

<p>1 Thursday, 23 May 2019 2 (2.00 pm) 3 Welcome and opening remarks by THE CHAIR 4 THE CHAIR: Good afternoon, everyone. 5 Welcome to this preliminary hearing in relation to 6 the investigation into the Roman Catholic Church. 7 I'm Alexis Jay and I'm the Chair of the Independent 8 Inquiry into Child Sexual Abuse. Sitting with me are 9 the other panel members of the inquiry: 10 Professor Sir Malcolm Evans, Drusilla Sharpling and 11 Ivor Frank. 12 Together, we are responsible for examining the 13 extent of any institutional failures by the Roman 14 Catholic Church to protect children from child sexual 15 abuse. 16 This investigation is one of 14 investigations which 17 form the inquiry's public hearings. 18 Before we hear from Ms Carey, council to the inquiry 19 for this investigation, please note we will take 20 a 15-minute break at approximately 3.15. Any directions 21 arising from this hearing will be published on the 22 inquiry's website, as will the transcript from today's 23 hearings. 24 I will now invite Ms Carey to introduce those 25 present and to provide us with her opening remarks,</p> <p style="text-align: center;">Page 1</p>	<p>1 after which I will invite other council present to speak 2 if they wish in the order in which she introduces them. 3 Thank you, Ms Carey. 4 Opening statement by MS CAREY 5 MS CAREY: Thank you, chair. I along with Mr Saad and 6 Mr Donmall appear as counsel to the investigation for 7 the Roman Catholic Investigation. May I introduce the 8 representatives at today's hearing, and I hope that 9 those representatives of core participants who have 10 a number of complainants will forgive me for introducing 11 them in shortform. 12 May I start, please, firstly, by introducing 13 Mr Scorer of Slater and Gordon, on behalf of the 14 Old Priorian Survivors Association and a number of 15 complainants who have been given the cipher A. 16 Mr Chapman, who sits behind me, instructed by 17 Switalskis, represents a number of complainants given 18 the cipher C. 19 The complainant, D2, is represented by 20 Ms Angela Patrick, instructed by Bhatia Best. 21 Mr Collins of Hugh James represents those 22 complainants G3, G4, G6 and J4. 23 Mr Robbie Brodie of Livingstone Brown Solicitors, at 24 the back of the room, represents the White Flowers Alba 25 complainants and G1.</p> <p style="text-align: center;">Page 2</p>
<p>1 On behalf of the F complainants, and Peter Murray, 2 Mr Jacobs is instructed by Howe & Co Solicitors. 3 Directly behind me is Imran Khan QC of Imran Khan & 4 Partners, representing G2. 5 Ms Gallafent QC, instructed by Kingsley Napley, 6 represents the Catholic Council to the inquiry. 7 On behalf of the Secretary of State for Education is 8 Mr Chapman, who is instructed by the Government Legal 9 Department. 10 And finally, Mr King, instructed by Brabners, is 11 here on behalf of Eileen Shearer and Adrian Child. 12 In advance of today's hearing, an update note, which 13 is behind your tab 5, chair, was circulated to all core 14 participants, some of whom have provided the inquiry 15 with written submissions. There is an agenda that has 16 been circulated for today, but I propose to go through 17 all the points on the agenda that I wish to raise and 18 then invite submissions from those core participants who 19 wish to address you orally. 20 On 28 October this year, the inquiry will commence 21 a two-week public hearing in respect of the 22 investigation into the Roman Catholic Church. As you 23 know, chair, the inquiry has already heard three public 24 hearings in respect of the two case studies relating to 25 the English Benedictine Congregation and the Archdiocese</p> <p style="text-align: center;">Page 3</p>	<p>1 of Birmingham. 2 Those case studies have investigated matters which 3 were specific to those two institutions and, as such, it 4 is not envisaged that the wider hearing will focus on 5 matters that are particular to those case studies. 6 May I deal with one matter most conveniently at the 7 outset, which is the length of the hearing. 8 Howe & Co have submitted that the inquiry needs to 9 consider extending the hearing from two weeks to three 10 weeks. They wish to address you on this further in oral 11 submissions, but as matters currently stand, chair, it 12 is the view of the investigation team that a two-week 13 hearing is sufficient, time-wise, for the inquiry to 14 hear the evidence that it needs. 15 Secondly, chair, as you are aware, the investigation 16 into the Roman Catholic Church is one of now 17 14 investigations conducted by the inquiry. The 18 timetable for this year and into 2020 includes public 19 hearings in a number of other investigations including 20 the internet, children in residential schools, 21 Anglican Church, to name but a few. 22 Your time, and that of your fellow panel members, is 23 required not only in advance of the hearings and during 24 the hearings themselves, but thereafter in drafting the 25 report, and conducting the other work that the inquiry</p> <p style="text-align: center;">Page 4</p>

<p>1 continues to pursue.</p> <p>2 It may be that for both reasons, therefore, it is</p> <p>3 simply not possible to extend public hearings in this</p> <p>4 investigation beyond the two weeks that is currently</p> <p>5 timetabled.</p> <p>6 By way of update in relation to the case studies,</p> <p>7 the report into the Archdiocese of Birmingham is due for</p> <p>8 publication this summer, and the report into the</p> <p>9 Ealing Abbey case study is likely to be published in the</p> <p>10 autumn, we anticipate before the hearing commences on</p> <p>11 28 October.</p> <p>12 Chair, may I turn to the first matter on the agenda</p> <p>13 which is the focus of the October hearing.</p> <p>14 The focus of this hearing is for consideration of</p> <p>15 wider topics relevant to the Roman Catholic Church's</p> <p>16 response, and in particular to examine the</p> <p>17 contemporaneous safeguarding regime and considering ways</p> <p>18 in which safeguarding way need to be improved.</p> <p>19 We submit that the hearings should include</p> <p>20 consideration of a number of features, which I may set</p> <p>21 out as follows: examining the current safeguarding</p> <p>22 structures, including that of the National Catholic</p> <p>23 Safeguarding Commission -- the NCSC for short; the</p> <p>24 Catholic Safeguarding Advisory Service, known as CSAS;</p> <p>25 the Diocesan Safeguarding Commissions, including those</p> <p style="text-align: center;">Page 5</p>	<p>1 religious orders who are not aligned; and the role of</p> <p>2 the safeguarding co-ordinator.</p> <p>3 The hearing should consider: compliance with CSAS</p> <p>4 policies and audits; a consideration of ongoing</p> <p>5 developments in the wider Catholic Church, including</p> <p>6 developments post the February 2019 Conference in Rome.</p> <p>7 The wider hearings should consider the culture of</p> <p>8 the Roman Catholic Church; the role of the Holy See; and</p> <p>9 future safeguarding arrangements within the Roman</p> <p>10 Catholic Church.</p> <p>11 At this stage of this investigation, the inquiry has</p> <p>12 adduced evidence in both case studies that considers the</p> <p>13 historical response of the church in both archdiocesan</p> <p>14 and religious settings. That response, in our</p> <p>15 submission, provides the background to the wider hearing</p> <p>16 and the background to the focus on current and future</p> <p>17 safeguarding arrangements.</p> <p>18 I know, chair, that you have, behind a number of</p> <p>19 tabs in your folder, the written submissions that were</p> <p>20 submitted in advance of today's hearing. May</p> <p>21 I summarise them as follows.</p> <p>22 There are submissions on behalf of the complainant</p> <p>23 core participant D2 to ask for the inquiry to consider</p> <p>24 the structures for the management of historic complaints</p> <p>25 and the treatment of adult survivors who make contact</p> <p style="text-align: center;">Page 6</p>
<p>1 with the church.</p> <p>2 In particular, the submissions ask that the inquiry</p> <p>3 considers lessons that can be learnt from the evidence</p> <p>4 heard from survivors about the way in which they were</p> <p>5 treated.</p> <p>6 Submissions ask for arrangements for funding for</p> <p>7 care and support of survivors and barriers to address</p> <p>8 and support, in particular, limitation periods to be</p> <p>9 considered.</p> <p>10 There are also submissions on behalf of Peter Murray</p> <p>11 that contend that the wider hearings should consider the</p> <p>12 continued use of the limitation period defence.</p> <p>13 It is anticipated that in examining the role of the</p> <p>14 safeguarding co-ordinator, this will include some</p> <p>15 evidence about the co-ordinator's role and evidence from</p> <p>16 victims and complainants relating to their experience</p> <p>17 when interacting with the co-ordinators and the ways in</p> <p>18 which the church responds to those disclosures.</p> <p>19 We anticipate there will be some evidence in respect</p> <p>20 of the limitation defence will also be considered in the</p> <p>21 wider hearing.</p> <p>22 D2's submissions continue and ask that when the</p> <p>23 inquiry considers ways in which safeguarding may need to</p> <p>24 be improved, the inquiry considers oversight by</p> <p>25 regulatory bodies; for example, the Charity Commission.</p> <p style="text-align: center;">Page 7</p>	<p>1 The inquiry intends to request a statement from the</p> <p>2 Charity Commission in order to assist in understanding</p> <p>3 the role of the Charity Commission insofar as it relates</p> <p>4 to the Roman Catholic Church and the church's</p> <p>5 safeguarding responsibilities.</p> <p>6 Those core participants represented by Mr Scorer</p> <p>7 have indicated that the consideration of the role of the</p> <p>8 Department for Education, ISI and Ofsted should form</p> <p>9 part of the wider hearing, and he intends to develop</p> <p>10 that submission orally before you today.</p> <p>11 In respect of the ISI and Ofsted, we are conscious</p> <p>12 of the scope of the inquiry's investigation into child</p> <p>13 sexual abuse and exploitation within residential</p> <p>14 schools. Adequacy of inspection regimes forms part of</p> <p>15 that investigation and, as such, we do not propose that</p> <p>16 this investigation should consider a detailed</p> <p>17 consideration of inspection regimes as part of</p> <p>18 the October hearing.</p> <p>19 Submissions have been received from Howe & Co who</p> <p>20 submit that the wider hearings should look at the</p> <p>21 structure of the Catholic Church and in particular what</p> <p>22 is described as "a lack of accountability", especially</p> <p>23 in the context of a number of religious orders.</p> <p>24 The inquiry intends to request evidence from the</p> <p>25 President of the Conference of Bishops and the President</p> <p style="text-align: center;">Page 8</p>

<p>1 of the Conference of the Religious, and it is envisaged 2 this will include the topic of accountability and how 3 the presidents ensure that safeguarding procedures and 4 the One Church policy are followed. 5 But, chair, you will recall that the Archdiocese of 6 Birmingham case study heard evidence from 7 Archbishop Longley about the relationship between the 8 archdiocese and the orders that fall within the 9 Archdiocese of Birmingham's remit. 10 Further, the English Benedictine Congregation case 11 study heard evidence across two hearings relating to 12 that religious order and it's relationship with the 13 diocese and the structures in the Holy See. 14 Accordingly, the inquiry has already considered some 15 evidence relating to this issue, and so it will be 16 a matter for your determination as to whether you need 17 to hear any additional evidence beyond that just 18 outlined, and you may consider that any further evidence 19 is neither necessary nor proportionate. 20 Howe & Co submit that the wider hearings should 21 consider the topic of mandatory reporting, and in 22 particular whether the seal of the confessional presents 23 an obstacle to child protection. It is anticipated, 24 chair, that you will wish to hear some evidence on this 25 topic within the October hearing.</p> <p style="text-align: center;">Page 9</p>	<p>1 So that everyone is aware, it is a matter which will 2 also be considered within the investigation into the 3 Anglican Church and the hearing that is due to be held 4 in that investigation in July of this year. It is 5 hoped, chair, that by hearing evidence from both the 6 Anglican and the Roman Catholic investigations, this 7 will enable you to consider mandatory reporting within 8 religious institutions alongside the evidence you have 9 already heard on this topic from other investigations 10 and, indeed, the seminars that have been held in 11 relation to mandatory reporting. 12 On behalf of Peter Murray, there are two further 13 additional submissions. 14 Firstly, that there has been a failure of the Roman 15 Catholic Church, and in particular religious orders, to 16 acknowledge abuse and tender what are called "meaningful 17 apologies". 18 Chair, in the case studies you have already heard 19 some evidence on the topic of apologies and it is 20 anticipated that the inquiry will consider some 21 additional evidence in this regard. 22 Secondly, it is submitted that there needs to be 23 an independent national safeguarding body. As outlined 24 at the beginning, the wider hearing will consider the 25 role of the NCSC and CSAS and what future safeguarding</p> <p style="text-align: center;">Page 10</p>
<p>1 arrangements may be necessary. Having heard that 2 evidence, it will be a matter for you, chair, and the 3 panel, as to whether any recommendations are necessary. 4 On behalf of G2, Mr Khan QC submits the wider 5 hearing should examine the government's reaction to the 6 Catholic Church's response to reports of child sexual 7 abuse. 8 Now, chair, it may be you will consider that that 9 topic falls outside the scope of this investigation. As 10 the scope of this investigation makes clear at 11 paragraph 2, and I paraphrase: 12 "This investigation will consider the prevalence of 13 child sexual abuse, the adequacy of the church's 14 policies and practices in relation to safeguarding and 15 child protection, the extent to which the culture of the 16 Catholic Church inhibits, or inhibited, the proper 17 investigation, exposure and prevention of child sexual 18 abuse, and of course the adequacy of previous reviews of 19 safeguarding and child protection, including, but not 20 limited, to the Nolan Review and the Cumberlege 21 Commission." 22 Chair, that's all I wish to say in relation to the 23 focus of the wider hearing. May I turn now to the 24 second item on the agenda relating to the core 25 participants in this investigation.</p> <p style="text-align: center;">Page 11</p>	<p>1 As was made clear in the determinations when core 2 participants were designated at the beginning of the 3 investigation, each core participant has only been 4 provided with a disclosure relevant to their interests 5 in the investigation, not every core participant has 6 an interest in both case studies. 7 We do not anticipate it will be necessary for all 8 core participants to attend the wider hearing, 9 particularly those with particular and specific 10 interests into the earlier case studies. 11 In relation to this stage of the investigation, we 12 consider that the following core participants do have 13 a specific interest in this public hearing. That 14 includes all of the complainants with the A cipher, B20, 15 the C ciphers, D2, G ciphers and J6, F ciphers, the WF 16 ciphers, Mr Murray, the Old Priorian Survivors 17 Association, CCIICSA, and the Secretary of State for 18 Education. 19 Given that the focus of this hearing is on wider 20 topics relevant to the church's response, we do submit 21 there are a number of core participants who do not have 22 a specific interest in this phase of the investigation 23 such that it is necessary for them to attend the future 24 hearings. 25 May I make this plain: irrespective of attendance at</p> <p style="text-align: center;">Page 12</p>

<p>1 the hearing, all core participants within this 2 investigation will receive disclosure made in relation 3 to the wider hearing. They will be able to make rule 10 4 requests and they will be able to provide written 5 closing submissions. 6 Accordingly, therefore, we do not consider it is 7 necessary for the police forces -- mainly, the 8 Metropolitan Police, the West Midlands Police and North 9 Yorkshire Police -- to attend, nor, indeed, the English 10 Benedictine Congregation; Ampleforth Abbey and School; 11 the Archdiocese of Birmingham; the Benedictine Community 12 of Ealing Abbey and St Benedict's School; the Monastic 13 Community of Ealing. 14 We do submit that it's not necessary for 15 Adrian Child and Eileen Shearer to attend, whilst 16 represented today. The inquiry remains of that view, 17 and I have no doubt that Mr King will want to address 18 you on their behalf. 19 We submit it's not necessary for Jane Jones; 20 Jonathan West; ISI; and Ofsted to attend the wider 21 hearing. 22 Item 3 on the agenda deals with the topics of 23 evidence. 24 Chair, so that you know, the inquiry has made 25 a number of rule 9 requests of several parts of the</p> <p style="text-align: center;">Page 13</p>	<p>1 church relating to a wide range of topics, may I just 2 outline but a few this afternoon for you. 3 We have made rule 9 requests of CCIICSA, covering, 4 for example, that they provide us with a full list of 5 all religious orders and archdioceses or dioceses in 6 England and Wales and including information regarding 7 the number of child sexual abuse convictions and 8 referrals to statutory agencies in the past five years. 9 We've asked for information about what resources are 10 spent on safeguarding across the church and, indeed, the 11 interplay between Canon Law and child sexual abuse 12 allegations. 13 Requests for evidence have been made of the NCSC, 14 including all current members of the Commission, to set 15 out how they became a member, their experience of the 16 Commission. 17 All former chairs of the NCSC have been asked to 18 provide a statement detailing their time at the 19 commission. 20 The current chair of the Survivors Advisory Panel 21 has been asked to provide a statement about the purpose 22 of the panel, how it works alongside the NCSC. 23 CSAS has been asked for evidence, including details 24 of audits carried out and the audit process in general, 25 and the enforceability of CSAS policies.</p> <p style="text-align: center;">Page 14</p>
<p>1 The Catholic Insurance Service have been asked to 2 provide evidence in relation to the process by which 3 child sexual abuse claims are dealt with and information 4 on past and current claims against the church. 5 The Apostolic Nuncio has been asked for evidence, 6 including an explanation of the role of the Holy See and 7 how it receives information on behalf of the Holy See. 8 I'll return to that topic a little later in the 9 agenda. 10 The Pontifical Commission for the Protection of 11 Minors has been asked for evidence about how, when and 12 why it was created, what challenges it faces. 13 Cardinal Vincent Nichols has been asked for evidence 14 about the background and the purpose to the meeting held 15 in Rome in February of this year and how learnings from 16 that meeting will be disseminated to others in England 17 and Wales. 18 In addition to those requests, the inquiry has 19 requested the two safeguarding case files most recently 20 referred to statutory authorities from ten dioceses and 21 ten religious orders. 22 May I make it plain that does not include any 23 requests made of either the Archdiocese of Birmingham or 24 the English Benedictine Congregation, and the inquiry is 25 in the process of instructing an expert to review these</p> <p style="text-align: center;">Page 15</p>	<p>1 files. 2 To that end, the inquiry has identified 3 Ms Edi Carmi. She has a background in social work and 4 extensive experience in conducting Serious Case Reviews 5 for local safeguarding boards. She is assisting the 6 inquiry in respect of the Anglican investigation and has 7 indicated that she is both willing and has the capacity 8 to conduct this piece of work on behalf of the Roman 9 Catholic Investigation. No core participant in 10 attendance today has indicated they object to Ms Carmi 11 being instructed. 12 Chair, we are considering what evidence or further 13 evidence may be required from the victims and 14 complainant core participants, and we anticipate making 15 requests soon after the preliminary hearing. We also 16 consider it important that some evidence from the 17 victims and complainants is heard during the hearing 18 in October. 19 In that regard, chair, one of the matters we are 20 conscious of is that in the ruling of 27 July 2017, you 21 indicated that some evidence would be heard during this 22 investigation in relation to the Comboni Missionary 23 Order. We would propose that one, or perhaps two, of 24 the Comboni survivor core participants are called to 25 give evidence, and in particular hearing from them as to</p> <p style="text-align: center;">Page 16</p>

<p>1 what changes in relation to safeguarding within the 2 Roman Catholic Church they consider necessary to protect 3 children, based upon their own specific experiences. 4 Chair, on behalf of the Comboni core participants, 5 Howe & Co submit the inquiry should hear evidence from 6 three witnesses from their cohort in order to provide 7 you with what is called a representative and reliable 8 sample of evidence. 9 Chair, all core participants are going to be asked, 10 or complainant core participants are going to be asked, 11 for evidence during this part of the wider 12 investigation, but given the number of complainant core 13 participants, it will simply not be possible to either 14 read or call all this evidence. 15 However, the inquiry will consider all statements 16 received and, as necessary, will be able to publish any 17 statements of witnesses not called to give evidence. 18 As with other investigations where the evidence is 19 published, you will be able to give careful 20 consideration to all that is contained within those 21 statements. 22 We are also conscious that there are a number of 23 other complainant core participants who have to date not 24 been involved in the inquiry's public hearing, and 25 therefore we also anticipate adducing some evidence from</p> <p style="text-align: center;">Page 17</p>	<p>1 a selection of them. 2 We recognise that Howe & Co, on behalf of the 3 Combonis, have, over a period of time, expressed 4 a desire for the inquiry to call David Glenday and other 5 individuals connected with the Comboni Missionary Order. 6 Howe & Co state that Mr Glenday was a pupil at the same 7 time as some of their clients and he went on, amongst 8 other positions, to become the Superior General of the 9 Comboni Missionary Order in the 1990s and thereafter the 10 General Secretary of the Union of Superiors General. 11 In their written submissions, Howe & Co invite you 12 to call not only Mr Glenday, but Father Martin Devenish, 13 Father Hicks and Father Fraser. 14 All three men are said by Howe & Co to be able to 15 provide the inquiry with evidence relating to the 16 institutional responses to the Comboni Order. Now, 17 doubtless, you will wish to carefully consider 18 Howe & Co's submissions, both written and any additional 19 information they provide this afternoon, but, chair, may 20 I respectfully remind you that at an earlier stage in 21 this investigation, it was decided which case studies 22 would be pursued, and if you decided that the focus of 23 the wider hearings should be on the topics and potential 24 topics I've already referred to, you will want to 25 consider whether possible witnesses proposed by</p> <p style="text-align: center;">Page 18</p>
<p>1 Howe & Co will actually be able to assist in furtherance 2 of those topics. 3 Turning, please, on the agenda to the update in 4 relation to the Apostolic Nuncio. 5 Chair, as I referred to a moment ago, the inquiry 6 has requested that evidence be provided by the 7 Apostolic Nuncio and it's important for you and everyone 8 present to understand the background to this request, 9 including an update as to the current position. 10 Since November of last year, the inquiry has been 11 engaged in correspondence relating to requests made of 12 the current Apostolic Nuncio, Monsignor Edward J Adams. 13 The Apostolic Nuncio is, in effect, the Holy See's 14 ambassador to the United Kingdom and it is, because of 15 that role, covered by diplomatic immunity. As such, you 16 do not have the power to compel a response, or the 17 witness to give evidence, as you ordinarily would 18 pursuant to section 21 of the Inquiries Act. 19 The inquiry's request was, therefore, for 20 a voluntary statement requesting information, 21 including: an explanation of the Apostolic Nuncio's 22 role; its relationship with other institutions of the 23 Roman Catholic Church; the process by which the 24 Apostolic Nuncio handles reports of child sexual abuse; 25 the Apostolic Nuncio's involvement in the laicization</p> <p style="text-align: center;">Page 19</p>	<p>1 process; and the Apostolic Nuncio's involvement in 2 handling allegations arising out of St Benedict's School 3 and Ealing Abbey and the apostolic visitation of 2011 to 4 2012. 5 Following that request, the inquiry received 6 confirmation from the Apostolic Nuncio that the request 7 was being carefully considered, but that due to the 8 diplomatic nature of the Nunciature, the 9 Apostolic Nuncio would need to consult with the 10 Holy See. 11 On February of this year, at the conclusion of the 12 public hearing in the Ealing Abbey case study, the 13 position was that the Nuncio was still waiting for 14 permission from his superiors, which was taken to mean 15 permission from the Holy See. 16 Since the hearing in February, the inquiry has 17 repeatedly pressed the Foreign and Commonwealth Office 18 for updates on the progress of their discussions with 19 the Holy See, and, on 18 April this year, the Foreign 20 and Commonwealth Office provided some further 21 information as to the position of the Holy See in 22 respect of the inquiry's request. 23 This has not included the provision of any evidence 24 in response to the November 2018 request of the Nuncio. 25 Some information was provided in relation to the</p> <p style="text-align: center;">Page 20</p>

<p>1 Holy See's position on the inquiry's request and, in 2 summary, it was as follows: 3 The Holy See will co-operate with specific and 4 proper requests for information conveyed through 5 diplomatic channels. 6 The Holy See has requested that the questions relate 7 to specific actions and events, and are not questions 8 relating to background on how the Holy See works. 9 Further, that any request for documents reflecting 10 internal deliberations would not be appropriate as, in 11 common with other sovereign states, the Holy See 12 maintains the confidentiality of internal deliberations 13 related to its judicial and administrative proceedings. 14 The Foreign and Commonwealth Office clarify that its 15 role was simply to facilitate the passage of 16 correspondence between the inquiry and the Holy See. 17 Since then, chair, the inquiry has been liaising 18 with the Foreign and Commonwealth Office and will 19 continue to do so to try and ensure that the evidence 20 that we have requested is in fact provided. 21 For completeness, the inquiry's position is that its 22 request has been made through the proper diplomatic 23 channels and that the requests made in November 2018 are 24 both specific and proper. 25 The inquiry is also aware of an article in</p> <p style="text-align: center;">Page 21</p>	<p>1 The Tablet on 17 April this year relating to information 2 said to have been provided by the Holy See to the 3 Metropolitan Police in relation to the investigation 4 into Laurence Soper. The inquiry has requested 5 a witness statement from the Metropolitan Police 6 Service. If the Holy See wishes the panel to consider 7 any information that it provided to The Tablet, then the 8 inquiry will be asking that information is provided 9 directly to the inquiry. 10 To date, therefore, the inquiry has received no 11 evidence from the Apostolic Nuncio, but the inquiry 12 continues to pursue this matter with the Holy See with 13 the assistance of the Foreign and Commonwealth Office. 14 I anticipate a number of the core participants 15 presented to may wish to address you in respect of this 16 topic. 17 Turning to disclosure. 18 Those core participants involved in the EBC case 19 study received disclosure that related to the EBC 20 hearings and not disclosure in respect of the case study 21 into the Archdiocese of Birmingham and vice versa. 22 In practice, though, chair, some core participants 23 have been involved in both case studies and so have 24 received disclosure relating to both of those case 25 studies.</p> <p style="text-align: center;">Page 22</p>
<p>1 The investigation team is reviewing the disclosure 2 made within one case study to consider whether it should 3 be provided to those core participants who are involved 4 in the wider hearing. 5 The inquiry intends to keep this category of 6 disclosure under review, so as to ensure that material 7 that is of relevance to the wider hearing is disclosed 8 within this phase of the investigation. 9 It is not, however, the intention of the inquiry to 10 disclose all the material gathered in each case study to 11 those core participants involved in the October hearing. 12 To do so would be disproportionate and unnecessary, in 13 our submission, given the focus of the wider hearing, 14 and, in any event, there are transcripts of those 15 hearings, published documents, and in due course the 16 case study reports, which will assist all core 17 participants to understand the evidence heard in the 18 respective case studies. 19 There is some disclosure that has been provided to 20 all core participants already during the investigation. 21 Some material, primarily CSAS documents and policies, 22 has already been disclosed to all core participants. 23 Further disclosure has been made today, and we 24 anticipate that all evidence requested in connection 25 with this final phase of the investigation will be</p> <p style="text-align: center;">Page 23</p>	<p>1 provided to all core participants. 2 Chair, I already referred to the fact that the 3 investigation team has requested a number of statements 4 and exhibits from organisations and individuals focusing 5 on the contemporaneous response of the church. As such, 6 we anticipate that the disclosure will be less 7 voluminous than was made in both the EBC and Archdiocese 8 of Birmingham case studies. 9 A number of signed statements have already been 10 received, and the inquiry anticipates being able to 11 disclose the following witness statements shortly after 12 the hearing today. They include, for example, 13 a statement from Cardinal Nichols. That statement 14 provides evidence in respect of the February meeting in 15 Rome on the protection of minors in the church. 16 We have a signed statement from Mr Pearson, the 17 current chair of the NCSC; from Ms Perrin, the 18 chief executive officer of the Catholic Insurance 19 Service; and, indeed, a signed statement from Monsignor 20 Gordon Read to assist with matters of Canon Law. 21 We have requested witness statements from 22 Sister Jane Bertelson, she is a member of the Pontifical 23 Commission for the Protection of Minors and a former 24 member of the NCSC; Bill Kilgallon, a former chair of 25 the NCSC and a member of the Pontifical Commission;</p> <p style="text-align: center;">Page 24</p>

<p>1 Baroness Scotland, former chair of the NCSC; all other 2 current members of the NCSC; Danny Sullivan, a former 3 chair; Baroness Hollins, a former member of the 4 Pontifical Commission; Mr Marshall, chair of the 5 Survivor Advisory Panel; Christopher Pearson, lay chair 6 of the NCSC.</p> <p>7 The inquiry has received drafts of all but a few of 8 the statements that it's requested and will progress 9 disclosure as soon as signed copies are received.</p> <p>10 In addition to the requests for evidence or, indeed, 11 in some cases, further evidence that may be made of the 12 victims and complainants, the inquiry also intends to 13 request evidence from the President of the Conference of 14 Bishops and, indeed, the President of the Conference of 15 Religious.</p> <p>16 Turning to the final matters on the agenda and the 17 arrangements for the public hearing, the public hearing 18 will start on 28 October of this year and conclude on 19 8 November.</p> <p>20 We anticipate, chair, that you and the panel will 21 want to hear from the Presidents of the Conference of 22 both the Catholic Bishops and, indeed, of Religious; 23 from Ms Limbrick from CSAS; from past and present 24 members of the NCSC; and, as I referred to earlier, 25 a selection of the victim and complainant evidence.</p> <p style="text-align: center;">Page 25</p>	<p>1 In due course, the inquiry will circulate details of 2 those witnesses from whom it is intended to hear live 3 evidence and we will, of course, provide a provisional 4 witness timetable.</p> <p>5 The inquiry will circulate evidence proposals 6 containing a more detailed indication of the topics that 7 is proposed inquiry counsel cover with each witness and, 8 also, detailed proposals for read and summarised 9 evidence will be circulated.</p> <p>10 Chair, it will not, either, be necessary to read the 11 entirety of a statement, and so proposals will include 12 an indication of the topics or paragraphs that inquiry 13 counsel are likely to summarise or read.</p> <p>14 Chair, proceedings in the inquiry's investigation 15 will be broadcast subject to the 3-minute delay, in 16 accordance with the directions made in June of last 17 year.</p> <p>18 And finally this, the inquiry has identified 19 a provisional date for a further preliminary hearing on 20 25 September this year.</p> <p>21 D2, in written submissions, submits there will be 22 ongoing disclosure between now and the hearings and the 23 two case study reports and submits, therefore, there 24 should be the preliminary hearing.</p> <p>25 We will keep the need for a further preliminary</p> <p style="text-align: center;">Page 26</p>
<p>1 hearing under review and notify all core participants in 2 due course.</p> <p>3 Chair, they are all the remarks that I wish to say 4 by way of update and preparation for the wider hearing 5 in October. Can I invite you now, please, to turn, 6 I think, first, on behalf of the A core participants and 7 Old Priorian Survivors Association, Mr Scorer.</p> <p>8 THE CHAIR: Thank you, Ms Carey. 9 Mr Scorer?</p> <p>10 Submissions by MR SCORER</p> <p>11 MR SCORER: Chair, I'm grateful to Ms Carey for her very 12 helpful comments, which certainly enable me to shorten 13 my own submissions.</p> <p>14 You have our written submissions I'll come back to 15 those in a moment, but, before I do, I just wanted to 16 pick up briefly on two or three points that arise from 17 the written submissions made by the victims' and 18 survivors' representatives, because I think there are 19 some important points that come out of that.</p> <p>20 First of all, on the question of oral evidence from 21 survivors, we very much endorse the view expressed by 22 Howe & Co that it's very important to hear survivor 23 evidence in the final hearing. It's important that this 24 comes from a range of survivors. In saying that, 25 I don't seek to detract in any way from the importance</p> <p style="text-align: center;">Page 27</p>	<p>1 and relevance of the Comboni survivor evidence, but it 2 is important that, in addition to hearing that evidence, 3 if you decide to do so, that you hear from a range of 4 other survivor voices, and you will be aware that some 5 of the survivors that we represent have very specific 6 evidence to give about the current, and indeed very 7 recent, handling of allegations by the Catholic Church, 8 and we think it's important and necessary that those 9 accounts are heard.</p> <p>10 Secondly, the issue of non-recent or historic 11 allegations.</p> <p>12 Those representing D2 have made the point in their 13 written submissions, and I think rightly, that 14 a significant proportion of the allegations which the 15 Catholic Church receives even now will relate to 16 non-recent events. That's inevitable, given the 17 frequently long time lag between abuse and disclosure.</p> <p>18 So it is important, in our submission, that any 19 consideration of how the Catholic Church is dealing with 20 current allegations, dealing with allegations currently, 21 expressly includes consideration of non-recent 22 allegations, and so we endorse the submissions on behalf 23 of D2 in relation to that issue.</p> <p>24 Chair, that leads me on to another issue, which is 25 the issue of redress and, in particular, the</p> <p style="text-align: center;">Page 28</p>

<p>1 Catholic Church's deployment of limitation defences. 2 I very much welcome the confirmation from Ms Carey 3 that that issue will be considered in the final hearing 4 in this investigation. I appreciate that, in the main, 5 you will be looking at that in the accountability and 6 reparations module. It is important that you look at it 7 here and I just want to make this point about it, 8 because you may not be aware of this and there's no 9 particular reason why you should be aware of this point, 10 but it is certainly the case that, of all the 11 organisations that are dealing with civil damages 12 claims -- and I'm talking about both religious and 13 non-religious organisations -- the Catholic Church is 14 certainly, in my experience, by far the most aggressive 15 in relying on limitation defences. 16 I've been representing survivors of abuse in civil 17 cases for probably 20 years and I've brought cases 18 against a whole range of different organisations, and 19 certainly my experience of the Catholic Church goes well 20 beyond other organisations in terms of their aggressive 21 deployment of limitation defences. Of course, all 22 organisations use them to some degree, but the 23 Catholic Church does go further, in my experience. 24 There may be a debate to be had about whether that is 25 insurer-driven or church-driven, but that's the reality.</p> <p style="text-align: center;">Page 29</p>	<p>1 I am concerned that if you're not across that topic 2 in the final hearing, there may be a slight imbalance in 3 your ultimate views of it, because in the final Anglican 4 hearing, for example, you are expressly looking at the 5 issue of redress, and rightly so, and there may be 6 a number of issues in relation to the Church of 7 England's position on redress and its performance on 8 redress that need to be considered, but it is the 9 reality that the Church of England made a decision two 10 or three years ago, or their insurers made a decision, 11 that they would not rely on limitation defences in these 12 cases. The Catholic Church, by contrast, relies heavily 13 on them. So this is an issue that you need to be across 14 and I see from the update note, and Ms Carey has 15 confirmed, that you intend to seek witness evidence from 16 Kathy Perrin from the Catholic Church Insurance 17 Association and I think that's an issue which she needs 18 to be asked to comment on. 19 So that is an important issue, and it's 20 a significant issue for survivors in terms of their 21 experience of the church response. 22 Chair, I then come back to my own written 23 submissions. The main issue I wanted to address you on 24 was the issue of the inspection bodies, ISI, Ofsted and 25 the Department of Education.</p> <p style="text-align: center;">Page 30</p>
<p>1 As you know, our position, which is obviously 2 contrary to the provisional view expressed in the update 3 note, is that the performance of these agencies can and 4 should be examining in the final hearing in this 5 investigation. 6 There are really just two points I want to make on 7 this. First of all, I'm sure I'm not saying anything 8 controversial when I say that that issue of the 9 performance of inspection bodies is one that your 10 inquiry will need to look at. You will be bound to look 11 at it, it's a central issue in this inquiry, so it has 12 to be looked at somewhere. 13 When I say it has to be looked at, what I'm talking 14 about here is both the adequacy of the legal framework, 15 in which those inspectors are operating, and then their 16 effectiveness in terms of their practical operation 17 within that framework. So both of those aspects, we 18 say, need to be looked at. 19 The suggestion has been made that the Residential 20 Schools Investigation is the best place to do it. 21 I obviously don't want to detract in any way from the 22 importance of examining it there, if it has to be 23 examined there. But it is important to say that 24 residential schools form only a minority of independent 25 schools and, of course, independent schools form only</p> <p style="text-align: center;">Page 31</p>	<p>1 a minority of schools as a whole. So if you examine the 2 performance of inspection bodies solely in that context, 3 there is a risk, potentially, that you get a skewed 4 picture of what's going on across the sectors which 5 educate a much larger number of children. That's one 6 point. 7 The other point is a practical one, which is that, 8 in this investigation, you've already done the 9 preparatory work to look at this aspect. You've 10 obtained, or your team has obtained, the relevant 11 witness statements, the relevant disclosure has been 12 given, you've got a case study with St Benedict's where 13 there were contemporaneous complaints to the inspectors, 14 you have a statement, a detailed statement, from 15 Penny Jones, the Department of Education, which sets out 16 the issues that the DfE experienced in trying to get 17 compliance, indeed, their helplessness in trying to get 18 compliance. So you've actually done the work or a large 19 part of the work and you have a case study which clearly 20 highlights the issue. 21 So it seems to us that, quite apart from anything 22 else from the point of view of costs and efficiency, 23 having done the work and with a suitable case study, it 24 makes no sense not to look at this in the final hearing 25 here.</p> <p style="text-align: center;">Page 32</p>

<p>1 So we do ask you to reconsider this and include this 2 as part of the scope of the final hearing here. 3 Chair, that's all I have to say unless I can help 4 you on anything further. 5 THE CHAIR: Thank you, Mr Scorer. 6 Mr Chapman? 7 MR WILLIAM CHAPMAN: Chair, I've nothing to add to what I've 8 put in writing. 9 THE CHAIR: Thank you. 10 Ms Patrick? 11 Submissions by MS PATRICK 12 MS PATRICK: Chair, I hope I can be relatively brief today. 13 I first want to pass on the apologies of 14 Ms Gallagher QC. She, unfortunately, can't attend today 15 because she had a prior commitment. I would like to 16 address you on one issue which has been addressed by 17 both counsel to the inquiry and Mr Scorer, and that is 18 D2's submissions on the treatment and management of 19 historic complaints by adult survivors and victims of 20 child sex abuse. This is an issue raised by D2. As 21 you'll understand, it is one which is of significant 22 importance to him, and to other survivor and victim CPs 23 to the inquiry. 24 I stand to raise the issue, as I'm very welcoming of 25 counsel to the inquiry's acknowledgement that some of</p> <p style="text-align: center;">Page 33</p>	<p>1 the historic evidence will be, of course, addressed in 2 the October and November hearings, and specifically we 3 welcome the assurances on evidence on redress and 4 litigation, but for D2, this issue is not only a matter 5 of importance as an issue of background to how the 6 structures for the current safeguarding and future 7 safeguarding matters within the Roman Catholic Church 8 operate. To him, how historic complaints, when they are 9 made, are handled are an issue distinct but related to 10 the safeguarding of children within the Roman 11 Catholic Church. 12 As Mr Scorer, for which I give thanks, accepts this, 13 there will always, be by its nature, a necessity to 14 acknowledge that complaints may necessarily be old, they 15 may be brought some years after the event, and that that 16 system of handling with care and dignity the complaints 17 made by adult survivors of complaints about actions that 18 happened to them when they were children, for which the 19 church bears responsibility, will always be part and 20 parcel of the mechanics with which the church responds 21 to the activities for which it's responsible in the 22 field of child sexual exploitation. 23 They are distinct issues and D2 hopes that the 24 inquiry will see them as such. He's already made 25 recommendations in his closing submissions in December</p> <p style="text-align: center;">Page 34</p>
<p>1 of last year that there may need to be distinct guidance 2 and a revisiting of how individual archdioceses, 3 individual institutions, deal with these kinds of 4 complaints when they're approached by individuals, but 5 also how NCSC and CSAS may support and encourage good 6 practice in the handling of complaints and the treatment 7 of individuals. 8 These are issues that are plainly distinct and 9 envisaged as within scope by the terms reference for 10 this strand of the inquiry, and in our submissions, at 11 paragraphs 2.4 to 2.10, we flag those. The relevant 12 references to the terms of references are at 13 paragraphs 2.2 and 2.4 and, as counsel to the inquiry 14 highlighted, a relevant part of this inquiry is 15 revisiting the earlier treatment of these issues in the 16 Nolan and Cumberlege Reports. Nolan dealt with the 17 management of historic complaints at recommendations 69 18 and 70; and Cumberlege at recommendation 64. 19 D2 would invite the inquiry to consider their own 20 recommendations, as and insofar as they consider they 21 are necessary, on how the structures of the 22 Catholic Church should deal now and in the future with 23 these incredibly important complaints. 24 The Birmingham case study and others identified 25 significant failures in the historic handling of</p> <p style="text-align: center;">Page 35</p>	<p>1 historic complaints. And D2 gives moving evidence of 2 the traumatising effect of poor and disrespectful and 3 insensitive handling of these matters in his evidence 4 that was read to the inquiry and in his closing 5 submissions at INQ003865 from 2.27 to 3.11. 6 We'd encourage the inquiry to review exactly how 7 damaging mismanagement of these complaints -- not only 8 from the perspective of redress, but from the 9 perspective of support, care, and the avoidance of 10 retraumatising an individual -- can be for the 11 complainants and survivors. 12 The marker for D2 of the high point of the 13 disrespect that he was shown was placed in shorthand by 14 Ms Gallagher, and in our closing submissions, in the 15 comment that he received from the safeguarding 16 co-ordinator for the Archdiocese of Birmingham when he 17 was encouraged to get on with his life, because "they're 18 all dead". For D2, he gave evidence and made 19 submissions on a specific gap that appears to arise from 20 an inadequacy both in guidance from the national bodies 21 and in individual archdiocese practice, a gap where it 22 seems to be that the church has no systems in place for 23 the handling of complaints where there are no prospects 24 for criminal prosecution, and where there are limited 25 capacities for the pursuit of civil litigation.</p> <p style="text-align: center;">Page 36</p>

<p>1 It's in that gap where it appears that people are 2 falling, like D2, there are inadequate systems and 3 inadequate guidance in place to encourage the sensitive 4 and careful handling of individual complaints. 5 I think it was placed in his closing submission 6 thus: 7 ""They're all dead', is never the end of the 8 conversation for survivors and victims, and it shouldn't 9 be the end of the conversation for the Roman 10 Catholic Church." 11 In order to ensure that's the case, we invite the 12 inquiry to treat this as a separate issue and one with 13 which there should be clear systems and proper 14 management processes in place to ensure that every 15 victim is treated with respect and care. 16 There's one separate issue on the management of 17 regulatory bodies, oversight and scrutiny, which D2 18 encouraged the inquiry, in written submissions, to 19 acknowledge would form part of its consideration of 20 safeguarding arrangements. I've only addressed this 21 very briefly to say that D2's position is that the 22 internal processes for governance arrangements and 23 oversights of the mechanisms that operate within the 24 Roman Catholic Church for the purposes of safeguarding 25 plainly must form part of the issue of examining both</p> <p style="text-align: center;">Page 37</p>	<p>1 current safeguarding measures and arrangements for the 2 future, but also the mechanisms for external oversights, 3 whether it's by regulatory bodies or other agencies, 4 must be relevant to that consideration too. It must be 5 relevant, because, plainly, the effectiveness, or the 6 ineffectiveness, of other regulatory bodies to which the 7 church may be subject, will be relevant to how those 8 internal processes themselves must be adapted in order 9 to ensure that they are effective. 10 We've given the example of the Charity Commission, 11 because it's arisen both in Birmingham and in the EBC 12 case studies. We welcome the acknowledgement that 13 evidence will be sought from the Charities Commission, 14 but we also support the submissions of Mr Scorer that 15 other agencies with regulatory responsibilities in the 16 education sphere must be relevant to how the 17 effectiveness of the national arrangements by the NCSC 18 and CSAS and individual arrangements in archdiocesan 19 religious orders must be examined by the inquiry to 20 ensure whether they are operating adequately or not. 21 On other issues, we support the submissions of 22 others and welcome the update from counsel to the 23 inquiry on the Apostolic Nuncio, and we support efforts 24 to consider and secure further statements and evidence 25 from Rome.</p> <p style="text-align: center;">Page 38</p>
<p>1 On disclosure, we add little to what we say in 2 writing, but we would ask that the inquiry acknowledge, 3 in the course of review by counsel to the inquiry and 4 the investigatory team, that where documents are 5 relevant to the issues determined to be in scope for 6 the October and November hearing, there is an assumption 7 that if it's relevant for the purpose of those issues 8 and it's disclosed to some CPs in one case study, that 9 documents are also made available to others to whom it 10 was not previously disclosed. 11 So if it's relevant and there's a request made, we 12 ask that there is a presumption, provided it remains 13 relevant to the issues to be heard in October 14 and November, that it will be disclosed to those CPs 15 with an interest in the hearing. 16 Finally, I just welcome confirmation that there is 17 a date earmarked for a potential further hearing. Of 18 course, the need for that should be kept under review, 19 but the inquiry is very well aware of the particular 20 needs of our client and, for him and his healthcare 21 team, it is very useful to be able to plan towards 22 a date that may be arising. 23 I have nothing further. 24 THE CHAIR: Thank you, Ms Patrick. 25 Mr Collins?</p> <p style="text-align: center;">Page 39</p>	<p>1 Submissions by MR COLLINS 2 MR COLLINS: Thank you, ma'am. Two quick points. Number 1 3 is in respect of limitation. You will recall, of 4 course, that limitation was looked at along with 5 a number of related issues in Accountability and 6 Reparation, and I would just make this observation: that 7 if this inquiry is going to look at limitation to any 8 degree, then a way needs to be found to dovetail the two 9 parts of the inquiry, because it may well be we will 10 learn matters in the course of this up-and-coming 11 investigation, that usefully feeds into what was said 12 and submitted as part of Accountability and Reparation. 13 So I think, you know, this is an important point, 14 because you did receive a whole series of 15 recommendations as to the future, and you may well, as 16 I say, learn a great deal and gain more valuable 17 insights which could influence the way ahead. 18 The second observation that I have, and that is in 19 respect of the Holy See, it is very disappointing that 20 there has been so little progress and I think it would 21 be useful for this inquiry to hear in a little bit more 22 detail about the steps that are actually being taken to 23 ensure that your requests are going to be met. 24 I would like to know, for example, what steps the 25 UK's ambassador to the Holy See has taken, or has been</p> <p style="text-align: center;">Page 40</p>

<p>1 asked to take, in order to help facilitate this and in 2 order to avoid this becoming a diplomatic issue, because 3 that's what it will be if the Holy See does not assist 4 this inquiry. 5 Thank you, ma'am. 6 THE CHAIR: Thank you, Mr Collins. 7 Mr Brodie? 8 Submissions by MR BRODIE 9 MR BRODIE: Thank you, chair. 10 Just one or two very brief points. I welcome the 11 update from the counsel to the inquiry. I would support 12 the suggestion that the continued use of the limitation 13 defence be looked at further, and further, chair, 14 I would support what Mr Collins has just said regarding 15 the Nuncio. 16 Thank you. 17 THE CHAIR: Thank you, Mr Brodie. 18 Mr Jacobs? 19 Submissions by MR JACOBS 20 MR JACOBS: Madam chair, thank you. 21 Howe & Co act for 21 complainant core participants 22 in this investigation. We have taken instructions on 23 the content of the update note, and have responded to it 24 in detailed submissions, dated 14 May 2019, on behalf on 25 our clients, and we've made separate submissions in</p> <p style="text-align: center;">Page 41</p>	<p>1 relation to Peter Murray. He raises discrete issues 2 and, particularly, limitation, his case is a case where 3 he and his witnesses were all believed, but he was not 4 able to proceed because of the limitation defence that 5 was raised. 6 We rely on both sets of written submissions of 7 14 May 2019 as well as a letter that Howe & Co wrote to 8 STI, dated 20 May 2019, which goes into more detail in 9 relation to the Father Glenday point that I will be 10 addressing you on. 11 We ask that you take all those three sets of 12 submissions into account when deciding the topics that 13 should be examined at the October hearing. 14 Now, chair, there are four points which arise from 15 our submissions upon which I propose to address you 16 today. 17 Firstly, a very important point, in my view, in my 18 submission, the structure of the Catholic Church. This 19 issue is dealt with at paragraphs 3 to 14 of our 20 detailed submissions for the majority of our clients, 21 dated 14 May 2019. 22 Now, as we've submitted, the evidence before the 23 inquiry shows that the Catholic Church is organised in 24 a system that comprises of literally hundreds of 25 autonomous organisations, each with its own internal</p> <p style="text-align: center;">Page 42</p>
<p>1 rules, religious institutions. These organisations 2 include members of religious orders and there are 3 approximately 850,000 religious orders or institutions 4 within the Catholic Church, and that comprises over 5 70 per cent of the church. 6 Canon Law, importantly, imposes a requirement on 7 archbishops to uphold the independence and right to 8 self-determination of all these institutions or orders. 9 So our position is that's it's the structure of the 10 church, centuries old, which facilitates the 11 independence of religious institutions and that in 12 itself presents an impediment, a structural impediment, 13 to the safeguarding of children within the church. 14 Now, at paragraph 10 of our submissions, we show how 15 this was highlighted in the Nolan report in 2001 as 16 a significant impediment to bringing in safeguarding, 17 this antiquated structure and, more recently, 18 Cardinal Nichols, in his statement to the Archdiocese of 19 Birmingham Investigation, made the point that, after 20 Nolan, there was an impediment, a structural impediment, 21 to implementing the safeguards that had been proposed. 22 Now, we've referred to Cardinal Nichols' evidence at 23 paragraph 13 of our written submissions, the point 24 I make is that the structure of the church has not 25 changed since the Nolan Report, so the problem is still</p> <p style="text-align: center;">Page 43</p>	<p>1 here. 2 Now, our primary submission before this inquiry has 3 been, quite simply, that the Catholic Church is unable 4 to protect children from abusers within it because of 5 fundamental cultural and -- and I emphasise "and" -- 6 structural issues. 7 Now, we are grateful that culture has been included 8 as a topic for the October hearing, but we strongly 9 submit that structure, which is the other significant 10 impediment to child safeguarding in the church, must 11 also be included. It's such an important issue in 12 relation to the Catholic Church and safeguarding. 13 I can illustrate this by saying, even if the culture 14 of the church was transformed overnight, in the absence 15 of a structure, capable of developing, implementing and 16 policing uniform safeguarding, nothing would change, or, 17 if it did change, it could only be a temporary change 18 because, as soon as a new bishop or a new 19 Superior General of a religious order were appointed, he 20 could change the system and nobody in the church could 21 do anything about it. 22 That is why it's an important issue. 23 It's also important because no other institution 24 under investigation in this inquiry has this fundamental 25 problem.</p> <p style="text-align: center;">Page 44</p>

<p>1 Our point that we made in the submissions in 2 relation to the papal motu proprio, the May 2019 papal 3 edict in relation to the seal of confession, is 4 a classic example, the Pope has delivered this edict, 5 but it cannot be enforced, it cannot be implemented. 6 It's a statement of intention, it's a statement of will, 7 but it simply doesn't have teeth because of the 8 structure. 9 That's the issue. 10 You heard from Ms Carey that Cardinal Nichols will 11 give evidence on the dissemination of what has been 12 learnt from the Vatican February 2019 Conference. Well, 13 it can be disseminated, but the point is, can it be 14 enforced? Can it be implemented? Until we look at the 15 structure, until we look at how Canon Law doesn't enable 16 any enforcement of these proposed reforms, the inquiry 17 cannot deal with the issue of whether there is adequate 18 safeguarding for children in the Catholic Church. 19 So I submit it's a fundamental issue. It's not to 20 be added on in relation to points in relation to 21 accountability, for example. It goes to the core of why 22 the Catholic Church cannot, and is unwilling to, 23 safeguard children in the way that other institutions 24 would be able to that this inquiry is investigating. 25 So I submit that it's very important, if the inquiry</p> <p style="text-align: center;">Page 45</p>	<p>1 is to look at all of the church, for this fundamental 2 issue to be part of the topic and scope for the hearings 3 in October. 4 The second point also relates to the scope and the 5 topics, and that is that the examination of religious 6 orders, specifically, has been absent in this 7 investigation. So, as I've said, religious institutions 8 account for over 70 per cent of the Catholic Church. 9 Now, unless the inquiry examines religious orders, the 10 inquiry cannot address the key issue of institutional 11 responses to child sexual abuse within the church as 12 a whole, and neither can it make informed 13 recommendations in relation to the church as a whole, 14 without examining religious orders. 15 13 of our clients, chair, are members of the Comboni 16 Survivors Group and they have furnished this inquiry 17 with a wealth of evidence running to many hundreds of 18 pages regarding the institutional responses of religious 19 orders and the inability or unwillingness of church 20 leaders to tackle independent religious orders on child 21 abuse. 22 Their evidence is consistent and credible, it 23 contains a range of institutional responses which vary, 24 in some cases, written admissions of abuse and, in other 25 cases, to threats and denials made to victims and</p> <p style="text-align: center;">Page 46</p>
<p>1 survivors. From, importantly, a major religious order, 2 with a base in the United Kingdom, which specialises in 3 the education of children. 4 Now, my submission, it's also relevant that their 5 evidence further details meetings and consultations that 6 my clients have held with senior clergy members in 7 relation to abuse committed by members of a religious 8 order. It goes back to the structural issue: nothing 9 can be done so nothing has been done. 10 So it's right that we're not asking for a separate 11 Comboni case study, what we do ask for is that the 12 inquiry recognises a need to cover religious orders and 13 institutional responses and that is 70 per cent of the 14 church. 15 Now, our clients, they're intelligent and articulate 16 men. They're very well placed to assist the inquiry in 17 relation to institutional responses of the orders. We 18 note the inquiry has said it will call one or two 19 Comboni survivors to give evidence. We would urge that 20 more use is made of this cohort of witnesses. Through 21 this group the inquiry has a perfect opportunity to 22 examine an issue that is of paramount importance: what, 23 if anything, could be done to get the orders to align 24 their responses and policies on child sexual abuse with 25 the church at large. We've urged that at least three</p> <p style="text-align: center;">Page 47</p>	<p>1 witnesses are called from this important cohort. 2 I would also say that there won't be an issue with time, 3 their evidence can be managed so that undue time is not 4 taken; but it's important that as many of them give 5 evidence as possible because they cover this issue in 6 detail. 7 We would also refer you to our submissions in 8 relation to F56, who provides useful evidence concerning 9 institutional responses at the highest levels, but also 10 provides a perspective of a vulnerable person as he is 11 autistic. 12 On the issue of witnesses from victims and 13 survivors, I thank Mr Scorer for endorsing our comments 14 on witnesses, and I note that it has been said that it 15 won't be possible for the inquiry to hear evidence from 16 all the victims and survivors. I submit that it is 17 possible, and if I could refer you to the 18 Nottinghamshire investigation where approximately 80 19 witnesses gave evidence, and those that didn't give 20 evidence live, their evidence was read in, or extracts, 21 or the important extracts, were read in. That was 22 a successful process in which all the victims and 23 survivors involved felt they had been included. In the 24 accountability and reparations investigation there were 25 approximately 30 live and read witnesses who gave</p> <p style="text-align: center;">Page 48</p>

<p>1 evidence.</p> <p>2 So I do submit that it's important that the</p> <p>3 survivors are at the the forefront of this process, and</p> <p>4 time should be allocated to ensuring that those who</p> <p>5 don't give evidence, their evidence is read in, or at</p> <p>6 least significant extracts of their evidence are read</p> <p>7 in.</p> <p>8 Now, I move on to my submissions in relation to</p> <p>9 Father David Glenday. Since the summer of 2016, chair,</p> <p>10 Howe & Co has been urging the inquiry to call</p> <p>11 Father Glenday to give evidence in this investigation.</p> <p>12 Most recently we've been in correspondence with the</p> <p>13 inquiry setting out, yet again, the pressing rationale</p> <p>14 for calling this leading church figure to give evidence</p> <p>15 at the October hearing. We refer you to a letter dated</p> <p>16 20 May 2019, and paragraphs 93 to 109 of our written</p> <p>17 submissions.</p> <p>18 Father Glenday is a British citizen, he is based in</p> <p>19 Rome. From March 2009 until March 2019 he was the</p> <p>20 Secretary General of the Union of Superiors General.</p> <p>21 Now, chair, that is an umbrella organisation for all</p> <p>22 male religious orders in the Catholic Church. In that</p> <p>23 role Father Glenday regularly oversaw events and</p> <p>24 training focusing on safeguarding. Father Glenday was</p> <p>25 the Secretary General in February 2019 when the USG</p> <p style="text-align: center;">Page 49</p>	<p>1 issued its most recent statement relating to child</p> <p>2 sexual abuse on behalf of all the religious orders</p> <p>3 worldwide, including the United Kingdom. In addition,</p> <p>4 he is and has also been the external moderator for four</p> <p>5 religious orders. Furthermore, Father Glenday was the</p> <p>6 Superior General of the Comboni Order from 1991 to 1997,</p> <p>7 and was undoubtedly, in my submission, aware and</p> <p>8 involved in the Order's responses to the allegations of</p> <p>9 abuse that were made by my clients, amongst others,</p> <p>10 during those years.</p> <p>11 So he speaks for five orders, in particular, and all</p> <p>12 of the orders in relation to his oversight.</p> <p>13 So we say that Father Glenday is uniquely place to</p> <p>14 inform the inquiry firstly about the wider issues</p> <p>15 concerning the culture and structure of the numerous</p> <p>16 religious institutions and, secondly, in relation to</p> <p>17 institutional responses, or the lack of any unified</p> <p>18 institutional response of religious orders to child,</p> <p>19 which is 70 per cent of the church, as I have said, to</p> <p>20 child sexual abuse. By way of an example, he can give</p> <p>21 evidence on the response of the Comboni Order, whose</p> <p>22 members, as I've said, were responsible for the abuse of</p> <p>23 many of my clients in the United Kingdom.</p> <p>24 It's also relevant to say that Father Glenday was</p> <p>25 a pupil at Mirfield Seminary with some of my clients,</p> <p style="text-align: center;">Page 50</p>
<p>1 who are here today, during the time that my clients were</p> <p>2 abused there.</p> <p>3 My clients have the most considerable knowledge of</p> <p>4 the works of religious institutions. They have put</p> <p>5 a lot of time and effort and work into this</p> <p>6 investigation over the last three years. They strongly,</p> <p>7 very strongly believe, that Father Glenday is the</p> <p>8 best-placed witness to plug a considerable evidential</p> <p>9 gap and assist the inquiry on these very important</p> <p>10 issues.</p> <p>11 We therefore urge that a rule 9 statement should be</p> <p>12 issued to Father Glenday with a view to the inquiry</p> <p>13 calling him to give evidence in October. That will</p> <p>14 greatly assist the inquiry in looking at institutional</p> <p>15 responses of religious orders.</p> <p>16 Fourthly, we ask that the inquiry calls</p> <p>17 Archbishop Charles Scicluna to give evidence in October.</p> <p>18 In that regard I refer you to paragraphs 36 to 48 of our</p> <p>19 submissions.</p> <p>20 Now, the archbishop is the Adjunct Secretary of the</p> <p>21 Congregation of the Doctrine of the Faith, and he has</p> <p>22 been given direct responsibility for handling the</p> <p>23 approach of the Holy See towards child sex abuse in the</p> <p>24 Catholic Church.</p> <p>25 Now, you heard comments made last September on</p> <p style="text-align: center;">Page 51</p>	<p>1 behalf of the Catholic Council for IICSA referring to</p> <p>2 the archbishop. In my submission, it cannot be</p> <p>3 instituted that Archbishop Scicluna has been tasked by</p> <p>4 the Vatican to lead on the issue of child sexual abuse</p> <p>5 worldwide. We know that he played a pivotal role in</p> <p>6 the February 2019 Conference in Rome, and if the role of</p> <p>7 the Holy See is to be considered properly then the</p> <p>8 Archbishop is the obvious witness from whom the inquiry</p> <p>9 should hear evidence. We invite the inquiry to issue</p> <p>10 a rule 9 request to him and invite his attendance to</p> <p>11 give evidence.</p> <p>12 Now, in relation to the Pope's edict, at</p> <p>13 paragraph 50 of our submissions, Archbishop Scicluna</p> <p>14 says that the responsibility, in relation to this edict,</p> <p>15 is on the Bishops' Conference and the Nuncio to make</p> <p>16 sure that dioceses know what the Pope wants and that</p> <p>17 it's a concrete mandate. I submit that, when one looks</p> <p>18 at the wording, it's the responsibility for them to make</p> <p>19 the dioceses know that's what the Pope wants. It's</p> <p>20 a mandate. That language does not imply that it is</p> <p>21 mandatory, and that it's capable of enforcement or it</p> <p>22 will be enforced. Now, if the Nuncio cannot, or perhaps</p> <p>23 I ought to say will not assist this inquiry, then it's</p> <p>24 appropriate for Scicluna to give evidence to explain the</p> <p>25 position in relation to the Pope's edict, and explain</p> <p style="text-align: center;">Page 52</p>

<p>1 the position in relation to the Holy See's responses 2 after the February 29 Conference. So he will inform the 3 inquiry in respect of the Holy See, and he will also 4 assist on the fundamental structural points that we have 5 dealt with. 6 So I submit it is important that he is called to 7 give evidence. 8 Then, finally, I make a submission in relation to 9 the timetable. 10 This forthcoming investigation is highly important, 11 and we take the view that this inquiry and other 12 inquiries around the world have played an important part 13 in bringing about the February Vatican Conference. 14 There's no doubt that the recommendations that you make, 15 chair, and panel members, resonate around the world, and 16 we submit that this investigation is simply too 17 important to be rushed. You will recall that perhaps 18 there wasn't enough time in the Ealing Abbey 19 investigation to complete all of the evidence with the 20 time that would have been ideal. 21 In response to the issues set out in the update 22 note, we've asked, at paragraphs 112 to 114 of our 23 written submissions, that the timetable be extended from 24 two to three weeks. We repeat that submission today. 25 In relation to what has happened in other</p> <p style="text-align: center;">Page 53</p>	<p>1 investigations, you will recall that more time was given 2 in the archdiocese investigation because we all came 3 back for the evidence of Cardinal Nichols, and then 4 there was further time for further submissions. The 5 inquiry came back again, outside the allocated time 6 slot, for the attendance of a District Judge to give 7 evidence in the accountability and reparations 8 investigation and for submissions. 9 So it can be managed, if it is necessary, and 10 I would draw your attention to those investigations by 11 way of example. 12 We say the Catholic Church is woven into almost 13 every aspect of daily life in this jurisdiction, and in 14 so much as 900,000 children attend Catholic schools, the 15 church runs care homes, homes for vulnerable people, 16 crèches, mother and baby groups, Sunday schools, other 17 services across every community; but the church has, 18 frankly, an appalling record on child abuse and 19 safeguarding. I submit that the issues in this 20 investigation are complex, and sufficient time must be 21 devoted to it, not just to ensure the safety of children 22 in this jurisdiction but also because other countries 23 around the world will look to your report for guidance 24 on how to protect children from abuse by members of the 25 Catholic Church.</p> <p style="text-align: center;">Page 54</p>
<p>1 Chair, only a few short years ago the church 2 performed many of the social care roles of the state in 3 Ireland and across numerous communities in this 4 jurisdiction. It's now the case that in many developing 5 countries across the world the Catholic Church forms the 6 same function. The vacuum that the church filled here, 7 and continues to fill elsewhere, is in the hands of 8 an organisation that we say is structurally and 9 culturally unsafe. This is why this investigation is so 10 important: your recommendations will not only protect 11 children here, but will reverberate internationally and 12 lead to increased safety for countless children 13 elsewhere. That is why, I submit, sufficient time must 14 be set aside for the October/November hearing. 15 I understand that my application for more time is 16 supported by Imran Khan and Slater and Gordon. 17 What I need to deal with, I just need to find out if 18 there's anything I've forgotten to say. 19 MS CAREY: Chair, while Mr Jacobs is dealing with that, may 20 I indicate that it might be a convenient moment for a 21 break after those submissions. But I have been assured 22 by those that follow Mr Jacobs, they have relatively 23 short submissions to make. It may be that you think it 24 actually convenient just to carry on and hear those 25 submissions, but I'm entirely in your hands, chair.</p> <p style="text-align: center;">Page 55</p>	<p>1 THE CHAIR: Thank you. In view of that advice we will 2 continue. 3 Mr Jacobs, are you concluded? 4 MR JACOBS: Yes. 5 THE CHAIR: Thank you very much. 6 Mr Khan? 7 MR KHAN: Thank you, chair. Having heard the submissions 8 thus far, can I simply say that we can't usefully add to 9 those or our written submissions and, therefore, it will 10 be a short submission from me today. 11 THE CHAIR: Thank you, Mr Khan. 12 Ms Gallafent? 13 Submissions by MS GALLAFENT 14 MS GALLAFENT: Thank you, chair. Good afternoon. 15 The Catholic Council reiterates its commitment to 16 assisting and supporting the inquiry in relation to this 17 investigation. 18 We have already provided a significant amount of 19 disclosure to the inquiry, as well as the witness 20 statements referred to by counsel to the investigation. 21 We don't seek today to make any submissions in relation 22 to the scope of this part of the investigation, the 23 topics to be covered or the witnesses from whom evidence 24 should be sought; but we look forward to the inquiry's 25 ruling on these matters, and we will continue to assist</p> <p style="text-align: center;">Page 56</p>

<p>1 in preparing and co-ordinating responses to all further 2 requests. 3 That will, of course, include any way in which we 4 can assist in relation to communications with the 5 Holy See but, as the inquiry is aware, the 6 Catholic Council constitutes representatives from the 7 Catholic Church in England and Wales, and not the Papal 8 Nuncio or organs of the Holy See. Likewise, we don't 9 have any role in relation to the conduct of the British 10 Ambassador to the Holy See. 11 So, subject to those caveats, we remain grateful for 12 the opportunity to assist the inquiry and support its 13 work going forward. 14 Thank you. 15 THE CHAIR: Thank you, Ms Gallafent. 16 Mr Chapman? 17 MR NICK CHAPMAN: Nothing, thank you. 18 THE CHAIR: Thank you. 19 Mr King? 20 Submissions by MR KING 21 MR KING: Good afternoon, madam chair, members of the panel. 22 As always, I make submissions on behalf of 23 Eileen Shearer and Adrian Child. Very briefly please, 24 if I may. 25 It's noted that the core element of the proposed</p> <p style="text-align: center;">Page 57</p>	<p>1 hearing in October will be forward-facing, if I can use 2 that term, and it's submitted that is particularly 3 relevant for both Eileen Shearer and Adrian Child, 4 because the hearing, it seems, proposes to deal with, 5 amongst other areas, current safeguarding structures 6 within the Catholic Safeguarding Advisory Service, 7 compliance with CSAS policies and audits, as well as, 8 and importantly, those future safeguarding arrangements 9 that, chair, you no doubt will want to consider. 10 In relation to the ongoing involvement of both 11 Eileen Shearer and Adrian Child, you know, of course, as 12 previous director of either COPCA or CSAS, they have 13 provided contributions at each stage where they have 14 been involved previously on the earlier hearings, both 15 by way of reviewing that substantial disclosure, 16 preparation of the witness statements and, we hope, 17 importantly, not only by way of live evidence but also 18 through the provision of written submissions. 19 Chair, I ask respectfully if I can just remind you 20 of the most recent written submissions that flowed from 21 the February hearing in relation to Ealing. Part of 22 those written submissions considered an area that was 23 called The Way Forward. That included consideration of 24 a number of topics, including the likely benefits of 25 maintaining a central register of allegations and</p> <p style="text-align: center;">Page 58</p>
<p>1 concerns, improvements in record-keeping to assist 2 safeguarders, potential areas for legislation change, 3 systems for appointments of safeguarding personnel and 4 the difficult topic of consideration of powers of 5 enforcement for organisations such as CSAS. And, of 6 course, the process of recruitment and selection of 7 clerics, improvement of training and monitoring and the 8 importance of overarching national procedures and 9 policies. 10 It's noted on behalf of both Eileen Shearer and 11 Adrian Child that they are not required for the October 12 hearing in terms of attending in person. However, it's 13 respectfully submitted that both should continue to 14 receive ongoing disclosure -- and I'm reassured by those 15 comments made particularly today by counsel to the 16 inquiry in relation to that commitment for further 17 disclosure -- but also that they should be represented 18 at the hearing in October. It's for this reason: the 19 forward-facing approach of these two, who are 20 experienced safeguarding professionals, who we hope have 21 already assisted the inquiry as far as they're able, but 22 hope to continue to do so, it is submitted that it's 23 important that they continue to assist the inquiry at 24 the next stage, because the focus of the inquiry, 25 insofar as it is forward-facing, aligns very closely</p> <p style="text-align: center;">Page 59</p>	<p>1 with their consideration of ways to improve safeguarding 2 in the future. They hope to do no more than to further 3 assist with those important considerations. 4 I don't propose to address you any further at this 5 stage; you have, of course, written submissions as well. 6 I'm grateful. 7 THE CHAIR: Thank you. 8 Ms Carey. 9 MS CAREY: Chair, nothing I wish to say in relation to any 10 of the submissions that you've heard this afternoon. 11 I know you will want to consider with care both the 12 written and oral submissions. 13 I would like to inform all core participants that in 14 due course any decisions you make following today's 15 hearing will be notified to everyone. 16 THE CHAIR: Thank you, Ms Carey, and thanks to everyone for 17 your attendance today and for your helpful submissions, 18 which of course we will consider carefully. 19 That concludes today's preliminary hearing. Thank 20 you. 21 (3.25 pm) 22 (The hearing concluded) 23 24 25</p> <p style="text-align: center;">Page 60</p>

1 I N D E X
2
3 Welcome and opening remarks by THE1
CHAIR
4 Opening statement by MS CAREY2
5 Submissions by MR SCORER27
6 Submissions by MS PATRICK33
7 Submissions by MR COLLINS40
8 Submissions by MR BRODIE41
9 Submissions by MR JACOBS41
10 Submissions by MS GALLAFENT56
11 Submissions by MR KING57
12
13
14
15
16
17
18
19
20
21
22
23
24
25

<p style="text-align: center;">A</p> <p>Abbey 5:9 13:10,12 20:3,12 53:18</p> <p>able 13:3,4 17:16 17:19 18:14 19:1 24:10 39:21 42:4 45:24 59:21</p> <p>absence 44:14</p> <p>absent 46:6</p> <p>abuse 1:8,15 8:13 10:16 11:7,13,18 14:7,11 15:3 19:24 28:17 29:16 33:20 46:11,21,24 47:7,24 50:2,9,20 50:22 51:23 52:4 54:18,24</p> <p>abused 51:2</p> <p>abusers 44:4</p> <p>accepts 34:12</p> <p>account 42:12 46:8</p> <p>accountability 8:22 9:2 29:5 40:5,12 45:21 48:24 54:7</p> <p>accounts 28:9</p> <p>acknowledge 10:16 34:14 37:19 39:2</p> <p>acknowledgement 33:25 38:12</p> <p>act 19:18 41:21</p> <p>actions 21:7 34:17</p> <p>activities 34:21</p> <p>Adams 19:12</p> <p>adapted 38:8</p> <p>add 33:7 39:1 56:8</p> <p>added 45:20</p> <p>addition 15:18 25:10 28:2 50:3</p> <p>additional 9:17 10:13,21 18:18</p> <p>address 3:19 4:10 7:7 13:17 22:15 30:23 33:16 42:15 46:10 60:4</p> <p>addressed 33:16</p>	<p>34:1 37:20</p> <p>addressing 42:10</p> <p>adduced 6:12</p> <p>adducing 17:25</p> <p>adequacy 8:14 11:13,18 31:14</p> <p>adequate 45:17</p> <p>adequately 38:20</p> <p>Adjunct 51:20</p> <p>administrative 21:13</p> <p>admissions 46:24</p> <p>Adrian 3:11 13:15 57:23 58:3,11 59:11</p> <p>adult 6:25 33:19 34:17</p> <p>advance 3:12 4:23 6:20</p> <p>advice 56:1</p> <p>Advisory 5:24 14:20 25:5 58:6</p> <p>afternoon 1:4 14:2 18:19 56:14 57:21 60:10</p> <p>agencies 14:8 31:3 38:3,15</p> <p>agenda 3:15,17 5:12 11:24 13:22 15:9 19:3 25:16</p> <p>aggressive 29:14,20</p> <p>ago 19:5 30:10 55:1</p> <p>ahead 40:17</p> <p>Alba 2:24</p> <p>Alexis 1:7</p> <p>align 47:23</p> <p>aligned 6:1</p> <p>aligns 59:25</p> <p>allegations 14:12 20:2 28:7,11,14 28:20,20,22 50:8 58:25</p> <p>allocated 49:4 54:5</p> <p>alongside 10:8 14:22</p>	<p>ambassador 19:14 40:25 57:10</p> <p>amount 56:18</p> <p>Ampleforth 13:10</p> <p>Angela 2:20</p> <p>Anglican 4:21 10:3 10:6 16:6 30:3</p> <p>anticipate 5:10 7:19 12:7 16:14 17:25 22:14 23:24 24:6 25:20</p> <p>anticipated 7:13 9:23 10:20</p> <p>anticipates 24:10</p> <p>antiquated 43:17</p> <p>apart 32:21</p> <p>apologies 10:17,19 33:13</p> <p>apostolic 15:5 19:4 19:7,12,13,21,24 19:25 20:1,3,6,9 22:11 38:23</p> <p>appalling 54:18</p> <p>appear 2:6</p> <p>appears 36:19 37:1</p> <p>application 55:15</p> <p>appointed 44:19</p> <p>appointments 59:3</p> <p>appreciate 29:4</p> <p>approach 51:23 59:19</p> <p>approached 35:4</p> <p>appropriate 21:10 52:24</p> <p>approximately 1:20 43:3 48:18 48:25</p> <p>April 20:19 22:1</p> <p>archbishop 9:7 51:17,20 52:2,3,8 52:13</p> <p>archbishops 43:7</p> <p>archdiocesan 6:13 38:18</p> <p>archdiocese 3:25</p>	<p>5:7 9:5,8,9 13:11 15:23 22:21 24:7 36:16,21 43:18 54:2</p> <p>archdioceses 14:5 35:2</p> <p>area 58:22</p> <p>areas 58:5 59:2</p> <p>arisen 38:11</p> <p>arising 1:21 20:2 39:22</p> <p>arrangements 6:9 6:17 7:6 11:1 25:17 37:20,22 38:1,17,18 58:8</p> <p>article 21:25</p> <p>articulate 47:15</p> <p>aside 55:14</p> <p>asked 14:9,17,21 14:23 15:1,5,11 15:13 17:9,10 30:18 41:1 53:22</p> <p>asking 22:8 47:10</p> <p>aspect 32:9 54:13</p> <p>aspects 31:17</p> <p>assist 8:2 19:1 23:16 24:20 41:3 47:16 51:9,14 52:23 53:4 56:25 57:4,12 59:1,23 60:3</p> <p>assistance 22:13</p> <p>assisted 59:21</p> <p>assisting 16:5 56:16</p> <p>Association 2:14 12:17 27:7 30:17</p> <p>assumption 39:6</p> <p>assurances 34:3</p> <p>assured 55:21</p> <p>attend 12:8,23 13:9 13:15,20 33:14 54:14</p> <p>attendance 12:25 16:10 52:10 54:6 60:17</p>	<p>attending 59:12</p> <p>attention 54:10</p> <p>audit 14:24</p> <p>audits 6:4 14:24 58:7</p> <p>authorities 15:20</p> <p>autistic 48:11</p> <p>autonomous 42:25</p> <p>autumn 5:10</p> <p>available 39:9</p> <p>avoid 41:2</p> <p>avoidance 36:9</p> <p>aware 4:15 10:1 21:25 28:4 29:8,9 39:19 50:7 57:5</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>B20 12:14</p> <p>baby 54:16</p> <p>back 2:24 27:14 30:22 47:8 54:3,5</p> <p>background 6:15 6:16 15:14 16:3 19:8 21:8 34:5</p> <p>Baroness 25:1,3</p> <p>barriers 7:7</p> <p>base 47:2</p> <p>based 17:3 49:18</p> <p>bears 34:19</p> <p>becoming 41:2</p> <p>beginning 10:24 12:2</p> <p>behalf 2:13 3:1,7 3:11 6:22 7:10 10:12 11:4 13:18 15:7 16:8 17:4 18:2 27:6 28:22 41:24 50:2 52:1 57:22 59:10</p> <p>believe 51:7</p> <p>believed 42:3</p> <p>Benedict's 13:12 20:2 32:12</p> <p>Benedictine 3:25 9:10 13:10,11</p>
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<p>15:24 benefits 58:24 Bertelson 24:22 best 2:20 31:20 best-placed 51:8 beyond 5:4 9:17 29:20 Bhatia 2:20 Bill 24:24 Birmingham 4:1 5:7 9:6 13:11 15:23 22:21 24:8 35:24 36:16 38:11 43:19 Birmingham's 9:9 bishop 44:18 Bishops 8:25 25:14 25:22 Bishops' 52:15 bit 40:21 boards 16:5 bodies 7:25 30:24 31:9 32:2 36:20 37:17 38:3,6 body 10:23 bound 31:10 Brabners 3:10 break 1:20 55:21 brief 33:12 41:10 briefly 27:16 37:21 57:23 bringing 43:16 53:13 British 49:18 57:9 broadcast 26:15 Brodie 2:23 41:7,8 41:9,17 61:8 brought 29:17 34:15 Brown 2:23</p> <hr/> <p style="text-align: center;">C</p> <p>C 2:18 12:15 call 17:14 18:4,12 47:18 49:10</p>	<p>called 10:16 16:24 17:7,17 48:1 53:6 58:23 calling 49:14 51:13 calls 51:16 Canon 14:11 24:20 43:6 45:15 capable 44:15 52:21 capacities 36:25 capacity 16:7 Cardinal 15:13 24:13 43:18,22 45:10 54:3 care 7:7 34:16 36:9 37:15 54:15 55:2 60:11 careful 17:19 37:4 carefully 18:17 20:7 60:18 Carey 1:18,24 2:3,4 2:5 27:8,11 29:2 30:14 45:10 55:19 60:8,9,16 61:4 Carmi 16:3,10 carried 14:24 carry 55:24 case 3:24 4:2,5 5:6 5:9 6:12 9:6,10 10:18 12:6,10 15:19 16:4 18:21 20:12 22:18,20,23 22:24 23:2,10,16 23:18 24:8 26:23 29:10 32:12,19,23 35:24 37:11 38:12 39:8 42:2,2 47:11 55:4 cases 25:11 29:17 29:17 30:12 46:24 46:25 category 23:5 Catholic 1:6,14 2:7 3:6,22 4:16 5:15 5:22,24 6:5,8,10</p>	<p>8:4,21 10:6,15 11:6,16 15:1 16:9 17:2 19:23 24:18 25:22 28:7,15,19 29:1,13,19,23 30:12,16 34:7,11 35:22 37:10,24 42:18,23 43:4 44:3,12 45:18,22 46:8 49:22 51:24 52:1 54:12,14,25 55:5 56:15 57:6,7 58:6 caveats 57:11 CCIICSA 12:17 14:3 cent 43:5 46:8 47:13 50:19 central 31:11 58:25 centuries 43:10 certainly 27:12 29:10,14,19 chair 1:3,4,7 2:5 3:13,23 4:11,15 5:12 6:18 9:5,24 10:5,18 11:2,8,22 13:24 14:20 16:12 16:19 17:4,9 18:19 19:5 21:17 22:22 24:2,17,24 25:1,3,4,5,20 26:10,14 27:3,8 27:11 28:24 30:22 33:3,5,7,9,12 39:24 41:6,9,13 41:17,20 42:14 46:15 49:9,21 53:15 55:1,19,25 56:1,5,7,11,14 57:15,18,21 58:9 58:19 60:7,9,16 61:3 chairs 14:17 challenges 15:12 change 44:16,17,17</p>	<p>44:20 59:2 changed 43:25 changes 17:1 channels 21:5,23 Chapman 2:16 3:8 33:6,7 57:16,17 Charities 38:13 Charity 7:25 8:2,3 38:10 Charles 51:17 chief 24:18 child 1:8,14 3:11 8:12 9:23 11:6,13 11:15,17,19 13:15 14:7,11 15:3 19:24 33:20 34:22 44:10 46:11,20 47:24 50:1,18,20 51:23 52:4 54:18 57:23 58:3,11 59:11 children 1:14 4:20 17:3 32:5 34:10 34:18 43:13 44:4 45:18,23 47:3 54:14,21,24 55:11 55:12 Christopher 25:5 church 1:6,14 3:22 4:16,21 6:5,8,10 6:13 7:1,18 8:4,21 9:4 10:3,15 11:16 14:1,10 15:4 17:2 19:23 24:5,15 28:7,15,19 29:13 29:19,23 30:6,9 30:12,16,21 34:7 34:11,19,20 35:22 36:22 37:10,24 38:7 42:18,23 43:4,5,10,13,24 44:3,10,12,14,20 45:18,22 46:1,8 46:11,13,19 47:14 47:25 49:14,22</p>	<p>50:19 51:24 54:12 54:15,17,25 55:1 55:5,6 57:7 church's 5:15 8:4 11:6,13 12:20 29:1 church-driven 29:25 cipher 2:15,18 12:14 ciphers 12:15,15,15 12:16 circulate 26:1,5 circulated 3:13,16 26:9 citizen 49:18 civil 29:11,16 36:25 claims 15:3,4 29:12 clarify 21:14 classic 45:4 clear 11:10 12:1 37:13 clearly 32:19 clergy 47:6 clerics 59:7 client 39:20 clients 18:7 41:25 42:20 46:15 47:6 47:15 50:9,23,25 51:1,3 closely 59:25 closing 13:5 34:25 36:4,14 37:5 Co's 18:18 co-operate 21:3 co-ordinating 57:1 co-ordinator 6:2 7:14 36:16 co-ordinator's 7:15 co-ordinators 7:17 cohort 17:6 47:20 48:1 Collins 2:21 39:25 40:1,2 41:6,14 61:7</p>
--	--	---	--	---

<p>Comboni 16:22,24 17:4 18:5,9,16 28:1 46:15 47:11 47:19 50:6,21 Combonis 18:3 come 27:14,19 30:22 comes 27:24 commence 3:20 commences 5:10 comment 30:18 36:15 comments 27:12 48:13 51:25 59:15 commission 5:23 7:25 8:2,3 11:21 14:14,16,19 15:10 24:23,25 25:4 38:10,13 Commissions 5:25 commitment 33:15 56:15 59:16 committed 47:7 common 21:11 Commonwealth 20:17,20 21:14,18 22:13 communications 57:4 communities 55:3 community 13:11 13:13 54:17 compel 19:16 complainant 2:19 6:22 16:14 17:10 17:12,23 25:25 41:21 complainants 2:10 2:15,17,22,25 3:1 7:16 12:14 16:17 25:12 36:11 complaints 6:24 32:13 33:19 34:8 34:14,16,17 35:4 35:6,17,23 36:1,7</p>	<p>36:23 37:4 complete 53:19 completeness 21:21 complex 54:20 compliance 6:3 32:17,18 58:7 comprises 42:24 43:4 concerned 30:1 concerning 48:8 50:15 concerns 59:1 conclude 25:18 concluded 56:3 60:22 concludes 60:19 conclusion 20:11 concrete 52:17 conduct 16:8 57:9 conducted 4:17 conducting 4:25 16:4 Conference 6:6 8:25 9:1 25:13,14 25:21 45:12 52:6 52:15 53:2,13 confession 45:3 confessional 9:22 confidentiality 21:12 confirmation 20:6 29:2 39:16 confirmed 30:15 Congregation 3:25 9:10 13:10 15:24 51:21 connected 18:5 connection 23:24 conscious 8:11 16:20 17:22 consider 4:9 6:3,7 6:23 7:11 8:16 9:18,21 10:7,20 10:24 11:8,12 12:12 13:6 16:16</p>	<p>17:2,15 18:17,25 22:6 23:2 35:19 35:20 38:24 58:9 60:11,18 considerable 51:3,8 consideration 5:14 5:20 6:4 8:7,17 17:20 28:19,21 37:19 38:4 58:23 59:4 60:1 considerations 60:3 considered 7:9,20 9:14 10:2 20:7 29:3 30:8 52:7 58:22 considering 5:17 16:12 considers 6:12 7:3 7:23,24 consistent 46:22 constitutes 57:6 consult 20:9 consultations 47:5 contact 6:25 contained 17:20 containing 26:6 contains 46:23 contemporaneous 5:17 24:5 32:13 contend 7:11 content 41:23 context 8:23 32:2 continue 7:22 21:19 56:2,25 59:13,22,23 continued 7:12 41:12 continues 5:1 22:12 55:7 contrary 31:2 contrast 30:12 contributions 58:13 controversial 31:8</p>	<p>convenient 55:20 55:24 conveniently 4:6 conversation 37:8 37:9 conveyed 21:4 convictions 14:7 COPCA 58:12 copies 25:9 core 2:9 3:13,18 6:23 8:6 11:24 12:1,3,5,8,12,21 13:1 16:9,14,24 17:4,9,10,12,23 22:14,18,22 23:3 23:11,16,20,22 24:1 27:1,6 41:21 45:21 57:25 60:13 correspondence 19:11 21:16 49:12 costs 32:22 council 1:18 2:1 3:6 52:1 56:15 57:6 counsel 2:6 26:7,13 33:17,25 35:13 38:22 39:3 41:11 56:20 59:15 countless 55:12 countries 54:22 55:5 course 11:18 23:15 26:1,3 27:2 29:21 31:25 34:1 39:3 39:18 40:4,10 57:3 58:11 59:6 60:5,14,18 cover 26:7 47:12 48:5 covered 19:15 56:23 covering 14:3 CPs 33:22 39:8,14 created 15:12 crèches 54:16 credible 46:22</p>	<p>criminal 36:24 CSAS 5:24 6:3 10:25 14:23,25 23:21 25:23 35:5 38:18 58:7,12 59:5 cultural 44:5 culturally 55:9 culture 6:7 11:15 44:7,13 50:15 Cumberlege 11:20 35:16,18 current 5:21 6:16 14:14,20 15:4 19:9,12 24:17 25:2 28:6,20 34:6 38:1 58:5 currently 4:11 5:4 28:20</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D 61:1 D2 2:19 6:23 12:15 26:21 28:12,23 33:20 34:4,23 35:19 36:1,12,18 37:2,17 D2's 7:22 33:18 37:21 daily 54:13 damages 29:11 damaging 36:7 Danny 25:2 date 17:23 22:10 26:19 39:17,22 dated 41:24 42:8 42:21 49:15 David 18:4 49:9 dead 36:18 dead' 37:7 deal 4:6 35:3,22 40:16 45:17 55:17 58:4 dealing 28:19,20 29:11 55:19</p>
---	---	--	---	---

<p>deals 13:22 dealt 15:3 35:16 42:19 53:5 debate 29:24 December 34:25 decide 28:3 decided 18:21,22 deciding 42:12 decision 30:9,10 decisions 60:14 defence 7:12,20 41:13 42:4 defences 29:1,15,21 30:11 degree 29:22 40:8 delay 26:15 deliberations 21:10 21:12 delivered 45:4 denials 46:25 Department 3:9 8:8 30:25 32:15 deployment 29:1 29:21 described 8:22 designated 12:2 desire 18:4 detail 40:22 42:8 48:6 detailed 8:16 26:6 26:8 32:14 41:24 42:20 detailing 14:18 details 14:23 26:1 47:5 determination 9:16 determinations 12:1 determined 39:5 detract 27:25 31:21 develop 8:9 developing 44:15 55:4 developments 6:5,6 Devenish 18:12</p>	<p>devoted 54:21 DfE 32:16 different 29:18 difficult 59:4 dignity 34:16 Diocesan 5:25 diocese 9:13 dioceses 14:5 15:20 52:16,19 diplomatic 19:15 20:8 21:5,22 41:2 direct 51:22 directions 1:20 26:16 directly 3:3 22:9 director 58:12 disappointing 40:19 disclose 23:10 24:11 disclosed 23:7,22 39:8,10,14 disclosure 12:4 13:2 22:17,19,20 22:24 23:1,6,19 23:23 24:6 25:9 26:22 28:17 32:11 39:1 56:19 58:15 59:14,17 disclosures 7:18 discrete 42:1 discussions 20:18 disproportionate 23:12 disrespect 36:13 disrespectful 36:2 disseminated 15:16 45:13 dissemination 45:11 distinct 34:9,23 35:1,8 District 54:6 Doctrine 51:21 documents 21:9</p>	<p>23:15,21 39:4,9 Donmall 2:6 doubt 13:17 53:14 58:9 doubtless 18:17 dovetail 40:8 drafting 4:24 drafts 25:7 draw 54:10 Drusilla 1:10 due 5:7 10:3 20:7 23:15 26:1 27:2 60:14</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E 61:1 Ealing 5:9 13:12,13 20:3,12 53:18 58:21 earlier 12:10 18:20 25:24 35:15 58:14 earmarked 39:17 EBC 22:18,19 24:7 38:11 Edi 16:3 edict 45:3,4 52:12 52:14,25 educate 32:5 education 3:7 8:8 12:18 30:25 32:15 38:16 47:3 Edward 19:12 effect 19:13 36:2 effective 38:9 effectiveness 31:16 38:5,17 efficiency 32:22 effort 51:5 efforts 38:23 Eileen 3:11 13:15 57:23 58:3,11 59:10 either 15:23 17:13 26:10 58:12 element 57:25</p>	<p>emphasise 44:5 enable 10:7 27:12 45:15 encourage 35:5 36:6 37:3 encouraged 36:17 37:18 endorse 27:21 28:22 endorsing 48:13 enforceability 14:25 enforced 45:5,14 52:22 enforcement 45:16 52:21 59:5 engaged 19:11 England 14:6 15:16 30:9 57:7 England's 30:7 English 3:25 9:10 13:9 15:24 ensure 9:3 21:19 23:6 37:11,14 38:9,20 40:23 54:21 ensuring 49:4 entirely 55:25 entirety 26:11 envisaged 4:4 9:1 35:9 especially 8:22 Evans 1:10 event 23:14 34:15 events 21:7 28:16 49:23 evidence 4:14 6:12 7:3,15,15,19 8:24 9:6,11,15,17,18 9:24 10:5,8,19,21 11:2 13:23 14:13 14:23 15:2,5,11 15:13 16:12,13,16 16:21,25 17:5,8 17:11,14,17,18,25</p>	<p>18:15 19:6,17 20:23 21:19 22:11 23:17,24 24:14 25:10,11,13,25 26:3,5,9 27:20,23 28:1,2,6 30:15 34:1,3 36:1,3,18 38:13,24 42:22 43:22 45:11 46:17 46:22 47:5,19 48:3,5,8,15,19,20 48:20 49:1,5,5,6 49:11,14 50:21 51:13,17 52:9,11 52:24 53:7,19 54:3,7 56:23 58:17 evidential 51:8 exactly 36:6 examination 46:5 examine 5:16 11:5 32:1 47:22 examined 31:23 38:19 42:13 examines 46:9 examining 1:12 5:21 7:13 31:4,22 37:25 46:14 example 7:25 14:4 24:12 30:4 38:10 40:24 45:4,21 50:20 54:11 executive 24:18 exhibits 24:4 experience 7:16 14:15 16:4 29:14 29:19,23 30:21 experienced 32:16 59:20 experiences 17:3 expert 15:25 explain 52:24,25 explanation 15:6 19:21 exploitation 8:13</p>
--	---	--	---	--

<p>34:22 exposure 11:17 expressed 18:3 27:21 31:2 expressly 28:21 30:4 extend 5:3 extended 53:23 extending 4:9 extensive 16:4 extent 1:13 11:15 external 38:2 50:4 extracts 48:20,21 49:6</p> <hr/> <p style="text-align: center;">F</p> <p>F 3:1 12:15 F56 48:8 faces 15:12 facilitate 21:15 41:1 facilitates 43:10 fact 21:20 24:2 failure 10:14 failures 1:13 35:25 Faith 51:21 fall 9:8 falling 37:2 falls 11:9 far 29:14 56:8 59:21 Father 18:12,13,13 42:9 49:9,11,18 49:23,24 50:5,13 50:24 51:7,12 features 5:20 February 6:6 15:15 20:11,16 24:14 45:12 49:25 52:6 53:2,13 58:21 feeds 40:11 fellow 4:22 felt 48:23 field 34:22 figure 49:14</p>	<p>files 15:19 16:1 fill 55:7 filled 55:6 final 23:25 25:16 27:23 29:3 30:2,3 31:4 32:24 33:2 finally 3:10 26:18 39:16 53:8 find 55:17 first 5:12 27:6,20 31:7 33:13 firstly 2:12 10:14 42:17 50:14 five 14:8 50:11 flag 35:11 flowed 58:20 Flowers 2:24 focus 4:4 5:13,14 6:16 11:23 12:19 18:22 23:13 59:24 focusing 24:4 49:24 folder 6:19 follow 55:22 followed 9:4 following 12:12 20:5 24:11 60:14 follows 5:21 6:21 21:2 forces 13:7 forefront 49:3 Foreign 20:17,19 21:14,18 22:13 forgive 2:10 forgotten 55:18 form 1:17 8:8 31:24,25 37:19,25 former 14:17 24:23 24:24 25:1,2,3 forms 8:14 55:5 forthcoming 53:10 forward 56:24 57:13 58:23 forward-facing 58:1 59:19,25 found 40:8</p>	<p>four 42:14 50:4 Fourthly 51:16 framework 31:14 31:17 Frank 1:11 frankly 54:18 Fraser 18:13 frequently 28:17 full 14:4 function 55:6 fundamental 44:5 44:24 45:19 46:1 53:4 funding 7:6 furnished 46:16 further 4:10 9:10 9:18 10:12 16:12 20:20 21:9 23:23 25:11 26:19,25 29:23 33:4 38:24 39:17,23 41:13,13 47:5 54:4,4 57:1 59:16 60:2,4 furtherance 19:1 Furthermore 50:5 future 6:9,16 10:25 12:23 34:6 35:22 38:2 40:15 58:8 60:2</p> <hr/> <p style="text-align: center;">G</p> <p>G 12:15 G1 2:25 G2 3:4 11:4 G3 2:22 G4 2:22 G6 2:22 gain 40:16 Gallafent 3:5 56:12 56:13,14 57:15 61:10 Gallagher 33:14 36:14 gap 36:19,21 37:1 51:9</p>	<p>gathered 23:10 general 14:24 18:8 18:10,10 44:19 49:20,20,25 50:6 give 16:25 17:17,19 19:17 28:6 34:12 45:11 47:19 48:4 48:19 49:5,11,14 50:20 51:13,17 52:11,24 53:7 54:6 given 2:15,17 12:19 17:12 23:13 28:16 32:12 38:10 51:22 54:1 gives 36:1 Glenday 18:4,6,12 42:9 49:9,11,18 49:23,24 50:5,13 50:24 51:7,12 go 3:16 29:23 goes 29:19 42:8 45:21 47:8 going 17:9,10 32:4 40:7,23 57:13 good 1:4 35:5 56:14 57:21 Gordon 2:13 24:20 55:16 governance 37:22 Government 3:8 government's 11:5 grateful 27:11 44:7 57:11 60:6 great 40:16 greatly 51:14 group 46:16 47:21 groups 54:16 guidance 35:1 36:20 37:3 54:23</p> <hr/> <p style="text-align: center;">H</p> <p>handled 34:9 handles 19:24 handling 20:2 28:7</p>	<p>34:16 35:6,25 36:3,23 37:4 51:22 hands 55:7,25 happened 34:18 53:25 healthcare 39:20 hear 1:18 4:14 9:17 9:24 17:5 25:21 26:2 27:22 28:3 40:21 48:15 52:9 55:24 heard 3:23 7:4 9:6 9:11 10:9,18 11:1 16:17,21 23:17 28:9 39:13 45:10 51:25 56:7 60:10 hearing 1:5,21 2:8 3:12,21 4:4,7,9,13 5:10,13,14 6:3,15 6:20 7:21 8:9,18 9:25 10:3,5,24 11:5,23 12:8,13 12:19 13:1,3,21 16:15,17,25 17:24 20:12,16 23:4,7 23:11,13 24:12 25:17,17 26:19,24 27:1,4,23 28:2 29:3 30:2,4 31:4 32:24 33:2 39:6 39:15,17 42:13 44:8 49:15 55:14 58:1,4,21 59:12 59:18 60:15,19,22 hearings 1:17,23 3:24 4:19,23,24 5:3,19 6:7 7:11 8:20 9:11,20 12:24 18:23 22:20 23:15 26:22 34:2 46:2 58:14 heavily 30:12 held 10:3,10 15:14 47:6</p>
--	--	--	--	--

<p>help 33:3 41:1 helpful 27:12 60:17 helplessness 32:17 Hicks 18:13 high 36:12 highest 48:9 highlighted 35:14 43:15 highlights 32:20 highly 53:10 historic 6:24 28:10 33:19 34:1,8 35:17,25 36:1 historical 6:13 Hollins 25:3 Holy 6:8 9:13 15:6 15:7 19:13 20:10 20:15,19,21 21:1 21:3,6,8,11,16 22:2,6,12 40:19 40:25 41:3 51:23 52:7 53:1,3 57:5,8 57:10 homes 54:15,15 hope 2:8 33:12 58:16 59:20,22 60:2 hoped 10:5 hopes 34:23 Howe 3:2 4:8 8:19 9:20 17:5 18:2,6 18:11,14,18 19:1 27:22 41:21 42:7 49:10 Hugh 2:21 hundreds 42:24 46:17</p> <hr/> <p style="text-align: center;">I</p> <p>ideal 53:20 identified 16:2 26:18 35:24 IICSA 52:1 illustrate 44:13 imbalance 30:2</p>	<p>immunity 19:15 impediment 43:12 43:12,16,20,20 44:10 implemented 45:5 45:14 implementing 43:21 44:15 imply 52:20 importance 27:25 31:22 33:22 34:5 47:22 59:8 important 16:16 19:7 27:19,22,23 28:2,8,18 29:6 30:19 31:23 35:23 40:13 42:17 44:11 44:22,23 45:25 48:1,4,21 49:2 51:9 53:6,10,12 53:17 55:10 59:23 60:3 importantly 43:6 47:1 58:8,17 imposes 43:6 improve 60:1 improved 5:18 7:24 improvement 59:7 improvements 59:1 Imran 3:3,3 55:16 inability 46:19 inadequacy 36:20 inadequate 37:2,3 include 5:19 7:14 9:2 15:22 24:12 26:11 33:1 43:2 57:3 included 20:23 44:7,11 48:23 58:23 includes 4:18 12:14 28:21 including 4:19 5:22 5:25 6:5 11:19 14:6,14,23 15:6</p>	<p>19:9,21 50:3 58:24 increased 55:12 incredibly 35:23 independence 43:7 43:11 independent 1:7 10:23 31:24,25 46:20 indicate 55:20 indicated 8:7 16:7 16:10,21 indication 26:6,12 individual 35:2,3 36:10,21 37:4 38:18 individuals 18:5 24:4 35:4,7 ineffectiveness 38:6 inevitable 28:16 influence 40:17 inform 50:14 53:2 60:13 information 14:6,9 15:3,7 18:19 19:20 20:21,25 21:4 22:1,7,8 informed 46:12 inhibited 11:16 inhibits 11:16 INQ003865 36:5 inquiries 19:18 53:12 inquiry 1:8,9,18 3:6,14,20,23 4:8 4:13,17,25 6:11 6:23 7:2,23,24 8:1 8:24 9:14 10:20 13:16,24 15:18,24 16:2,6 17:5,15 18:4,15 19:5,10 20:5,16 21:16,17 21:25 22:4,8,9,10 22:11 23:5,9</p>	<p>24:10 25:7,12 26:1,5,7,12,18 31:10,11 33:17,23 34:24 35:10,13,14 35:19 36:4,6 37:12,18 38:19,23 39:2,3,19 40:7,9 40:21 41:4,11 42:23 44:2,24 45:16,24,25 46:9 46:10,16 47:12,16 47:18,21 48:15 49:10,13 50:14 51:9,12,14,16 52:8,9,23 53:3,11 54:5 56:16,19 57:5,12 59:16,21 59:23,24 inquiry's 1:17,22 8:12 17:24 19:19 20:22 21:1,21 26:14 33:25 56:24 insensitive 36:3 insights 40:17 insofar 8:3 35:20 59:25 inspection 8:14,17 30:24 31:9 32:2 inspectors 31:15 32:13 instituted 52:3 institution 44:23 institutional 1:13 18:16 46:10,18,23 47:13,17 48:9 50:17,18 51:14 institutions 4:3 10:8 19:22 35:3 43:1,3,8,11 45:23 46:7 50:16 51:4 instructed 2:16,20 3:2,5,8,10 16:11 instructing 15:25 instructions 41:22 Insurance 15:1</p>	<p>24:18 30:16 insurer-driven 29:25 insurers 30:10 intelligent 47:15 intend 30:15 intended 26:2 intends 8:1,9,24 23:5 25:12 intention 23:9 45:6 interacting 7:17 interest 12:6,13,22 39:15 interests 12:4,10 internal 21:10,12 37:22 38:8 42:25 internationally 55:11 internet 4:20 interplay 14:11 introduce 1:24 2:7 introduces 2:2 introducing 2:10 2:12 investigated 4:2 investigating 45:24 investigation 1:6 1:16,19 2:6,7 3:22 4:12,15 5:4 6:11 8:12,15,16 10:2,4 11:9,10,12,17,25 12:3,5,11,22 13:2 16:6,9,22 17:12 18:21 22:3 23:1,8 23:20,25 24:3 26:14 29:4 31:5 31:20 32:8 40:11 41:22 43:19 44:24 46:7 48:18,24 49:11 51:6 53:10 53:16,19 54:2,8 54:20 55:9 56:17 56:20,22 investigations 1:16 4:17,19 10:6,9</p>
---	--	--	--	---

<p>17:18 54:1,10 investigatory 39:4 invite 1:24 2:1 3:18 18:11 27:5 35:19 37:11 52:9,10 involved 17:24 22:18,23 23:3,11 48:23 50:8 58:14 involvement 19:25 20:1 58:10 Ireland 55:3 irrespective 12:25 ISI 8:8,11 13:20 30:24 issue 9:15 28:10,23 28:24,25 29:3 30:5,13,17,19,20 30:23,24 31:8,11 32:20 33:16,20,24 34:4,5,9 37:12,16 37:25 41:2 42:19 44:11,22 45:9,17 45:19 46:2,10 47:8,22 48:2,5,12 52:4,9 issued 50:1 51:12 issues 30:6 32:16 34:23 35:8,15 38:21 39:5,7,13 40:5 42:1 44:6 50:14 51:10 53:21 54:19 item 11:24 13:22 Ivor 1:11</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>J 19:12 J4 2:22 J6 12:15 Jacobs 3:2 41:18 41:19,20 55:19,22 56:3,4 61:9 James 2:21 Jane 13:19 24:22 Jay 1:7</p>	<p>Jonathan 13:20 Jones 13:19 32:15 Judge 54:6 judicial 21:13 July 10:4 16:20 June 26:16 jurisdiction 54:13 54:22 55:4</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Kathy 30:16 keep 23:5 26:25 kept 39:18 key 46:10 Khan 3:3,3 11:4 55:16 56:6,7,11 Kilgallon 24:24 kinds 35:3 King 3:10 13:17 57:19,20,21 61:11 Kingdom 19:14 47:2 50:3,23 Kingsley 3:5 know 3:23 6:18 13:24 31:1 40:13 40:24 52:5,16,19 58:11 60:11 knowledge 51:3 known 5:24</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>lack 8:22 50:17 lag 28:17 laicization 19:25 language 52:20 large 32:18 47:25 larger 32:5 Laurence 22:4 Law 14:11 24:20 43:6 45:15 lay 25:5 lead 52:4 55:12 leaders 46:20 leading 49:14 leads 28:24</p>	<p>learn 40:10,16 learnings 15:15 learnt 7:3 45:12 legal 3:8 31:14 legislation 59:2 length 4:7 lessons 7:3 letter 42:7 49:15 levels 48:9 liaising 21:17 life 36:17 54:13 Likewise 57:8 Limbrick 25:23 limitation 7:8,12 7:20 29:1,15,21 30:11 40:3,4,7 41:12 42:2,4 limited 11:20 36:24 list 14:4 literally 42:24 litigation 34:4 36:25 little 15:8 39:1 40:20,21 live 26:2 48:20,25 58:17 Livingstone 2:23 local 16:5 long 28:17 Longley 9:7 look 8:20 29:6 31:10,10 32:9,24 40:7 45:14,15 46:1 54:23 56:24 looked 31:12,13,18 40:4 41:13 looking 29:5 30:4 51:14 looks 52:17 lot 51:5</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>ma'am 40:2 41:5 madam 41:20 57:21</p>	<p>main 29:4 30:23 maintaining 58:25 maintains 21:12 major 47:1 majority 42:20 making 16:14 Malcolm 1:10 male 49:22 managed 48:3 54:9 management 6:24 33:18 35:17 37:14 37:16 mandate 52:17,20 mandatory 9:21 10:7,11 52:21 March 49:19,19 marker 36:12 Marshall 25:4 Martin 18:12 material 23:6,10,21 matter 4:6 5:12 9:16 10:1 11:2 22:12 34:4 matters 4:2,5,11 16:19 24:20 25:16 34:7 36:3 40:10 56:25 mean 20:14 meaningful 10:16 measures 38:1 mechanics 34:20 mechanisms 37:23 38:2 meeting 15:14,16 24:14 meetings 47:5 member 14:15 24:22,24,25 25:3 members 1:9 4:22 14:14 25:2,24 43:2 46:15 47:6,7 50:22 53:15 54:24 57:21 men 18:14 47:16 met 40:23</p>	<p>Metropolitan 13:8 22:3,5 Midlands 13:8 minority 31:24 32:1 minors 15:11 24:15 24:23 Mirfield 50:25 mismanagement 36:7 Missionary 16:22 18:5,9 moderator 50:4 module 29:6 moment 19:5 27:15 55:20 Monastic 13:12 monitoring 59:7 Monsignor 19:12 24:19 mother 54:16 motu 45:2 move 49:8 moving 36:1 Murray 3:1 7:10 10:12 12:16 42:1</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N 61:1 name 4:21 Napley 3:5 national 5:22 10:23 36:20 38:17 59:8 nature 20:8 34:13 NCSC 5:23 10:25 14:13,17,22 24:17 24:24,25 25:1,2,6 25:24 35:5 38:17 necessarily 34:14 necessary 9:19 11:1 11:3 12:7,23 13:7 13:14,19 17:2,16 26:10 28:8 35:21 54:9 necessity 34:13</p>
--	---	--	---	--

<p>need 5:18 7:23 9:16 20:9 26:25 30:8 30:13 31:10,18 35:1 39:18 47:12 55:17,17 needs 4:8,14 10:22 30:17 39:20 40:8 neither 9:19 46:12 never 37:7 new 44:18,18 Nichols 15:13 24:13 43:18 45:10 54:3 Nichols' 43:22 NICK 57:17 Nolan 11:20 35:16 35:16 43:15,20,25 non-recent 28:10 28:16,21 non-religious 29:13 North 13:8 note 1:19 3:12 30:14 31:3 41:23 47:18 48:14 53:22 noted 57:25 59:10 notified 60:15 notify 27:1 Nottinghamshire 48:18 November 19:10 20:24 21:23 25:19 34:2 39:6,14 number 2:10,14,17 4:19 5:20 6:18 8:23 12:21 13:25 14:7 17:12,22 22:14 24:3,9 30:6 32:5 40:2,5 58:24 numerous 50:15 55:3 Nunciature 20:8 Nuncio 15:5 19:4,7 19:12,13,24 20:6 20:9,13,24 22:11 38:23 41:15 52:15</p>	<p>52:22 57:8 Nuncio's 19:21,25 20:1 <hr/>O<hr/>object 16:10 observation 40:6 40:18 obstacle 9:23 obtained 32:10,10 obvious 52:8 obviously 31:1,21 October 3:20 5:11 5:13 8:18 9:25 16:18 23:11 25:18 27:5 34:2 39:6,13 42:13 44:8 46:3 49:15 51:13,17 58:1 59:11,18 October/Novemb... 55:14 Office 20:17,20 21:14,18 22:13 officer 24:18 Ofsted 8:8,11 13:20 30:24 old 2:14 12:16 27:7 34:14 43:10 ongoing 6:4 26:22 58:10 59:14 opening 1:3,25 2:4 61:2,4 operate 34:8 37:23 operating 31:15 38:20 operation 31:16 opportunity 47:21 57:12 oral 4:10 27:20 60:12 orally 3:19 8:10 order 2:2 8:2 9:12 16:23 17:6 18:5,9 18:16 37:11 38:8 41:1,2 44:19 47:1</p>	<p>47:8 50:6,21 Order's 50:8 orders 6:1 8:23 9:8 10:15 14:5 15:21 38:19 43:2,3,8 46:6,9,14,19,20 47:12,17,23 49:22 50:2,5,11,12,18 51:15 ordinarily 19:17 organisation 49:21 55:8 organisations 24:4 29:11,13,18,20,22 42:25 43:1 59:5 organised 42:23 organs 57:8 ought 52:23 outline 14:2 outlined 9:18 10:23 outset 4:7 outside 11:9 54:5 overarching 59:8 overnight 44:14 oversaw 49:23 oversight 7:24 37:17 50:12 oversights 37:23 38:2 <hr/>P<hr/>pages 46:18 panel 1:9 4:22 11:3 14:20,22 22:6 25:5,20 53:15 57:21 papal 45:2,2 57:7 paragraph 11:11 43:14,23 52:13 paragraphs 26:12 35:11,13 42:19 49:16 51:18 53:22 paramount 47:22 paraphrase 11:11 parcel 34:20</p>	<p>part 8:9,14,17 17:11 32:19 33:2 34:19 35:14 37:19 37:25 40:12 46:2 53:12 56:22 58:21 participant 6:23 12:3,5 16:9 participants 2:9 3:14,18 8:6 11:25 12:2,8,12,21 13:1 16:14,24 17:4,9 17:10,13,23 22:14 22:18,22 23:3,11 23:17,20,22 24:1 27:1,6 41:21 60:13 particular 4:5 5:16 7:2,8 8:21 9:22 10:15 12:9 16:25 28:25 29:9 39:19 50:11 particularly 12:9 42:2 58:2 59:15 Partners 3:4 parts 13:25 40:9 pass 33:13 passage 21:15 Patrick 2:20 33:10 33:11,12 39:24 61:6 Pearson 24:16 25:5 Penny 32:15 people 37:1 54:15 perfect 47:21 performance 30:7 31:3,9 32:2 performed 55:2 period 7:12 18:3 periods 7:8 permission 20:14 20:15 Perrin 24:17 30:16 person 48:10 59:12 personnel 59:3 perspective 36:8,9</p>	<p>48:10 Peter 3:1 7:10 10:12 42:1 phase 12:22 23:8 23:25 pick 27:16 picture 32:4 piece 16:8 pivotal 52:5 place 31:20 36:22 37:3,14 50:13 placed 36:13 37:5 47:16 plain 12:25 15:22 plainly 35:8 37:25 38:5 plan 39:21 played 52:5 53:12 please 1:19 2:12 19:3 27:5 57:23 plug 51:8 pm 1:2 60:21 point 28:12 29:7,9 32:6,7,22 36:12 40:13 42:9,17 43:19,23 45:1,13 46:4 points 3:17 27:16 27:19 31:6 40:2 41:10 42:14 45:20 53:4 police 13:7,8,8,9 22:3,5 policies 6:4 11:14 14:25 23:21 47:24 58:7 59:9 policing 44:16 policy 9:4 Pontifical 15:10 24:22,25 25:4 poor 36:2 Pope 45:4 52:16,19 Pope's 52:12,25 position 19:9 20:13 20:21 21:1,21</p>
--	--	--	--	--

<p>30:7 31:1 37:21 43:9 52:25 53:1 positions 18:8 possible 5:3 17:13 18:25 48:5,15,17 post 6:6 potential 18:23 39:17 59:2 potentially 32:3 power 19:16 powers 59:4 practical 31:16 32:7 practice 22:22 35:6 36:21 practices 11:14 preliminary 1:5 16:15 26:19,24,25 60:19 preparation 27:4 58:16 preparatory 32:9 preparing 57:1 present 1:25 2:1 19:8 25:23 presented 22:15 presents 9:22 43:12 President 8:25,25 25:13,14 presidents 9:3 25:21 pressed 20:17 pressing 49:13 presumption 39:12 prevalence 11:12 prevention 11:17 previous 11:18 58:12 previously 39:10 58:14 primarily 23:21 primary 44:2 prior 33:15 Priorian 2:14 12:16 27:7</p>	<p>probably 29:17 problem 43:25 44:25 procedures 9:3 59:8 proceed 42:4 proceedings 21:13 26:14 process 14:24 15:2 15:25 19:23 20:1 48:22 49:3 59:6 processes 37:14,22 38:8 professionals 59:20 Professor 1:10 progress 20:18 25:8 40:20 proper 11:16 21:4 21:22,24 37:13 properly 52:7 proportion 28:14 proportionate 9:19 proposals 26:5,8,11 propose 3:16 8:15 16:23 42:15 60:4 proposed 18:25 26:7 43:21 45:16 57:25 proposes 58:4 proprio 45:2 prosecution 36:24 prospects 36:23 protect 1:14 17:2 44:4 54:24 55:10 protection 9:23 11:15,19 15:10 24:15,23 provide 1:25 13:4 14:4,18,21 15:2 17:6 18:15,19 26:3 provided 3:14 12:4 19:6 20:20,25 21:20 22:2,7,8 23:3,19 24:1</p>	<p>39:12 56:18 58:13 provides 6:15 24:14 48:8,10 provision 20:23 58:18 provisional 26:3,19 31:2 public 1:17 3:21,23 4:18 5:3 12:13 17:24 20:12 25:17 25:17 publication 5:8 publish 17:16 published 1:21 5:9 17:19 23:15 pupil 18:6 50:25 purpose 14:21 15:14 39:7 purposes 37:24 pursuant 19:18 pursue 5:1 22:12 pursued 18:22 pursuit 36:25 put 33:8 51:4</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>QC 3:3,5 11:4 33:14 question 27:20 questions 21:6,7 quick 40:2 quite 32:21 44:3</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>raise 3:17 33:24 raised 33:20 42:5 raises 42:1 range 14:1 27:24 28:3 29:18 46:23 rationale 49:13 reaction 11:5 read 17:14 24:20 26:8,10,13 36:4 48:20,21,25 49:5 49:6</p>	<p>reality 29:25 30:9 really 31:6 reason 29:9 59:18 reasons 5:2 reassured 59:14 recall 9:5 40:3 53:17 54:1 receive 13:2 40:14 59:14 received 8:19 17:16 20:5 22:10,19,24 24:10 25:7,9 36:15 receives 15:7 28:15 recognise 18:2 recognises 47:12 recommendation 35:18 recommendations 11:3 34:25 35:17 35:20 40:15 46:13 53:14 55:10 reconsider 33:1 record 54:18 record-keeping 59:1 recruitment 59:6 redress 28:25 30:5 30:7,8 34:3 36:8 refer 48:7,17 49:15 51:18 reference 35:9 references 35:12,12 referrals 14:8 referred 15:20 18:24 19:5 24:2 25:24 43:22 56:20 referring 52:1 reflecting 21:9 reforms 45:16 regard 10:21 16:19 51:18 regarding 14:6 41:14 46:18 regime 5:17</p>	<p>regimes 8:14,17 register 58:25 regularly 49:23 regulatory 7:25 37:17 38:3,6,15 reiterates 56:15 relate 21:6 28:15 related 21:13 22:19 34:9 40:5 relates 8:3 46:4 relating 3:24 7:16 9:11,15 11:24 14:1 18:15 19:11 21:8 22:1,24 50:1 relation 1:5 5:6 10:11 11:14,22 12:11 13:2 15:2 16:22 17:1 19:4 20:25 22:3 28:23 30:6 42:1,9 44:12 45:2,3,20,20 46:13 47:7,17 48:8 49:8 50:12 50:16 52:12,14,25 53:1,8,25 56:16 56:21 57:4,9 58:10,21 59:16 60:9 relationship 9:7,12 19:22 relatively 33:12 55:22 relevance 23:7 28:1 relevant 5:15 12:4 12:20 32:10,11 35:11,14 38:4,5,7 38:16 39:5,7,11 39:13 47:4 50:24 58:3 reliable 17:7 relies 30:12 religious 6:1,14 8:23 9:1,12 10:8 10:15 14:5 15:21 25:15,22 29:12</p>
---	--	---	--	---

<p>38:19 43:1,2,3,11 44:19 46:5,7,9,14 46:18,20 47:1,7 47:12 49:22 50:2 50:5,16,18 51:4 51:15 rely 30:11 42:6 relying 29:15 remain 57:11 remains 13:16 39:12 remarks 1:3,25 27:3 61:2 remind 18:20 58:19 remit 9:9 Reparation 40:6,12 reparations 29:6 48:24 54:7 repeat 53:24 repeatedly 20:17 report 4:25 5:7,8 43:15,25 54:23 reporting 9:21 10:7 10:11 reports 11:6 19:24 23:16 26:23 35:16 represent 28:5 representative 17:7 representatives 2:8 2:9 27:18 57:6 represented 2:19 8:6 13:16 59:17 representing 3:4 28:12 29:16 represents 2:17,21 2:24 3:6 request 8:1,24 19:8 19:19 20:5,6,22 20:24 21:1,9,22 25:13 39:11 52:10 requested 15:19 19:6 21:6,20 22:4 23:24 24:3,21 25:8 requesting 19:20</p>	<p>requests 13:4,25 14:3,13 15:18,23 16:15 19:11 21:4 21:23 25:10 40:23 57:2 required 4:23 16:13 59:11 requirement 43:6 residential 4:20 8:13 31:19,24 resonate 53:15 resources 14:9 respect 3:21,24 7:19 8:11 16:6 20:22 22:15,20 24:14 37:15 40:3 40:19 53:3 respectfully 18:20 58:19 59:13 respective 23:18 responded 41:23 responds 7:18 34:20 response 5:16 6:13 6:14 11:6 12:20 19:16 20:24 24:5 30:21 50:18,21 53:21 responses 18:16 46:11,18,23 47:13 47:17,24 48:9 50:8,17 51:15 53:1 57:1 responsibilities 8:5 38:15 responsibility 34:19 51:22 52:14 52:18 responsible 1:12 34:21 50:22 retraumatizing 36:10 return 15:8 reverberate 55:11 review 11:20 15:25</p>	<p>23:6 27:1 36:6 39:3,18 reviewing 23:1 58:15 reviews 11:18 16:4 revisiting 35:2,15 right 43:7 47:10 rightly 28:13 30:5 risk 32:3 Robbie 2:23 role 6:1,8 7:13,15 8:3,7 10:25 15:6 19:15,22 21:15 49:23 52:5,6 57:9 roles 55:2 Roman 1:6,13 2:7 3:22 4:16 5:15 6:8,9 8:4 10:6,14 16:8 17:2 19:23 34:7,10 37:9,24 Rome 6:6 15:15 24:15 38:25 49:19 52:6 room 2:24 rule 13:3,25 14:3 51:11 52:10 rules 43:1 ruling 16:20 56:25 running 46:17 runs 54:15 rushed 53:17</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>Saad 2:5 safeguard 45:23 safeguarders 59:2 safeguarding 5:17 5:18,21,23,24,25 6:2,9,17 7:14,23 8:5 9:3 10:23,25 11:14,19 14:10 15:19 16:5 17:1 34:6,7,10 36:15 37:20,24 38:1 43:13,16 44:10,12</p>	<p>44:16 45:18 49:24 54:19 58:5,6,8 59:3,20 60:1 safeguards 43:21 safety 54:21 55:12 sample 17:8 saying 27:24 31:7 44:13 says 52:14 School 13:10,12 20:2 schools 4:20 8:14 31:20,24,25,25 32:1 54:14,16 Scicluna 51:17 52:3 52:13,24 scope 8:12 11:9,10 33:2 35:9 39:5 46:2,4 56:22 Scorer 2:13 8:6 27:7,9,10,11 33:5 33:17 34:12 38:14 48:13 61:5 Scotland 25:1 scrutiny 37:17 seal 9:22 45:3 second 11:24 40:18 46:4 secondly 4:15 10:22 28:10 50:16 Secretary 3:7 12:17 18:10 49:20,25 51:20 section 19:18 sectors 32:4 secure 38:24 see 6:8 9:13 15:6,7 20:10,15,19,21 21:3,6,8,11,16 22:2,6,12 30:14 34:24 40:19,25 41:3 51:23 52:7 53:3 57:5,8,10 See's 19:13 21:1 53:1</p>	<p>seek 27:25 30:15 56:21 selection 18:1 25:25 59:6 self-determination 43:8 seminars 10:10 Seminary 50:25 senior 47:6 sense 32:24 sensitive 37:3 separate 37:12,16 41:25 47:10 September 26:20 51:25 series 40:14 Serious 16:4 Service 5:24 15:1 22:6 24:19 58:6 services 54:17 set 5:20 14:14 53:21 55:14 sets 32:15 42:6,11 setting 49:13 settings 6:14 sex 33:20 51:23 sexual 1:8,14 8:13 11:6,13,17 14:7 14:11 15:3 19:24 34:22 46:11 47:24 50:2,20 52:4 Sharpling 1:10 Shearer 3:11 13:15 57:23 58:3,11 59:10 short 5:23 55:1,23 56:10 shorten 27:12 shortform 2:11 shorthand 36:13 shortly 24:11 show 43:14 shown 36:13 shows 42:23 signed 24:9,16,19</p>
--	--	--	--	--

<p>25:9 significant 28:14 30:20 33:21 35:25 43:16 44:9 49:6 56:18 simply 5:3 17:13 21:15 44:3 45:7 53:16 56:8 Sir 1:10 Sister 24:22 sits 2:16 Sitting 1:8 skewed 32:3 Slater 2:13 55:16 slight 30:2 slot 54:6 social 16:3 55:2 solely 32:2 Solicitors 2:23 3:2 soon 16:15 25:9 44:18 Soper 22:4 sought 38:13 56:24 sovereign 21:11 speak 2:1 speaks 50:11 specialises 47:2 specific 4:3 12:9,13 12:22 17:3 21:3,7 21:24 28:5 36:19 specifically 34:2 46:6 spent 14:10 sphere 38:16 St 13:12 20:2 32:12 stage 6:11 12:11 18:20 58:13 59:24 60:5 stand 4:11 33:24 start 2:12 25:18 state 3:7 12:17 18:6 55:2 statement 2:4 8:1 14:18,21 19:20 22:5 24:13,13,16</p>	<p>24:19 26:11 32:14 32:14 43:18 45:6 45:6 50:1 51:11 61:4 statements 17:15 17:17,21 24:3,9 24:11,21 25:8 32:11 38:24 56:20 58:16 states 21:11 statutory 14:8 15:20 steps 40:22,24 STI 42:8 strand 35:10 strongly 44:8 51:6 51:7 structural 43:12,20 44:6 47:8 53:4 structurally 55:8 structure 8:21 42:18 43:9,17,24 44:9,15 45:8,15 50:15 structures 5:22 6:24 9:13 34:6 35:21 58:5 studies 3:24 4:2,5 5:6 6:12 10:18 12:6,10 18:21 22:23,25 23:18 24:8 38:12 study 5:9 9:6,11 20:12 22:19,20 23:2,10,16 26:23 32:12,19,23 35:24 39:8 47:11 subject 26:15 38:7 57:11 submission 6:15 8:10 23:13 28:18 37:5 42:18 44:2 47:4 50:7 52:2 53:8,24 56:10 submissions 3:15</p>	<p>3:18 4:11 6:19,22 7:2,6,10,22 8:19 10:13 13:5 18:11 18:18 26:21 27:10 27:13,14,17 28:13 28:22 30:23 33:11 33:18 34:25 35:10 36:5,14,19 37:18 38:14,21 40:1 41:8,19,24,25 42:6,12,15,20 43:14,23 45:1 48:7 49:8,17 51:19 52:13 53:23 54:4,8 55:21,23 55:25 56:7,9,13 56:21 57:20,22 58:18,20,22 60:5 60:10,12,17 61:5 61:6,7,8,9,10,11 submit 5:19 8:20 9:20 12:20 13:14 13:19 17:5 44:9 45:19,25 48:16 49:2 52:17 53:6 53:16 54:19 55:13 submits 11:4 26:21 26:23 submitted 4:8 6:20 10:22 40:12 42:22 58:2 59:13,22 substantial 58:15 successful 48:22 sufficient 4:13 54:20 55:13 suggestion 31:19 41:12 suitable 32:23 Sullivan 25:2 summarise 6:21 26:13 summarised 26:8 summary 21:2 summer 5:8 49:9 Sunday 54:16</p>	<p>Superior 18:8 44:19 50:6 superiors 18:10 20:14 49:20 support 7:7,8 35:5 36:9 38:14,21,23 41:11,14 57:12 supported 55:16 supporting 56:16 sure 31:7 52:16 survivor 16:24 25:5 27:22 28:1,4 33:22 survivors 2:14 6:25 7:4,7 12:16 14:20 27:7,21,24 28:5 29:16 30:20 33:19 34:17 36:11 37:8 46:16 47:1,19 48:13,16,23 49:3 survivors' 27:18 Switalskis 2:17 system 34:16 42:24 44:20 systems 36:22 37:2 37:13 59:3</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>tab 3:13 Tablet 22:1,7 tabs 6:19 tackle 46:20 take 1:19 41:1 42:11 53:11 taken 20:14 40:22 40:25 41:22 48:4 talking 29:12 31:13 tasked 52:3 team 4:12 23:1 24:3 32:10 39:4,21 teeth 45:7 temporary 44:17 ten 15:20,21 tender 10:16 term 58:2</p>	<p>terms 29:20 30:20 31:16 35:9,12 59:12 thank 2:3,5 27:8 33:5,9 39:24 40:2 41:5,6,9,16,17,20 48:13 56:1,5,7,11 56:14 57:14,15,17 57:18 60:7,16,19 thanks 34:12 60:16 think 27:6,18 28:8 28:13 30:17 37:5 40:13,20 55:23 threats 46:25 three 3:23 4:9 17:6 18:14 27:16 30:10 42:11 47:25 51:6 53:24 Thursday 1:1 time 4:22 14:18 18:3,7 28:17 48:2 48:3 49:4 51:1,5 53:18,20 54:1,4,5 54:20 55:13,15 time-wise 4:13 timetable 4:18 26:4 53:9,23 timetabled 5:5 today 3:16 8:10 13:16 16:10 23:23 24:12 33:12,14 42:16 51:1 53:24 56:10,21 59:15 60:17 today's 1:22 2:8 3:12 6:20 60:14 60:19 topic 9:2,21,25 10:9 10:19 11:9 15:8 22:16 30:1 44:8 46:2 59:4 topics 5:15 12:20 13:22 14:1 18:23 18:24 19:2 26:6 26:12 42:12 46:5</p>
--	---	---	---	--

<p>56:23 58:24 training 49:24 59:7 transcript 1:22 transcripts 23:14 transformed 44:14 traumatising 36:2 treat 37:12 treated 7:5 37:15 treatment 6:25 33:18 35:6,15 try 21:19 trying 32:16,17 turn 5:12 11:23 27:5 Turning 19:3 22:17 25:16 two 3:24 4:3,9 5:4 9:11 10:12 15:19 16:23 26:23 27:16 30:9 31:6 40:2,8 41:10 47:18 53:24 59:19 two-week 3:21 4:12</p> <hr/> <p style="text-align: center;">U</p> <p>UK's 40:25 ultimate 30:3 umbrella 49:21 unable 44:3 understand 19:8 23:17 33:21 55:15 understanding 8:2 undoubtedly 50:7 undue 48:3 unfortunately 33:14 unified 50:17 uniform 44:16 Union 18:10 49:20 uniquely 50:13 United 19:14 47:2 50:3,23 unnecessary 23:12 unsafe 55:9 unwilling 45:22</p>	<p>unwillingness 46:19 up-and-coming 40:10 update 3:12 5:6 19:3,9 27:4 30:14 31:2 38:22 41:11 41:23 53:21 updates 20:18 uphold 43:7 urge 47:19 51:11 urged 47:25 urging 49:10 use 7:12 29:22 41:12 47:20 58:1 useful 39:21 40:21 48:8 usefully 40:11 56:8 USG 49:25</p> <hr/> <p style="text-align: center;">V</p> <p>vacuum 55:6 valuable 40:16 vary 46:23 Vatican 45:12 52:4 53:13 versa 22:21 vice 22:21 victim 25:25 33:22 37:15 victims 7:16 16:13 16:17 25:12 33:19 37:8 46:25 48:12 48:16,22 victims' 27:17 view 4:12 13:16 27:21 31:2 32:22 42:17 51:12 53:11 56:1 views 30:3 Vincent 15:13 visitation 20:3 voices 28:4 voluminous 24:7 voluntary 19:20</p>	<p>vulnerable 48:10 54:15</p> <hr/> <p style="text-align: center;">W</p> <p>waiting 20:13 Wales 14:6 15:17 57:7 want 13:17 18:24 25:21 29:7 31:6 31:21 33:13 58:9 60:11 wanted 27:15 30:23 wants 52:16,19 wasn't 53:18 way 5:6,18 7:4 27:4 27:25 31:21 40:8 40:17 45:23 50:20 54:11 57:3 58:15 58:17,23 ways 5:17 7:17,23 60:1 we're 47:10 we've 14:9 38:10 41:25 42:22 43:22 47:25 49:12 53:22 wealth 46:17 website 1:22 weeks 4:9,10 5:4 53:24 welcome 1:3,5 29:2 34:3 38:12,22 39:16 41:10 61:2 welcoming 33:24 went 18:7 West 13:8,20 WF 12:15 whilst 13:15 White 2:24 wide 14:1 wider 4:4 5:15 6:5 6:7,15 7:11,21 8:9 8:20 9:20 10:24 11:4,23 12:8,19 13:3,20 17:11 18:23 23:4,7,13</p>	<p>27:4 50:14 WILLIAM 33:7 willing 16:7 wish 2:2 3:17,19 4:10 9:24 11:22 18:17 22:15 27:3 60:9 wishes 22:6 witness 19:17 22:5 24:11,21 26:4,7 30:15 32:11 51:8 52:8 56:19 58:16 witnesses 17:6,17 18:25 26:2 42:3 47:20 48:1,12,14 48:19,25 56:23 wording 52:18 work 4:25 16:3,8 32:9,18,19,23 51:5 57:13 works 14:22 21:8 51:4 world 53:12,15 54:23 55:5 worldwide 50:3 52:5 woven 54:12 writing 33:8 39:2 written 3:15 6:19 13:4 18:11,18 26:21 27:14,17 28:13 30:22 37:18 42:6 43:23 46:24 49:16 53:23 56:9 58:18,20,22 60:5 60:12 wrote 42:7</p> <hr/> <p style="text-align: center;">X</p> <p>X 61:1</p> <hr/> <p style="text-align: center;">Y</p> <p>year 3:20 4:18 10:4 15:15 19:10 20:11 20:19 22:1 25:18</p>	<p>26:17,20 35:1 years 14:8 29:17 30:10 34:15 50:10 51:6 55:1 Yorkshire 13:9</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <p>1 40:2 61:2 10 13:3 43:14 109 49:16 112 53:22 114 53:22 13 43:23 46:15 14 1:16 4:17 41:24 42:7,19,21 15-minute 1:20 17 22:1 18 20:19 1990s 18:9 1991 50:6 1997 50:6</p> <hr/> <p style="text-align: center;">2</p> <p>2 11:11 61:4 2.00 1:2 2.10 35:11 2.2 35:13 2.27 36:5 2.4 35:11,13 20 29:17 42:8 49:16 2001 43:15 2009 49:19 2011 20:3 2012 20:4 2016 49:9 2017 16:20 2018 20:24 21:23 2019 1:1 6:6 41:24 42:7,8,21 45:2,12 49:16,19,25 52:6 2020 4:18 21 19:18 41:21</p>
---	---	---	---	--

<p>23 1:1 25 26:20 27 16:20 61:5 28 3:20 5:11 25:18 29 53:2</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 13:22 42:19 3-minute 26:15 3.11 36:5 3.15 1:20 3.25 60:21 30 48:25 33 61:6 36 51:18</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>40 61:7 41 61:8,9 48 51:18</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 3:13 50 52:13 56 61:10 57 61:11</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>64 35:18 69 35:17</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>70 35:18 43:5 46:8 47:13 50:19</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8 25:19 80 48:18 850,000 43:3</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 13:25 14:3 51:11 52:10 900,000 54:14 93 49:16</p>				
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