


First Statement of Sir Gerald Hayden Phillips

Statement Number: 1

Date: 13.10.2022

IN THE MATTER OF AN INQUIRY UNDER THE INQUIRIES ACT 2005

INTO UNDERCOVER POLICING

FIRST WITNESS STATEMENT
OF SIR GERALD HAYDEN PHILLIPS

**I SIR GERALD HAYDEN PHILLIPS C/O GOVERNMENT LEGAL DEPARTMENT WILL
SAY as follows:**

1. I am Sir Gerald Hayden Phillips. I am currently retired from the civil service, but I continue to work part time outside the civil service. I was employed as a civil servant between July 1967 and 2004, with the exception of a period between the beginning of 1977 and February 1979 when I worked in Brussels for the European Commission.

- [REDACTED]
2. I held various roles during my career in the civil service, including the position of Permanent Secretary of the newly created Department of National Heritage (now the Department for Digital Culture Media and Sport) between 1992 and 1988, and the role of Permanent Secretary to the Lord Chancellor's Department between 1988 and 2004.
 3. I make this statement in response to the Inquiry's rule 9 request of 11 August 2022.
 4. The contents of this statement are true to the best of my knowledge, information and belief. Where appropriate, I indicate which statements are matters of information or belief. Where matters are not within my knowledge, they are based on documents I have seen or are derived from the person or sources I identify.
 5. In preparing this statement, there have been shown to me 142 documents provided by the Inquiry, which I have considered and which help inform my statement. In this statement, I dealt with each of the questions posed in the Inquiry's Rule 9 request in turn. I have attempted to answer each question, and I have used the documents provided by the Inquiry to assist me in doing so, but it will be apparent that I do not know the answers to a number of questions. This is usually because the questions relates to matters which fall outside my time in the relevant post or in which I had no direct involvement. I have given all of the Inquiry's questions careful attention and I have been as detailed and thorough as I can be in answering them.



Answers to the Inquiry's questions

Personal details

Q1: Please give your full name and date of birth.

6. My name is Gerald Hayden Philips and I was born on [REDACTED] 1943.

Civil Service career

Q2: Please provide a short summary of your Civil Service career together with relevant dates, if known. This summary should include at least the following information:

Q2.1: When you joined the Civil Service.

Q2.2: As best you can recall, an outline of the positions you held within the Civil Service and at which grade.

7. I joined the civil service in July 1967 and spent my first 18 months as an assistant private secretary in the offices of first a minister in the House of Lords, and then a minister in the House of Commons. In my first role I worked on setting up a charity called the Police Dependences' Trust, and in the latter role I filled the post of a Private Secretary on long term leave.

8. When this posting finished, I went to work in the new Department of Economic Advice in the Home Office as an Assistant Principal. After around two to three

years, I was promoted to an economic adviser as part of the ordinary administrative class.

9. After attending a course in the civil service college, I joined, as Principal, the Police Department in the F3 Division in the Home Office that dealt with traffic offences. In 1974, I became the Home Secretary's Principal Private Secretary.
10. As set out above, I left the civil service temporarily to work for the European Commission between 1977 and 1979.
11. In February 1979, I joined the F4 Division in the Home Office which was in charge of public order, terrorism and royal protection (among other things). There, I was subsequently promoted to Under-Secretary in the Police Department to be in charge of two divisions, F1 and F4. Division F1 dealt with the Metropolitan Police, man power etc. and F4 dealt with terrorism and national security. I was promoted to be the police authority, which the Home Office was in charge of at the time. In spring 1983 I ceased to work with police matters and moved on to another role as the Head of IND, the Immigration Department of the Home Office.
12. In Summer 1986 I left the Home Office for the Cabinet Office where I was in charge of education and training of civil servants. In December 1988 I moved to the Treasury, where I first worked on public expenditure and then the pay and conditions of civil servants.

[REDACTED]

13. In 1992 I took up the post of Permanent Secretary of the newly created Department of National Heritage (now the Department for Digital Culture Media and Sport), which I held until 1988. In 1998, I took up the post of Permanent Secretary to the Lord Chancellor's Department until 2004, when I retired from the civil service.

Q2.3: Details of any roles or positions (even if informal) in which you were required to oversee, coordinate or otherwise interact with the Metropolitan Police Service Special Branch ('MPSB').

14. From 1979 until Spring 1983 I was regularly in touch with people from the Metropolitan Police Special Branch ("MPSB") given my responsibilities at the time in relation to policy on public order, and government policy dealing with terrorism. These policies depended in part on intelligence provided by MSPB on public disorder. I was a coordinator between them and the Home Office rather than overseeing the MPSB, although there was a certain supervisory responsibility as can be seen from the documents provided by the Inquiry.

Q3: Please provide an explanation of the departments, sections or agencies within the Home Office which existed to direct or superintend the police, and, to your knowledge, how these changed over time.

15. To the best of my recollection, there were seven Home Office divisions to direct or superintend the police: F1 dealt with man power, numbers, equipment and

money; F2 with crime and related matters; F3 with road traffic; F4 with terrorism and riots; F5 with training; and there were other divisions dealing with equipment, radios etc.

Special Branch

Q4: What was the purpose and remit of MPSB as you understood it?

16. I understood, at the time, the purpose and remit of MPSB to be to provide intelligence concerning public disorder and terrorism. These were the two principal objectives.

Q5: What was the nature of the relationship between the Home Office and MPSB?

17. The Home Office was concerned with two things. Firstly, in relation to terrorism, operational decisions had to be made by the Secretary of State for the Home Department (the Home Secretary) concerning matters such as bringing in the military or the use of specialist equipment. The Home Office had a role in both overseeing what MPSB did and to provide a degree of accountability to inform the Home Secretary. Secondly, the Home Office had an operational role working alongside MPSB dealing with incidents and events related to public order and terrorism. The Home Office would take part in exercises with police, MPSB and the Security Service (MI5), so that all three could work well together.

[REDACTED]

Q5.1: *Did this change over your time within the Home Office? If so, how?*

18. This relationship did not change much while I was there. We had a lot of terrorism and riots while I was working on these matters, so the interactions were more frequent and, from my point of view, focused on operational activities in the real world rather than policy.

Q6: *During your time within the Home Office, what interaction, if any, did you have with officers or managers of MPSB?*

19. I had very little interactions with MPSB officers or managers during my time in the Home Office. I usually interacted with the head of MPSB or his senior colleagues (as is evidenced by the documents provided by the Inquiry).

Q7: *Please consider MPS-0733126, specifically page 5, which concerns a request to Special Branch from the Home Office for an assessment of the proposed demonstration to coincide with the anniversary of the death of Blair Peach in 1980.*

Q7.1: *Did the Home Office consider that the justice campaign which followed the death of Blair Peach was a proper target for Special Branch investigation? Why so?*

20. To my recollection, the Home Office considered the justice campaign that followed the death of Blair Peach a proper target of MPSB insofar as it focussed on minimising harm to the public order, but not beyond that.

[REDACTED]

Q7.2: What was the purpose, as you understood it, of such assessments (including post-demonstration assessment such as UCPI0000035151, which you appear to have seen) prepared by MPSB for the Home Office?

21. The purpose of assessments prepared by MPSB for the Home Office, like the assessment at UCPI0000035151 (Tab 76), was to summarise recent events (such as the Brixton riots), and the intelligence collected by MPSB.

Q7.3: In your experience, how frequently were such assessments sought?

22. In my experience assessments from MPSB were only sought infrequently by the Home Office when there had been a particularly bad year (for example, the relevant assessment is from 1980 which started with the Brixton riots). MPSB were generally good at providing a report themselves when they considered something important had happened in relation to public order.

Q7.4 As far as you are able to assist, how were the responses received from MPSB (see pages 6-9 and 29-32) regarded within the Home Office?

23. To my recollection, MPSB assessments were received rather well, but there were exceptions when we considered that MPSB had gone too far in what they looked at, such as the example I describe at paragraph 25 below.

Q7.4.1 Were they considered to be of value? Why so?

24. The assessments received from MPSB were valuable as they provided us with a helpful basis for any future policy decisions we might be needing to take. When I reread the assessment provided with question 7.2, I noted that it says the Brixton riots were spontaneous and not fomented by extremist groups. This sort of intelligence is important to the Government so that it does not make the mistake of thinking that extremists are involved.

Q8: Please consider UCPI0000035096 which appears to be a note authored by you concerning the Home Office reaction to a report provided by MPSB (which is not within the Inquiry's possession but appears to concern 'Political Extremism and Campaign for Police Accountability within the Metropolitan Police District').

Q8.1: If possible, please can you explain what this MPSB report contained and why it prompted 'very serious concern' within the Home Office?

Q8.1.1: If you are unable to recall the report, based on the documents provided, why do you consider that this report is likely to have prompted the concern it did?

25. Question 8 asks me to consider document UCPI0000035096 which is a note from me to the Home Office Permanent Secretary at the time. The note refers to a MPSB report on Political Extremism and the Campaign for Police Accountability sent to me on 27 January 1983. I am unable to recall the content of the report itself. The report caused me serious concern because in my view the MPSB had gone too far in their report and had looked into intelligence about what one might

recall whether I followed up with Mr Hewett or not, but I would be surprised if I had failed to do so. The only reason for me not doing so would have been because I moved on to a new post not long after that.

29. Secondly, the document notes that the concept of "public order intelligence" (their choice of words) be probed in a future review of the MPSB. During my time in post, there was only one major attempt to review the terms of reference of the MPSB which was abandoned when it ran into a set of objections from the Security Service in 1980. However, this issue remained of concern, namely the relationship between the MPSB and the Security Service. In 1983 we came back to the issue and revived the consideration of a review. At this time the Security Service were more agreeable to the idea than in 1980. I am not able to speak to events that took place after I had left my post.

30. I cannot speak to what happened in regards to a review following the document I have been asked to consider as I left my post shortly after writing this note.

Q8.4: What did you mean when you said you considered that this was 'dangerous in implication'?

31. By "dangerous in implication", I meant, as set out above, that MPSB had gone too far and were looking into legitimate political activity which was, in my view, not subversive.



Q8.4.1: Was this a concern based on the limits which you considered properly applied to Special Branch activities? If so, what did you consider these to be in this regard?

32. In regards to limits, it was not the MPSB's role to investigate groups and/or individuals even if they thought that some of them were dangerous and extremists.

Q8.4.1: Did these concerns touch on the work and practices of the SDS specifically?

33. No.

Q8.5 What did you mean by 'that particular skeleton is still in our cupboard'?

34. By "that particular skeleton is still in our cupboard", I meant the review of the role of the Special Branches, which as of March 1983 had not been completed.

Q8.6: Was the 'review of the role of Special Branches' (paragraph 3) a reference to work which was ongoing at this time to update the Special Branch Terms of Reference?

35. The reference to the "review of the role of the Special Branches" is a reference to prospective work, reviving the sort of work that had been done previously in relation to reviewing the MPSB's terms of reference.

Q8.7: How did you consider that this review would deal with this issue?



36. I cannot say. This took place at a time when I was about to leave my post and the task was with my colleague Joe Pilling. I do not recall anything further based on the documents I have been provided. I note from the papers that the Security Service were consulted about the review and replied generally in favour of the meeting to discuss it going ahead.

Q8.7.1: As far as you are concerned did this take place?

37. I assume it took place, but I cannot say anything further based on the documents I have been provided.

Q8.7.2 Do you now consider this to have been adequate?

38. I do not know whether it was adequate or not. There is no evidence on the papers which would allow me to reach a conclusion on this.

Q9: The Inquiry has seen documents relating to public concern articulated to the Home Office about the involvement of Special Branch officers within trade unions and industrial disputes (see, for example UCPI0000035102, UCPI0000035101, UCPI0000034700, UCPI0000035100, UCPI0000034699 and UCPI0000035086).

39. The documents referred to in the heading of question 9 all date before my time, however, I will seek to assist the Inquiry with my recollections from my time in so far as I can.

[REDACTED]

Q9.1: What were considered to be the proper limits, if any, on Special Branch activities within trade unions and industrial disputes?

40. To my recollection, the proper limits for MPSB activities within trade unions and industrial disputes was to activities threatening public order. They did not have a remit to gather intelligence simply to find out what trade unions were up to.

Q9.2: How did the Home Office ensure that activities remained within such limits?

41. The Home Office ensured that activities remained within these limits by making the remit well understood. We were generally very alert to any suggestion that MPSB strayed.

Q9.3: As far as you can recall, how were the specific concerns detailed above viewed within the Home Office?

42. The documents referred to in question 9 are before my time and I cannot therefore answer this question.

Q9.4: Within UCPI0000035100 [REDACTED] notes the need to give the Home Secretary 'fairly specific information of the kind of activity that goes on'. As far as you are able to assist, what sort of information was provided?

Q9.4.1: More generally, how much information of the activities of Special Branch was ordinarily shared with the Home Secretary? In what circumstances would this take place?

[REDACTED]

43. The document referred to in question 9.4 is dated before my time and I cannot therefore answer these questions. I can, however, say that in my experience when I was in post, the Home Secretary would want to be informed if there were anticipated problems in relation to public disorder.

Q9.5: What was the attitude within the Home Office towards blacklisting or passing of information about those deemed to hold subversive views to employers or other private sector organisations?

Q9.5.1: Do the comments made on page 2 of UCPI0000034699 represent the approach as you recall it?

44. The documents referred to in questions 9 and 9.5.1 are before my time and I cannot therefore comment on the position at the time. I have considered the document (UCPI0000034699) and the approach outlined on page 2, the comments remained true and relevant when I was in post too. For example, page 2 expresses very similar concerns to those I expressed during my time in post and I discuss these in paragraph 25 of this statement.

Q9.6: The Inquiry understands that these concerns, at least in part, led to the issuing of a circular authored by the Security Service entitled Subversive Activities in Industrial Disputes (UCPI0000034699 and UCPI0000004545). Is this understanding correct?

Q9.6.1: If so, please explain why this was considered necessary and/or desirable?

45. These questions relate to a period before I was in post and I cannot therefore assist.

Subversion

Q10: What role did you understand Special Branch played in countering subversion?

Q10.1: How did you understand this role to correspond with that of the Security Service?

46. My understanding of the role that the MPSB played in countering subversion was, and still is, that they support the Security Service. The Security Service, not MPSB, were in charge of dealing with subversion and it was important that this remained the case. The role of MPSB was firmly within public disorder.

Q11: During your time within the Home Office, what did you understand the applicable definition of subversion to be?

Q11.1: Did you understand it to be that given by the then Home Secretary, Sir David Maxwell-Fife, as a directive to the Security Service in 1952 (UCPI0000034262)?

Q11.2: Thereafter, did you understand it to be that (privately) defined by John Jones of the Security Service and, later, publicly espoused by Lord Harris of Greenwich in 1975 (UCPI0000034264 and UCPI0000034265)?

47. I understood the definition of subversion to correspond with the definition set out in the directive referred to in question 11.1. It was later refined in 1975 as is suggested by question 11.2.

Q11.2.1: Did you understand that both limbs of this definition would need to be met before an activity or group could be deemed subversive, as the then Home Secretary explained to Parliament in 1979 (UCPI0000004431, p7)?

48. Yes, I understood that both limbs of this definition set out in 11.2.1 would need to be met.

Q11.2.2 If so, as far as you understood it, how realistic or immediate would the threat posed by a group or activity to the safety or wellbeing of the state need to be to fall within this definition?

49. I do not think this is a question that is capable of being answered in general terms as one would need to reach a judgement based on the particular facts.

Q11.3: What role did the Home Office play in establishing these definitions and their revision?

50. From reading the provided documents (in particular UCPI000003469), I understand that the Home Office was involved, but this took place before my time.

[REDACTED]

Q14: Please consider UCPI0000035107 (particularly the comments repeated within paragraph 2) which considers a response to a recent controversy concerning Special Branch and was signed on your behalf.

Q14.1: Was it accepted that 'political views of potential subversives' were a legitimate area of interest to Special Branch?

Q14.1.1: If so, was monitoring of potential subversives considered consistent with the first limb of the test for subversion (requiring an actual threat to the safety or wellbeing of the state)? In answer to this question you may wish to refer to the comments made by David Heaton in November 1979, with the context of the revision to the Terms of Reference to Special Branch (UCPI0000004716, paragraph 2).

53. No, the definition of subversion talks about actual threat rather than potential threat.

54. Following on from my answer above, I think it is right to say that 'potential' subversives is not a legitimate target of MPSB based on the definition. It is not consistent with the limb requiring actual threat. The note effectively says that, but I do not remember the note from Heaton itself.

Q14.2: Was it accepted that Special Branch officers would need to become involved on the fringes of legitimate political activity?

[REDACTED]

58. My understanding was based on reassurances by those who managed them. The point of delegation is that you rely on those who are in charge. MPSB had separate operational responsibilities in which we were not supposed to interfere, but because of sensitivities we needed to exercise some form of supervision.

Q15: Please consider the F4 discussion paper, likely authored in 1980, within UCPI0000004437. The Inquiry understand that UCPI0000004459 represents the underlined 1970 Terms of Reference, referred to as Annex A with paragraph 15 of the discussion paper. The author appears to have underlined the terms 'which may be judged to be subversive' (para 2), 'subversive or potentially subversive' (para 3(d)) and 'a subversive or political [objective]' (para 3(e)) as difficult aspects of this document.

Q15.1: Do you agree that this suggests that the author considered there was a problem with how broadly subversion was drawn?

59. The document underlined, UCPI0000004459, is dated before my time, but I agree that you could draw the conclusion that the author considered there was a problem with how broadly subversion was drawn.

Q15.2: Did you or others within the Home Office share this concern? Why/why not?

60. Yes, this concern was shared by the Home Office. It was a concern because the Home Office was trying to be very careful, in relation to the activities of MPSB, that the idea of subversion was not stretched too far and, by doing so, could create

[REDACTED]
embarrassment for the Home Secretary. I remember the F4 discussion paper and I think it details a very good summary of the issues involved.

Q16: Please also consider the proposed revision to the Special Branch Terms of Reference at Annex B to this discussion paper UCPI0000034701. At paragraph 4 the understood definition of subversion is repeated, but this is then supplemented with the words 'activities of organisations or individuals which, while operating at present within the law, have as their long terms aim the overthrow of Parliamentary democracy'.

Q16.1: Did you consider this to be a widening of the definition or a clarification?

61. I understood the proposed revision referred to in question 16 to be a clarification of the definition.

Q16.2: Did you or others within the Home Office consider this proposed extended wording of the accepted definition would have unequivocally caught activity which was lawful and posed no present threat to the continuation of Parliamentary democracy?

62. I cannot recall precisely, however, I recall that the Home Office was aware of the potential that the extended definition might be used as a way of investigating people and things which were not the legitimate concern of MPSB.

Q16.3: Was this extended definition of concern? Please give reasons for your answer.

63. I cannot recall, but I think it was a concern.



Q17: The Inquiry notes that this proposed amendment was not repeated within the revised Guidelines which were later published, but was included within the unpublished covering letter addressed to Chief Constables [UCPI0000004538] and [UCPI0000004584], paragraph 5).

Q17.1.1: What consideration was given by you or others within the Home Office to the appropriateness and implications of taking this course of action?

Q17.1.2: Why was this considered desirable and justified?

Q17.1.3: Why was this not included within a published document, but rather remained only within a confidential covering letter?

64. This series of questions relate to a time when I was no longer present and I can therefore not assist with answering these questions.

Special Branch Terms of Reference

Q18: The Inquiry understand that Terms of Reference for Special Branch (UCPI0000004425) were finalised on 8 April 1970 and promulgated by ACPO [Association of Chief Police Officers] on 15 June 1970 (UCPI0000004459). These were later supplemented by letters from the Security Service to Chief Constables dated 29 May 1974 (entitled Subversive Activities in Industrial Disputes [UCPI0000004545]) and dated 16 December 1975 (entitled Subversive Activities in Schools [UCPI00000034698]), and



represented the (unpublished) documents governing the activities of English and Welsh Special Branches until 19 December 1984. Does this accord with your understanding?

65. This accords with my understanding based on the documents provided by the Inquiry, but most of the documents are dated before my time in post and I have no recollection of them.

Q19: Did you play any role in the drafting or promulgation of these original Terms of Reference or their revision in the 1970s and early 1980s? If so, please explain the nature and extent of your involvement?

66. I was not in post at the time. I was involved as the papers indicate in the discussion about revising the Terms of Reference, but I am afraid I do not recall a role in the drafting of them or the revision of them. It appears to me from the papers that, if there was a revision and a redrafting, that must have taken place after I had moved on from this particular role.

Q20: Comments by David Heaton of 2 October 1978 (UCPI0000035084, p3-4) suggest that he anticipated increasing public scrutiny and questioning of Special Branches, and so felt that public guidance would be helpful to deploy in response. He drew an analogy to the published Security Service Charter (see the 'Maxwell-Fife Directive' [UCPI0000034262]).

Q20.1: As far as you can recall, was responding to public scrutiny the only or main reason why the Terms of Reference were considered worthy of updating?

██████████
Q21.1: Were you aware of any concern (expressed by HMCIC, MPSB or any other body) that excessive or improper demands were placed on MPSB by the Security Service?

Q21.1.1: If so, please explain the nature and origin of this concern and any action which was taken in response.

Q21.1.2: If not, please explain how you believe the Home Office would have approached such an issue?

69. I was aware of the concern that the Security Service might be asking too much of MPSB, because that is recorded in a note sent to me dated 2 April 1979 in the documents provided (when I was in post). As far as I can see the nature and origin of the concern had arisen because the Chief Inspector of the Constabulary had formed the view that too much was being asked of MPSB. The only action which was begun (but not completed) in my time, was the review of the Terms of Reference of MPSB which would have inevitably touched upon the relationship between them and the Security Service.

Q21.2: Do you recall that the Terms of Reference issued in 1970 were considered insufficient in this or any other regard?

70. The position as I recall it from my time was that the Terms of Reference issued in 1970 were not necessarily insufficient but quite some time had passed and it seemed to some people in the Home Office, including me, that it was worth revisiting them and whether they were still adequate. That is what the review was

about. The concerns are touched upon in other documents that have been provided, see my comments in paragraph 25 of this statement. It seems clear to me from reading the papers that there was a consistent view during my time that MPSB had to be careful of how far they went. This is also consistent with the document from 26 April 1974 (UCPI0000035102) that was sent to the Home Secretary.

Q22: Please consider UCPI0000004718, which is a letter from you to Rex Bryan of the MPS, sent in August 1979, which proposes the possible revision to the 1970 Terms of Reference.

Q22.1: Please explain the circumstances, as you recall them, which led to the sending of this letter.

71. As far as I am aware, Paragraph 2 of the letter sets out the reasons for sending the letter.

Q22.2 Page 2 repeats comments made by Sir Robert Armstrong; 'the climate of opinion in which Special Branches... operate has changed quite considerably since 1970'. Is the Inquiry correct to infer that he considered the existing Terms of Reference were inadequate for the work Special Branch was doing in the late 1970s?

72. I can think of no other sensible or logical interpretation.

[REDACTED]

Q21.2.1: *If so, please explain the nature and origin of this concern and any action which was taken in response.*

73. Yes, as the letter sets out.

Q22.3: *This letter suggests that you did not consider that a revision was likely to lead to the end of 'disturbing' incidents, as that was better addressed through proper supervision and experience. Was the purpose of the proposed revision, at least in part, therefore intended to address and/or reduce such incidents?*

74. Yes.

Q22.3.1: *What overview, if any, did the Home Office have of the adequacy of Special Branch recruitment, training and deployment? (In response to this question you may wish to consider the final paragraph of the MPSB letter received in reply [UCPI0000035109] and the comments at the end of page 1 of UCPI0000004417).*

75. We had very little involvement with recruitment, training and deployment. These were considered to be highly operational matters and for the police to consider.

Q22.3.1.1: *Was the role of HMCIC considered important in this regard? Why?*

76. We considered Her Majesty's Chief Inspector of Constabulary ("HMCIC") as important. He was much more closely involved at looking at training from a professional perspective.

[REDACTED]

Q23: Please consider UCPI0000035108 which was a note from HMCIC, received in reply, which opposes any publication of a revised Terms of Reference for Special Branch.

Q23.1: Did you and/or others within the Home Office agree that publication could be 'emotive or even provocative' amongst some groups?

77. There was always a risk that publication could be emotive and provocative amongst some groups.

Q23.2: How was this response viewed generally within the Home Office?

78. I cannot answer how the response was viewed generally in the Home Office, but I always tended to be in favour of publishing and being open. I was not always in the majority.

Q23.3: What effect did the reluctance to publish expressed have on the proposed revision?

79. The reluctance to publish stopped the revision in its tracks.

Q23.4: Please also consider a similar letter sent in September 1983 (UCPI0000004666). Are you able to explain why HMCIC appears to have consistently taken a more conservative view regarding publication that the police themselves throughout this process?

80. I am not aware of the reasons for HMCIC's position and I was no longer in post in September 1983.

Q24: Please consider UCPI0000004426. This letter from the Security Service suggests that a meeting chaired by Sir Robert Armstrong in December 1978 did not conclude that there was a pressing need to revise the 1970 Terms of Reference.

Q24.1: Does this accord with your understanding, notwithstanding the documents referred to above?

Q24.2: Within this letter the author also suggests that they considered little advantage would be gained from redrafting the Special Branch Terms of Reference as had been proposed. What effect did this reluctance have on this process?

Q24.3: How was this response viewed generally within the Home Office?

81. I was no longer in post and can therefore not assist with these questions.

Q25: Is the Inquiry correct to understand that this reluctance to publish a revised Terms of Reference from HMCIC and the Security Service led to such plans being dropped in the autumn of 1979 (see the comments of Phillipa Drew at p8 of UCPI0000035084)?

82. Yes, this accords with my understanding.

Q26: Please consider the subsequent submission made to Sir Brian Cubbon by David Heaton (UCPI0000004715), along with a paper prepared by F4 on the topic

[REDACTED]
(UCPI0000004437), the proposed revision to the Terms of Reference (UCPI0000034701) and Sir Brian's response (UCPI0000004427).

Q26.1: Does the paper prepared by F4 accurately reflect the issues behind attempts to update and publish the Terms of Reference of Special Branch at this point in time? If not, why not?

83. The paper accurately reflects the issues.

Q26.2: Did the view expressed by David Heaton that attempts to consolidate the existing guidance had resulted in a 'poor thing' (UCPI0000004715, p4) reflect the general view within the Home Office at the time?

84. Yes, we were disappointed not to have a clearer document.

Q26.3: In your view is the Inquiry correct to infer that the questions posed by David Heaton at paragraph 11 of his submission were considered to be of significant importance by the Home Office? Why?

85. Yes, they were important because they go to the heart of the role of MPSB in the modern world. These were centrally important questions that needed to be regularly brought up.

Q26.4: Do you recall that ministers at this time (late 1980) failed to share the same disquiet about the work of Special Branches as their predecessors (paragraph 14)?

88. Partly yes, but we also felt things had moved on a bit and we thought the issue of revision and publication was worth resurrecting.

Q27.1: What view did you take of the 'veto' which had been used by the Security Service?

Q27.2: Did you consider their position to be overly conservative?

89. The 'veto' referred to was in 1980. I was of the view in March 1983 that the Security Service's reticence may have been overly conservative and that they might be willing to reconsider their position.

Q27.3: Do your comments in paragraph 5 ('the relationship with the Security Service might be made more explicit to discourage any private enterprise by police forces on subjects where the Security Service should be taking the lead') suggest that you understood this was a problem which needed to be addressed?

90. The reference to my comment referred to in the questions does reflect my view at the time, namely that the relationship between the Security Service and the MPSB could be made more explicit. That had always been my understanding. We were concerned with the boundary. The MPSB should not take over the Security Service's role in regards to subversion.

Q28: Please consider UCPI0000004434. To your knowledge, was this the first time that a draft of the new Guidelines (as they become known by this time) was shown to the Home Secretary?

██████████

Q32.1: More generally, to what extent, if at all, were the work and operational practices of the SDS, as opposed to Special Branch, considered when work was done to revise the Special Branch Terms of Reference?

95. The documents referred to and the questions asked relate to a period of time when I was no longer working on these matters. I therefore cannot assist the Inquiry.

Special Demonstration Squad

Q33: During your career, what knowledge did you have of the Special Demonstration Squad of MPSB?

Q33.1: What did you understand its origins to be?

Q33.2: What did you understand its purpose and remit to be?

Q33.3: What groups did you understand it sought intelligence in respect of?

Q33.3.1: Did you understand these to be primarily left-wing in political nature? If so, why?

96. The only knowledge of the Special Demonstration Squad ("SDS") I had before reading the documents provided by the Inquiry was signing off expenditure for the SDS. I had no knowledge of their operations at the time and I therefore have difficulty answering these questions. I assume that I would have thought that the SDS was part of the operational framework for the prevention of riots and public disorder.

97. All I knew was that the SDS had been part of the system for many years, and I was aware that my previous and immediate superiors had been happy to sign off expenditure for this branch. The expenditure I approved was for flats. I believe I was aware that there were places where senior officers could meet and brief junior officers, but I may have been affected by what I have read in the documents provided to me. I did not have detailed knowledge of the SDS at the time and I did not know what groups they were looking at.

Q34: how much information regarding the detail of authorisation or operation of the SDS was shared with the Home Secretary?

Q34.1: What was the rationale behind this approach?

98. I did not have detailed knowledge of the SDS at the time. I cannot recall how much information regarding the detail of authorisation or operation of the SDS was shared with the Home Secretary.

Q35: As far as you were aware, did knowledge of the SDS extend outside the Home Office into other parts of Government?

Q35.1: If so, did this extend to Downing Street and/or the Cabinet Office and/or the Prime Minister's Office, and what was the level or extent of detail known?

99. Not to my knowledge.

[REDACTED]

Q36: *What methods did you understand that the SDS used to obtain the intelligence it sought and how did this differ from more traditional Special Branch tactics?*

100. I did not know enough about the operational details regarding the SDS to be able to answer this question.

Q37: *What influence, if any, did the Home Office have over the methods or tactics used by the SDS?*

101. I do not know the answer to this question, but I imagine the Home Office would have considered the SDS's operational activity to fall outside of its areas of responsibility.

Q38: *What influence, if any, did the Home Office have over the groups targeted by the SDS?*

102. This is not based on any recollection from the time, but I do not think any.

Q39: *During your time within the Home Office, what interaction, if any, did you have with officers or managers of the SDS?*

103. To my recollection, none.

Q40: *To your knowledge, what role did the Home Office play in the establishment, continuation, authorisation and funding of the SDS? In answer to this question you may*

[REDACTED]

be assisted by reference to the SDS Annual Reports and corresponding letters from the Home Office authorising its continuation within your witness pack.

Q40.1: What, if any, obligations of secrecy did the Home Office attach to its work?

104. To my recollection, the Home Office did authorise funding for the SDS. This is not based on my personal knowledge, but I expect the Home Office would have wanted it to be kept quiet and clear from the papers.

Q40.2: What consideration, if any, was given by the Home Office to the legality of the operation of the SDS?

105. None, to my knowledge

Q40.3: Was any other Government department involved in any of these tasks? If so, which?

106. I do not think so, I do not recall.

Q41: The letter authorising continued funding for the SDS for the financial year 1981/1982 is signed by you (see MPS-0731862).

Q41.1: What information was supplied to the Home Office by MPSB to enable a decision regarding future funding to be made?

107. There are a number of letters authorising continued funding in the documents provided to me by the Inquiry, but I cannot recall seeing them at the

[REDACTED]
time. All I recall was that my predecessor and immediate superior had taken the view that our role was to support the MPSB and I authorised continued funding accordingly.

108. Having reviewed the documents provided by the Inquiry, I have considered a note from MPSB on the work of the squad dated 11 February 1983 (MPS-0730904). This note talks in more detail about information that they were looking at. For example, they refer to being able to provide accurate information to the police in Sussex in 1982 and it goes on to say that the squad is tasked to collect information on white extremists and members of the animal liberation movement. I would have seen this note at the time and it would have been the basis for authorising expenditure.

Q41.2: Was this information (or the suppliers of the information) interrogated or tested in any way or was it assumed to be a fair reflection of the work of the SDS?

109. To my recollection, it was assumed that the information was a fair reflection of the work of the SDS and I cannot recall that it was interrogated or tested.

Q41.3: Was MPSB ever required to provide additional information to justify continued funding of the SDS?

110. Not to my recollection.

118. I have addressed the letter referred to in this question in my answers to questions under 8. They did not have any influence on the decision to grant authority to continue the SDS. My note referred to did not concern worries about the SDS.

Q43: The Inquiry understands that the Annual Reports which were prepared on an annual basis by the manager in charge of the SDS, or his deputy, were not ordinarily shared with the Home Office. Instead, a letter was prepared by a more senior manager within the MPS, based on this report, and sent to the Home Office to seek approval. To the best of your knowledge, is this understanding correct?

119. Yes

Q44: Please consider MPS-0724116, MPS-0724109, MPS-0724130 and MPS-0724177 which are letters from the Home Office, mostly authored by Sir James Waddell (Deputy Under-Secretary of State), authorising the SDS' continuation in the years immediately following its inception in 1968. As far as you are able to assist:

Q44.1: Why was there concern that 'embarrassment' would be caused to the Home Secretary were the squad's existence to become known, so as to require reiteration of the need for secrecy within these letters?

Q44.2 Was this concern based on the nature of the infiltrations conducted by the SDS, either in terms of the types of groups reported or the methods used to that end or both?



Q45.3: *If not, what is/was your reaction to learning of this practice?*

123. I was surprised that it was authorised by anybody.

Q46: *The Inquiry has received evidence that several officers deployed within the SDS during your time in the Home Office engaged in sexual activity, in their cover identities, with those on whom they reported.*

Q46.1: *Was this known about in the Home Office?*

124. No, I do not think it was.

Q46.2: *Was the risk of such behaviour taking place considered within the Home Office? If not, why not.*

125. Not by me.

Q46.3: *Was this behaviour approved of (either tacitly or explicitly) by you or others within the Home Office?*

126. No.

Q46.4: *If not, what is your reaction to learning of this?*

127. Two things occur to me. It was clearly potentially jeopardising the relationship of collecting intelligence between the officer and the subject. It would



[REDACTED]

make the disengagement of officers from the work that they were doing, without creating controversy, difficult. I think it would be clear to anyone that it was not very sensible. I am giving my opinion, as requested, on what I have learned. I did not know about this at the time.

Q46.5: Please consider UCPI0000027446 which is a Security Service file note recording a conversation between the then head of the SDS, David Short, and representatives of the Security Service. Within paragraph 5 it is recorded that an SDS officer, HN106, had 'probably bedded' someone on whom he was reporting, thus indicating an awareness of this behaviour amongst the management of the SDS and/or representatives of the Security Service.

Q46.5.1: To your knowledge, was such information ever passed on to the Home Office (by the Security Service or MPSB), either in respect of this or other such incidents?

128. Not to my knowledge.

Q46.5.2: Would you have expected to have been informed of such behaviour? If not, why not?

129. Not necessarily, police and/or the Security Service could have made the judgment not to tell us because it might result in the Home Office closing down the SDS. With hindsight, it might have been better if they had told us.

[REDACTED]

Q47: Please consider UCPI0000027515 which is a further Security Service file note. Within paragraph 5 concern from HN68 (a manager within the SDS) is noted because one of the deployed officers he oversaw ('Phil Cooper') had regular access to an MP at the House of Commons as part of his deployment.

Q47.1.1: To your knowledge was information such as this ever passed on to the Home Office (by the Security Service or MPSB), either in respect of this or other such incidents?

130. Not to my knowledge.

Q47.1.2: Would you have been expected to have been informed of such incidents? If not, why not?

131. Yes, we would have expected to be informed. Anything that concerned an MP in the House of Commons would have been a legitimate interest of the Home Secretary given accountability to Parliament.

Q47.1.3: If the Home Office had been aware of deployments of this nature would this have been considered acceptable? Why so?

132. I cannot speculate as to what would have happened. I suppose if we had been informed we would have had to consult with MPSB and the Security Service.

Q48: Please consider MPS-0730658 and MPS-0730745. These concern an internal MPSB review, conducted at the instigation of Commander Matt Rodger in 1976, to assess

[REDACTED]

the continued value of the SDS and intended to support a submission to Sir Robert Armstrong for the continuation of the squad. The short review was conducted predominantly by current or former managers of the SDS but did include some input from police recipients of SDS intelligence, and supported its continuation. The subsequent letter sent to the Home Office seeking continued authorisation for the SDS made reference to this review (MPS-0728980, page 13).

Q48.1: To your knowledge, was this review ever sent to the Home Office?

Q48.2: Having now considered the review and learned that it was authored solely by MPSB managers, most with SDS connections, would it have been considered adequate if this had been known and it have been sent to the Home Office at the time? Why?

Q48.3: What view was taken by the Home Office of assurances such as that given in the letter that 'the degree of coverage necessary is under constant review...in order to ensure the minimising of risk and of unnecessary activity by the squad'?

Q48.3.1: Were they considered satisfactory for your purposes at the time?

Q48.3.1.1: If yes, with hindsight, do you consider that the Home Office should have taken a different approach? Why?

133. I do not know, I was not involved.

Q49: Please consider MPS-0730903 (page 1) and MPS-0737347 (page 9, minute 24) which record that Roy Harrington attended a meeting with Commander Phelan on 5 June 1984. This meeting was arranged at the behest of Sir Brian Cubbon due to concerns

[REDACTED]
about the continued justification for the SDS. At this meeting it appears that Mr Harrington was shown a copy of the 1983 Annual Report and 'expressed a view that he had enough material to allay Sir Brian Cubbon's fears'. It appears that the results of this meeting were reported back, and as predicted, Sir Brian Cubbon was content (MPS-0734164).

Q49.1: To your knowledge, was this the first time that an SDS annual report had been shared with a Home Office official?

Q49.2: If so, what were the concerns which led to this change of approach towards authorisation of the SDS?

Q49.2.1: Did these concerns relate to the public issues surrounding the activities of Special Branches more generally, rather than the SDS specifically, at the time (for example those discussed within UCPI0000004455)?

Q49.2.2: Was this concern prompted by the announcement of an investigation into Special Branches to be held by the Home Affairs Select Committee in the spring of 1984 (UCPI0000035099)?

Q49.2.3: What impact, if any, did the ongoing effort to revise and publish the Special Branch Terms of Reference have on this apparent change of approach towards authorisation of the SDS?

Q49.3: To the best of your memory, what within the 1983 SDS Annual Report (MPS-0730903, page 5 onwards) allayed the concerns Sir Brian Cubbon had expressed?

Q49.4: Are you able to recall what was included in the internal Home Office note which Mr Harrington intended to prepare after the meeting above?

134. [REDACTED]
The questions refer to events and exchanges in 1984 in which I was not involved.

The Security Service

Q50: What did you understand was the nature of the working relationship between the Security Service (MI5) and the SDS?

135. I knew about the working relationship between the Security Service and MPSB as a whole. In London it might not have been as close as outside of London in relation to preventing public disorder. Outside London, the relationship between the Security Service and police forces was stronger as the Security Service did not have people on the ground everywhere and would make use of the police forces. I have absolutely no knowledge or recollection of the relationship between the SDS and the Security Service.

Q51: Did you understand that the Security Service had any influence over the groups targeted by the SDS? If so, what type and/or level of influence?

136. I have no knowledge of that at all. I do not know how the groups were selected. It was not something the Home Office delved into when I was in the Home Office.

██████████
Q52: Was close cooperation between the SDS and the Security Service (see, for example, MPS-0724116 and MPS-0730719, paragraph 4) considered an advantage of the SDS by the Home Office? If so, why?

137. The letter that is mentioned dates to 1968. I cannot help because I was not around at the time.

Q53: What was the value of SDS intelligence, as you understood it, to the Security Service?

138. I cannot answer this question either. If I can assist the Inquiry, the suggestion that SDS intelligence would be of value to the Security Service is slightly surprising. As I understood it, the SDS was about anticipating risk of public disorder and that is not something I was aware the Security Service got involved with. If they were reporting back on potential subversion to the Security Service, I was not aware of that.

139. I have considered the document dated 23 March 1981 (MPS-0728962) which is from my time in the Home Office. I am not aware of having seen this. It was sent to my superior. In March 1981, I was still in charge of the division which dealt with terrorism and riots etc. I did not get involved with SDS until I was promoted to be Under-Secretary. I suspect, but I do not know, that they were operating a need to know approach and I was not shown documents like this one.

[REDACTED]

Q54: Did the Home Office consider that intelligence which would be of interest to the Security Service was a by-product of the SDS' core function as a provider of public order intelligence or part of the reason for the squad itself?

140. I do not know. I cannot remember and I did not know at the time.

Q55: Please consider UCPI0000035089 which is a note from Sir Brian Cubbon to Roy Harrington concerning the question of Special Branch accountability in the context of the revision to the Special Branch Guidelines (considered above). Sir Brian's expressed view was that, although theoretically possible, in practice, the prospect of Special Branch declining a Security Service task could never arise. In note responding, HMCIC commented that Chief Constables do, in fact decline tasks which the Security Service wish their Special Branch to carry out on occasion (UCPI0000035088).

Q55.1: Did you consider that a Special Branch could properly and/or realistically decline to assist the Security Service?

Q55.2: What was your understanding of the limits, if any, which applied to Special Branch in assistance to the Security Service?

Q55.2.1: Do you recall being aware of these limits being met or surpassed? If so, please explain the circumstances.

Q55.3: Would you have considered any work undertaken by the SDS in assistance to the Security Service would have been equally subject to any applicable limits? Why so?

[REDACTED]

141. [REDACTED]
The note to which reference is made dates from 1984 and I was no longer in post at that point.

Q56: Please consider UCPI0000035119, UCPI0000035124, UCPI0000035123, UCPI0000034284, UCPI0000035121 and UCPI0000035120 which concern a review commissioned by the Home Office into possible duplication of work between the Security Service and Special Branch (before the inception of the SDS in 1968).

Q56.1: Are you able to recall what was the basis for this concern within the Home Office regarding possible duplication of work?

Q56.2: Do you recall whether a similar concern applied to the work of the SDS?

Q56.2.1: If so, what, if anything, was done in response?

142. All the documents date from 1967, which is before my time in post, so I cannot help.

Committee on Subversion in Public Life

Q57: Please consider UCPI0000034266 (an extract from Defence of the Realm, by Christopher Andrew), which suggests that the committee on Subversion in Public Life was chaired by Sir Robert Armstrong from its resurrection in 1976. As far as you are able to assist

Q57.1: What was the remit of this committee?

[REDACTED]

Q57.2: *What awareness did you have of its work?*

143. I cannot remember any detail regarding the Committee. It dealt with subversion. I was the Secretary of the Committee and would have, at the time, been aware of its work. I cannot recall anything further that would be relevant to the Inquiry.

Q57.3: *What involvement, if any, did you have with its work?*

144. I was closely involved because I was the Secretary of the Committee from 1979 until at some point in 1982. It did not meet many times.

Q57.4: *To what extent was the committee aware of the SDS and its operations and benefit from its intelligence?*

145. I do not recall the SDS passing any information to the Committee being an issue that came up. The Committee's core responsibility was subversion in public life. The SDS was concerned with public order so we would not have been expecting to receive reports from the SDS unless it could have helped the Committee in regard to subversion. To be clear, this is speculation, as I cannot recall any involvement at the time.

146. To my knowledge, the Committee was not aware of the SDS and its operations, and did not benefit from its intelligence.

[REDACTED]

Q57.5: Did you understand the committee to have any relevance to identification of groups selected for infiltration by the SDS, or any other aspect of its work? If so, what?

147. No.

Q57.6: Were you aware of any other committees or bodies which operated within Government and had similar areas of interest? If so, please explain what these were.

148. No, I am not.

Statement of Truth

I believe the content of this statement to be true.

Signed:

[REDACTED]

Dated: 13th October 2022

Full name: Sir Gerald Hayden Phillips

[REDACTED]