IN THE UNDERCOVER POLICING INQUIRY

RESPONSE TO CONSULTATION ON
" Proposed Changes to the Process for the Publication of Open Versions of Key Anonymity Applications and Supporting Evidence: Special Demonstration Squad"
ON BEHALF OF PETER FRANCIS

---

1. We understand the Chairman's concerns about the significant delays that have characterised the determination of anonymity applications relating to the SDS to date and the desire to further streamline the process. We note that the delay is attributed to the "separation" process (i.e. the time it takes to separate "open" from "closed" material). We do not take issue with the specific proposals, but it seems to us that whatever process is followed, the way that task ("separation") is performed is fundamental to reaching a proper and fair decision in relation to each application.

2. Paragraph 2 of the introduction to the consultation suggests that the level of disclosure to date has been at its fullest possible and has still prevented meaningful participation by the NPNSCPs. It is right to say that the NPNSCPs and Peter Francis have at times been hampered from making meaningful submissions, particularly on the question of the level of risk of harm, but it is not accepted that the disclosure to date has been as full as it could be, notwithstanding the terms of Rule 12 and / or other relevant legal considerations. In our view the redactions to the supporting and other material served to date have been excessive. This is particularly evident in the way in which medical evidence has been redacted to date, each "gist" being meaningless.

3. Another example is the way in which HN58's managerial role was described (or rather, not described) in the Chairman's initial "minded to" and in the supporting evidence) was in fact an unjustified withholding of relevant material, the disclosure of which would not have (and has not) revealed either his real or cover name, but would have immediately made clear the important public interest considerations in favour of disclosure of his real and / or cover name.

4. It is not clear to us that the new process proposed would improve the disclosure process in the sense of making it truly as full as it could and should be in order to allow effective participation from CPs. If the disclosure itself is inadequate, then the procedure as summarised at para 4 of the Introduction will also be inadequate.

5. The current process map requires both the open and closed applications and supporting evidence to be prepared by the applicant with the Inquiry Legal Team making suggestions, where considered necessary, for further openness, with the Chairman being the ultimate arbiter in disputed cases. Presumably it is this process that is the most time consuming and has resulted in the sometimes inadequate disclosure. It seems to us that much time could be saved if the Inquiry Legal Team was to consider the full, unredacted applications and if they were to prepare the open versions in the first instance, including a meaningful gist where necessary, as opposed to the process being started by the MPS (who as applicants would be inclined to defensive over-redaction) and the Inquiry Legal Team reacting to it.

6. It may that the time saved by not disclosing applications and supporting applications where the Chairman is minded to refuse (and other proposed streamlining) will mean that there can be a much more focussed approach to the issue of disclosure.

MAYA SIKAND

11 JANUARY 2017