whether the matter should be referred to the Director of Public Prosecutions (DPP) for the DPP to determine whether criminal charges should be brought against any individual.

We must consider:

- a) whether there are indications that a criminal offence may have been committed by a person to whose conduct the investigation related, and if so
- b) whether the circumstances are such that it is appropriate for the matters dealt with in the evidence to be considered by the DPP

In this case we have decided not to refer the matter to the DPP for the reasons summarised below.

### > Former Police and Crime Commissioner Shaun Wright

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It is alleged that former Police and Crime Commissioner (PCC) Shaun Wright may have provided misleading information when giving evidence, on oath, in front of the Home Affairs Select Committee (HASC) on 9 September 2014.

The meeting of the HASC was held following the publication of Professor Jay's Report into Child Sexual Exploitation (CSE) in Rotherham in 2014.

Our investigation aimed to identify whether Mr Shaun Wright may have committed a criminal offence and, if appropriate, make early contact with the Director of Public Prosecutions (DPP).

The criminal offence considered in this investigation was perjury, a dishonesty related offence, in this case before government officials.

The Perjury Act 1911, Section 2, defines perjury outside of judicial proceedings as:

*"False statements on oath made otherwise than in a judicial proceeding.*

*If any person—*

*(1) being required or authorised by law to make any statement on oath for any purpose, and being lawfully sworn (otherwise than in a judicial proceeding) wilfully makes a statement which is material for that purpose and which he knows to be false or does not believe to be true."*

## > Summary of rationale

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### **First condition of referral: whether there are indications that a criminal offence may have been committed by a person to whose conduct the investigation related**

In this investigation there was at the outset an indication that former PCC Shaun Wright may have committed a criminal offence. For the purposes of the first limb of the test, the question is whether an indication remains after all the evidence has been gathered, including Mr Wright's account.

The specific offence under consideration, perjury, is a dishonesty related offence. The points to prove for perjury under the Perjury Act 1911 section 2 are that any person:

- being required or authorised by law to make any statement on oath for any purpose and
- being lawfully sworn (otherwise than in a judicial proceeding)
- wilfully makes a statement which is material for that purpose and
- which he knows to be false or does not believe to be true

Mr Wright was required to give a statement under oath to HASC, and he was lawfully sworn. He did provide a statement. However, on the basis of the investigation report there is insufficient evidence to indicate that Mr Wright either knew his statement to be false or did not believe it to be true.

The investigation considered four areas:

- A. Whether Mr Wright lied when he stated he did not receive reports detailing the extent of Child Sexual Exploitation (CSE) in Rotherham.
- B. Whether Mr Wright lied when he stated he did not recall attending a barbeque for Risky Business nor speaking to any victims or survivors there.
- C. Whether Mr Wright lied when he stated he did not take legal advice for the answers he gave at the HASC.
- D. Whether Mr Wright lied when he stated he was not aware of the extent of CSE in Rotherham during the time he was Cabinet Member.

In relation to (A) the investigation report states that Mr Wright gave evidence to HASC that he received four reports, none of which detailed the extent of CSE at Rotherham. The investigation found nothing to confirm that Mr Wright received more than four reports relating to the matters before HASC, and nothing to confirm that the reports he did receive set out the full extent of CSE at Rotherham.

In relation to (B) the investigation report records that, in his prepared statement, Mr Wright stated he did not recall attending a barbeque held or hosted by Risky Business. He also stated he did not, and still does not, recall any survivors of CSE telling him about their experiences of CSE during his time at Cabinet Member. He also stated such an event would have affected him emotionally, so he would have recalled it. The report records that the investigator has seen no further evidence to support or undermine the allegation Mr Wright lied by stating that he could not recall this meeting, while giving evidence at the HASC. In addition, the investigator has not seen any evidence which corroborates Complainant A's account that Mr Wright did attend the barbeque and that Complainant A overheard Complainant B describing to Mr Wright the abuse they suffered.

In relation to (C) the investigation report records that at the HASC, Mr Wright was asked if he had taken legal advice to state he "*did not recall*" events asked about when giving evidence. Mr Wright replied that he had not. When the investigator asked Mr Wright this at interview, he declined to comment. There are no further lines of enquiry that could ascertain evidence to prove the allegation that Mr Wright lied when he gave this answer under oath. Legal discussion between a legal advisor and their client is protected by 'Legal Professional Privilege' (LPP). LPP is part of common law, and protects a client from their legal advisor disclosing the advice that they have given. Therefore, any evidence that would prove this allegation against Mr Wright would be subject to LPP and therefore, not disclosable without consent. The IOPC considered whether it would be appropriate to ask Mr Wright to waive LPP and in our view it would not be, given the strong public interest arguments in support of maintaining this protection, and that Mr Wright is most unlikely to give such consent.

In relation to (D) the investigation report records that Mr Wright agreed, in both his evidence at the HASC and in his interview, that he was aware that CSE existed in Rotherham. He stated that he was not, however, aware of the extent of such CSE. Professor Jay stated in her report that the evidence in the case suggested CSE in Rotherham was "*extremely serious*" which might have been an indication to Mr Wright that the prevalence of CSE was high. However it is not known if or when Mr Wright would have got this information. In addition, the trial was held in October 2010, which was after Mr Wright left office. Professor Jay stated that the "*offences under Operation Central represented a small proportion of current CSE offences in the Borough*" which suggested the operation did not highlight the true extent of CSE in Rotherham.

On the basis of the above, in our view, there was insufficient evidence to satisfy the first limb of the referral test.

**Second condition: that the circumstances are such that it is appropriate for the matters dealt with in the evidence to be considered by the DPP**

As we did not consider the first condition to have been met, we did not need to consider the second condition.

## **Decision**

On the basis of the evidence listed above, we decided that the report did not indicate that a criminal offence may have been committed by Mr Wright and that it was not appropriate for the matters in the report to be considered by the DPP.

The matter was not therefore referred to the DPP.