

<p>1 Monday, 1 July 2019 2 (10.00 am) 3 Welcome and opening remarks by THE CHAIR 4 THE CHAIR: Good morning, everyone. I am Alexis Jay and I'm 5 the chair of the Independent Inquiry into Child Sexual 6 Abuse. 7 With me are the other panel members of the inquiry: 8 Professor Sir Malcolm Evans, Ivor Frank and 9 Drusilla Sharpling. 10 On behalf of the inquiry, I welcome you all to the 11 first day of the third substantive hearing into the 12 Anglican Church investigation. The hearing will run for 13 ten days, finishing on Friday, 12 July. 14 As you all know, the task of the chair and panel of 15 the inquiry is to examine the extent to which public and 16 private institutions in England and Wales have failed to 17 protect children from sexual abuse in the past and to 18 make meaningful recommendations to keep children safe 19 today and in the future. 20 Last year, the inquiry held two public hearings for 21 this investigation into the Diocese of Chichester case 22 study and the response to allegations against 23 Peter Ball, the former Bishop of Lewes and 24 Bishop of Gloucester. The inquiry published a report in 25 these case studies in May 2019 in which the panel and</p> <p style="text-align: center;">Page 1</p>	<p>1 I made five recommendations arising from the evidence we 2 have already heard. 3 Today marks the start of the final public hearing in 4 this investigation into the response of 5 the Anglican Church to child sexual abuse, including 6 both the Church of England and the Church in Wales. 7 This hearing will be thematic in nature. The 8 evidence to be called will be focused upon exploring the 9 current safeguarding practices within the 10 Anglican Church. 11 On behalf of the inquiry, I am, as always, grateful 12 to all core participants and their legal teams for their 13 assistance. I know that a great deal of work has gone 14 into preparing witness statements and providing 15 disclosure. 16 To complainants, victims and survivors who have 17 provided witness statements or who are to be called to 18 give live evidence before the inquiry during this 19 hearing, we are grateful to you for coming forward to 20 tell the inquiry about your experiences, and we are 21 conscious of the strength and courage that this 22 required, and I want to assure you of the high priority 23 that the inquiry places on this investigation and on 24 hearing your experiences. 25 Before we hear from leading counsel to the inquiry,</p> <p style="text-align: center;">Page 2</p>
<p>1 Ms Fiona Scolding QC, who will introduce the 2 representatives present and open this case study, some 3 points on the arrangements. 4 We will sit each day from 10.00 am. Ordinarily, we 5 will take a 15-minute break at around 11.45 am. On days 6 when we are sitting early, we may take an earlier break 7 during the morning. We will break for lunch at 1.00 pm, 8 returning at 2.00 pm and we intend to sit until around 9 4.15 pm each day. 10 By way of a hearing timetable, we rely on the agenda 11 which sets out when witnesses are to be called, save for 12 where unforeseen circumstances require any change to be 13 made. 14 The hearing transcript is recorded simultaneously on 15 screens throughout the room and will be published at the 16 end of each day on the inquiry website, and any 17 directions arising from the day's hearing will also be 18 published on the website. 19 There are anonymity arrangements in place for some 20 witnesses who will be giving evidence throughout the 21 hearing. Ciphering and redactions have also been used 22 in relation to the evidence in accordance with the 23 inquiry's redaction protocol and restriction order, both 24 of which are also available on the website, except for 25 complainant witnesses who have waived their right to</p> <p style="text-align: center;">Page 3</p>	<p>1 anonymity. If there is any inadvertent breach of 2 a restriction order, I will ask that the simultaneous 3 recording be stopped momentarily so that the issue can 4 be addressed as appropriate. 5 That concludes my initial comments, and I will 6 invite Ms Scolding to go ahead. 7 Opening statement by MS SCOLDING 8 MS SCOLDING: Chair and panel, I am Fiona Scolding, senior 9 counsel to this Anglican investigation. Seated to my 10 left are Ms Nikita McNeill and Ms Lara McCaffrey, junior 11 counsel. 12 I now turn to introduce the other core participants. 13 To my right are solicitor and counsel for the 14 complainants, victims and survivors represented by 15 Slater &amp; Gordon, Mr Richard Scorer of Slater &amp; Gordon 16 and Mr Iain O'Donnell of counsel. 17 Next to them, counsel for the complainants, victims 18 and survivors represented by Switalskis, 19 Mr David Greenwood, solicitor, and Mr William Chapman of 20 counsel. 21 Turning behind me, representing the 22 Archbishops' Council, Mr Nigel Giffin QC. Next to him, 23 counsel for the Church in Wales, Mr Mark Powell QC. 24 Turning to the benches on the other side, at the 25 rear bench, one has Mr Rory Phillips QC, who is counsel</p> <p style="text-align: center;">Page 4</p>

<p>1 for the Ecclesiastical Insurance Office. To the bench 2 in front is Mr James Berry, counsel for the National 3 Police Chiefs. And last, but by no means least, counsel 4 for the Department of Education, Ms Emily Wilsden. 5 There are no preliminary matters which the core 6 participants wish to raise. 7 The aim of these hearings is to examine whether the 8 Church of England and the Church in Wales is currently 9 giving sufficient priority to keeping children safe so 10 that churches are places of welcome and the voices of 11 those who have difficult things to say about past 12 actions of the Church of England and the Church in Wales 13 are heard and acted upon. 14 This investigation has already heard a significant 15 amount of evidence and received written statements and 16 documentation about the Church of England during the 17 course of the hearings, both into the Diocese of 18 Chichester and the former Bishop of Gloucester, 19 Peter Ball, which will be used during these two weeks, 20 where relevant and informative. We seek, in this 21 hearing, to build upon that which we have already 22 learnt. To remind everyone, when I talk about "the 23 church" in these opening remarks, I will mean, for the 24 first part of my opening, the Church of England, and 25 then the Church in Wales, and sometimes both churches.</p> <p style="text-align: center;">Page 5</p>	<p>1 The themes to be examined during this hearing are as 2 follows: firstly, the views of victims and survivors as 3 to the failures of the church and what steps they 4 consider should be taken to improve safeguarding 5 practice and procedures. 6 Second, an examination of the appropriateness of 7 reparations made by the church and the role of insurers 8 in civil claims. 9 Thirdly, the current safeguarding practices and 10 policies of the Church of England and the 11 Church in Wales and steps they plan to take in the near 12 future. 13 Fourthly, whether the current structure for 14 safeguarding in both the Church of England and the 15 Church in Wales is fit for purpose. 16 Fifthly, how the churches' handling of non-recent 17 allegations of abuse and allegations made against 18 deceased clergy are managed. 19 Lastly, the current system for external scrutiny and 20 whether it is capable of highlighting deficiencies in 21 policies or practice. 22 Behind all these specific areas lies the largest 23 question of all, which is whether the current culture of 24 the Church of England and the Church in Wales is capable 25 of dealing appropriately with these issues. Culture, as</p> <p style="text-align: center;">Page 6</p>
<p>1 the Bishop of Blackburn said in the letter to clergy 2 issued on 17 June 2019, is made up of structures, 3 decisions and appointments. Part of this hearing will 4 be spent examining casework recently carried out in 5 dioceses across both England and Wales to see if the 6 culture has indeed changed to one where priority is 7 accorded to the priority of children, rather than the 8 reputation of the church and those within it. 9 Most of you in this room are more than familiar with 10 the language and terminology associated with both the 11 Church of England and the Church in Wales. For the 12 benefit of those who are less so, when I mention the 13 word "clergy", I mean someone who may be known as 14 a vicar, a priest, a rector or a curate -- that is, 15 someone who has been ordained. They are usually office 16 holders, that is, neither employed nor self-employed. 17 By a "diocesan bishop", I mean someone who has been 18 appointed by either the Church of England or the 19 Church in Wales to be the chief pastor of the diocese, 20 the "cure of souls", to use the language of church law. 21 By a "suffragan bishop", an "area bishop" or an 22 "assistant bishop", I mean a senior member of the clergy 23 appointed to assist the diocesan bishop with ministry, 24 whether that is either geographic or in respect of 25 a particular aspect.</p> <p style="text-align: center;">Page 7</p>	<p>1 When we refer to a clerical title or a term of art 2 during this hearing, I will seek to explain it in 3 layperson's language, or ask the witness to do so. 4 As at previous hearings, we refer to individuals 5 where abuse has been proven either by way of criminal 6 conviction, civil findings or findings in the context of 7 disciplinary or regulatory proceedings, as victims or 8 survivors. In circumstances where there have been no 9 such findings, individuals are referred to as 10 complainants. 11 We will spend part of these hearings listening to 12 the voices of complainants, victims and survivors. We 13 thank all of those who have contributed to this 14 investigation so far and pay tribute to their courage in 15 providing us with their accounts, recognising the 16 emotional distress that this hearing may cause to them. 17 We also recognise that there will be others who may not 18 have told anyone about their abuse, or who wish to keep 19 such abuse private. We recognise that the public airing 20 of other people's stories can be upsetting for many 21 people. As I have said before, the scars of sexual 22 abuse in childhood are often indelible. 23 We will hear about abuse alleged to have been 24 perpetrated by senior members of the clergy, including 25 bishops. We will hear of the reluctance or failure to</p> <p style="text-align: center;">Page 8</p>

<p>1 report known abuse; we will hear of a lack of curiosity                  2 about, or outright indifference to, allegations when                  3 disclosed; we will also hear more about failures in                  4 record keeping, something which can seem trivial until                  5 one realises how far it can hamper an effective response                  6 to concerns, as vital information is either missing or                  7 placed out of reach.</p> <p>8 We will hear about the abuse of power: about clergy                  9 who consider themselves able to operate by different                  10 rules, about the sense of entitlement that can come with                  11 a clerical collar and how that has made others unduly                  12 deferential or unwilling to criticise figures of                  13 authority in their lives.</p> <p>14 The Church of England has provided us with                  15 information about all known convictions in their                  16 possession for sexual offending against children in the                  17 recent past. We have a list of 390 individuals who are                  18 either clerics or in positions of trust in respect of                  19 the Church of England, for example, choirmasters, where                  20 the acts of abuse were carried out in circumstances                  21 where those individuals were ostensibly performing their                  22 Church of England role. This includes offending in                  23 a domestic or educational setting. A significant amount                  24 of this offending has involved the downloading of, or                  25 possession of, indecent images of children.</p> <p style="text-align: center;">Page 9</p>	<p>1 The Ecclesiastical Insurance Office has also told us                  2 that it has received 231 formal letters of claim against                  3 the Church of England, 217 falling under an insurance                  4 policy. Those statistics, until December 2018, show                  5 that of the 231 claims issued, 122 claims involved abuse                  6 by clerics, 30 of them involved abuse by clerics who                  7 were deceased, 86 claims were by nonclerics, including                  8 volunteers, 215 out of the 217 claims which were insured                  9 involved male perpetrators. 199 out of the 217 claims                  10 were made more than 20 years after the abuse took place.                  11 36 of the alleged perpetrators had more than one                  12 claimant make an allegation against them. Only one                  13 claim, however, went to trial.</p> <p>14 The Church of England has also provided us with some                  15 statistics about the number of safeguarding concerns                  16 which were reported to dioceses from 2015 onwards,                  17 either about children or vulnerable adults.</p> <p>18 In 2017, there were 1,257 complaints made. Just                  19 over 50 per cent of those complaints related to sexual                  20 abuse. The proportion of those concerns which were then                  21 referred on to statutory bodies has remained around                  22 a third from 2015 to 2017. Of the allegations set out                  23 above, provided in the information provided to us by the                  24 Church of England, 736 of those allegations were made                  25 about church officers, and around 43 per cent of those</p> <p style="text-align: center;">Page 10</p>
<p>1 were clerics. The vast majority of allegations made to                  2 the Church of England about clergy concerned and                  3 involved sexual abuse.</p> <p>4 21 per cent of all allegations concerned those in                  5 voluntary positions. About half of all cases which were                  6 referred to dioceses, both about children and vulnerable                  7 adults involving clerics, were reported on to statutory                  8 agencies, by which I mean either Social Services or the                  9 police.</p> <p>10 In 2017, the Church of England tells us that they                  11 brought disciplinary measures in 72 cases, with 39 cases                  12 being brought under the Clergy Discipline Measure and                  13 33 under lay disciplinary procedures. 36 individuals                  14 were referred to the Disclosure and Barring Service in                  15 2017 by the Church of England or one of their dioceses                  16 to determine whether or not they should be placed upon                  17 a list maintained by the DBS of those who are unsuitable                  18 to work either with children or with vulnerable adults                  19 or with both.</p> <p>20 The culture of clericalism of the Church of England                  21 in the past, as we have seen in the case studies                  22 involving both the Diocese of Chichester and the late                  23 Peter Ball may have led to church, and church                  24 organisations, being places where those who wished to                  25 abuse children could hide, often in plain sight. The</p> <p style="text-align: center;">Page 11</p>	<p>1 Church of England did not have compulsory training on                  2 child protection or child abuse until relatively                  3 recently. Guidance was available, but was sometimes                  4 either not followed or ignored outright. When                  5 disclosures came to light, as we have already heard,                  6 individuals were forgiven or moved or seen to be too                  7 elderly or too frail, and therefore no action was taken.</p> <p>8 The respect for authority, taboos surrounding                  9 sexuality, and the lack of a supportive environment were                  10 all present, both within the Diocese of Chichester and                  11 within the wider Church of England. We will hear                  12 further evidence about similar failures in other                  13 dioceses and at other times.</p> <p>14 We wish to know, in particular, if such excessive                  15 deference, sometimes known as "clericalism", still                  16 exists and what the church is doing about the potential                  17 for abuse of power.</p> <p>18 It is particularly important that the church,                  19 meaning both the Church of England and the                  20 Church in Wales, alongside other religious institutions,                  21 has strong, transparent and straightforward systems for                  22 responding to allegations of child sexual abuse and                  23 systems which are used consistently. We also recognise                  24 that, whilst churches in the worldwide                  25 Anglican Communion are autonomous to the</p> <p style="text-align: center;">Page 12</p>

<p>1 Church of England, it is, along with others, seeking to 2 develop and have a worldwide protocol for safeguarding 3 and therefore operates, at the very least, in a position 4 of influence, not just in this country but around the 5 world.</p> <p>6 The analysis undertaken by the Truth Project, which 7 is part and parcel of this independent inquiry, shows 8 that, of those individuals who have spoken to it, almost 9 half disclosed abuse contemporaneously to a member of 10 the clergy or to a safeguarding officer. It is 11 therefore of vital practical importance that clerics and 12 staff have a good understanding and knowledge of what to 13 do in those circumstances.</p> <p>14 The Church of England has accepted that the problems 15 seen within the Diocese of Chichester were not unique to 16 it. This hearing will examine a cross-section of 17 concerns and current practice in both the 18 Church of England and the Church in Wales. We also 19 asked the Church of England to provide more detailed 20 explanations of the response to abuse in a number of 21 illustrative cases which have been brought to the 22 attention of this investigation. I will spend a few 23 moments setting out some details of these cases to 24 remind us all of the issues in the past, sometimes the 25 very recent past.</p> <p style="text-align: center;">Page 13</p>	<p>1 Firstly, the example of Mr Timothy Storey. 2 Timothy Storey worked as a youth leader. He undertook 3 some portions of ordination training and held 4 administrative posts both within the Diocese of London 5 and Southwark. He used his youth work to groom teenage 6 girls using texts, Instant Messenger and Facebook. He 7 is currently serving 15 years in prison for three 8 offences of rape and one offence of assault by 9 penetration. These assaults relate to 17-year-old and 10 16-year-old young women.</p> <p>11 The Church of England has carried out two 12 independent reviews of this case, one undertaken by 13 Justin Humphreys of the organisation Thirty One: Eight, 14 from whom we will hear. The other review was undertaken 15 by a retired Detective Chief Inspector, David Marshall.</p> <p>16 Both reports identified that there was a failure to 17 implement policies and practices in place at the time -- 18 the time being 2008 and 2009. Disclosures were made to 19 various individuals within the church in April, October 20 and December 2008, which should have led responsible 21 individuals within the church to refer the matter to 22 Social Services or police. Instead, Mr Storey was 23 confronted with these allegations and made a partial 24 admission of sexual activity but denied that it was 25 coercive. Individuals from the church then did make</p> <p style="text-align: center;">Page 14</p>
<p>1 referrals in 2009 to statutory bodies, but these were 2 partial and did not provide adequate detail so that the 3 statutory agencies decided to take no further action.</p> <p>4 It was only in 2014, when the matter came to the 5 attention of the London Diocesan Safeguarding Advisor, 6 that action was taken which led to Mr Storey's 7 conviction for sexual offences, which may not have 8 potentially been committed had adequate steps been taken 9 by the church in 2008 and 2009.</p> <p>10 As a result of the independent reviews, the 11 Church of England considered whether or not to take 12 proceedings under the Clergy Discipline Measure, but 13 rejected such, even though the clerics were 14 characterised within both independent reviews as having 15 acted in ways which were "naive, inappropriate and at 16 times plain stupid". This was, in part, because of 17 the length of such potential proceedings and the fact 18 that it was not deemed to be capable of providing an 19 adequate or satisfactory resolution for survivors of 20 sexual abuse.</p> <p>21 We will be hearing evidence from the Reverend 22 Rosemary Lain-Priestley, Archdeacon of the Two Cities, 23 part of the Diocese of London, about the use of 24 the Clergy Discipline Measure in this case.</p> <p>25 I turn now to the Reverend Canon Derek Buckley.</p> <p style="text-align: center;">Page 15</p>	<p>1 Reverend Buckley died in 1999. In 2015, Derbyshire 2 Police received allegations from two men about abuse 3 dating from the 1980s when those individuals were in 4 their early teens. Both men allege that they had been 5 invited to help Reverend Buckley with his hobby of 6 photography. They were invited to the dark room in his 7 house, where they were then sexually assaulted. One 8 complainant also alleged sexual assault when he was 9 taken on a holiday by the Reverend Buckley.</p> <p>10 The diocese of Derby did not carry out an 11 independent review in this case because of 12 the significant changes that had been made to policies 13 and practices since the 1980s, but this case does 14 provide an example of the issues which occur when an 15 alleged perpetrator is deceased. How can reparation 16 take place? What sort of investigation is adequate or 17 sufficient or even possible? Are there lessons to be 18 learnt, even at a distance of some 30 years?</p> <p>19 I turn next to the Canon John Roberts. In 1989, 20 while serving as a rural dean -- ie, someone who has 21 some administrative responsibility on behalf of 22 the bishop for a group of parishes -- Reverend Roberts 23 was found guilty of two counts of indecent assault on 24 a male under 16. He was given a fine and made to sign 25 the sex offenders register. The then Bishop of</p> <p style="text-align: center;">Page 16</p>

<p>1 Liverpool, David Sheppard, considered that this 2 conviction was a miscarriage of justice, and so, 3 notwithstanding his lawful conviction for indecent 4 assault, the Reverend Roberts remained in his parish and 5 was later promoted to become a Canon of Liverpool 6 Cathedral in 1995. In 2002, he retired and was granted 7 permission to officiate, which is a system for the 8 licensing of clerics who no longer hold full-time office 9 but wish to carry on providing some form of ministry 10 and, in particular, to undertake church services.</p> <p>11 In 2003, following the introduction of the Criminal 12 Records Bureau and the checks to be undertaken, a CRB 13 check was made as part of the process for Canon Roberts' 14 permission to officiate being renewed. It came back, 15 surprisingly, without the conviction upon it. The then 16 Bishop of Liverpool, James Jones, who was aware of 17 the history concerning Canon Roberts, was so concerned 18 that he wrote to the then Home Secretary, 19 David Blunkett, to ask how this could be the case. 20 Further enquiries showed that no information about 21 Canon Roberts' conviction was held upon any police or 22 central records. This shows a central problem and limit 23 to the CRB system when dealing with convictions which 24 predate its inception. It relied upon records being 25 transferred from police forces to a central CRB database</p> <p style="text-align: center;">Page 17</p>	<p>1 and, as with anything else, defective original records 2 make the system imperfect and fallible.</p> <p>3 Following on from the CRB check in 2003, a risk 4 assessment was undertaken by the Diocese of Liverpool in 5 light of the relevant guidance then enforced. The risk 6 assessment identified unequivocally that the case would 7 have been handled differently in 2003 and that the 8 relevant national guidance from the House of Bishops at 9 that time militated against the grant of permission to 10 officiate. However, as there had been no concerns 11 raised about Canon Roberts since 1989, it was deemed 12 "not unreasonable" for him to have a ministry. He was 13 granted permission to officiate with a condition that he 14 should not be able to minister to children. The idea of 15 permission to officiate being granted with conditions is 16 an example seen again in some of the sampling cases we 17 will come on to discuss later on in this hearing, and 18 also deals with an issue which is frequently raised, 19 which is, where there have been safeguarding responses 20 which are now considered to be imperfect, how does one 21 change the rules of the game and how can one do that 22 fairly? It demonstrates some obvious difficulties about 23 trying to impose sets of standards, sets of new 24 standards, when there have been possibly failures in the 25 past.</p> <p style="text-align: center;">Page 18</p>
<p>1 It also raises the question of how feasible it is to 2 impose conditions on permission to officiate, as, in 3 2007, it was found that Canon Roberts had administered 4 at services at which children were present. His 5 ministry was not stopped at that stage, but he was asked 6 to give certain written assurances that it would not 7 happen again. Concerns were also raised by members of 8 Liverpool Cathedral, both in 2012 and 2013, about his 9 ministry on a one-to-one basis.</p> <p>10 Only in 2015 was permission to officiate withdrawn, 11 following concerns raised by the Dean of Liverpool 12 Cathedral, that, despite his trying to set out 13 boundaries for Reverend Roberts' ministry, these had 14 been consistently crossed or blurred. Even after this 15 point in time, allegations have been made that 16 Canon Roberts sought to hold himself out as working on 17 behalf of the cathedral.</p> <p>18 I turn next to the case of Dean Robert Waddington. 19 He was Dean of Manchester Cathedral from 1984 to 1993, 20 following which he continued to have permission to 21 officiate in the Diocese of York. He died in 2007, and 22 his permission to officiate, or PTO, as I will call it, 23 was withdrawn in 2004.</p> <p>24 Allegations were made about his sexual abuse of 25 young people in both Australia and the UK in 1999, 2003,</p> <p style="text-align: center;">Page 19</p>	<p>1 2004 and 2005. These allegations were made to different 2 members of the church, including the former Archbishop 3 of York, Lord Hope, in 1999. The Church of England has 4 accepted that it acted inappropriately in response to 5 those disclosures having been made.</p> <p>6 As a result of this, the church commissioned an 7 internal review headed by her Honour Judge 8 Sally Cahill QC, who has provided us with a witness 9 statement. It identified failures by the Bishop of 10 Manchester for not keeping records of the disclosure 11 made and criticised Lord Hope for failing to take advice 12 from his child protection adviser; failing to consider 13 the risk to children when reaching a decision that 14 Robert Waddington could continue to have permission to 15 officiate; and failing to consider if PTO should be 16 suspended or stopped.</p> <p>17 Her Honour Judge Cahill QC made a number of 18 recommendations, including the need for a set of 19 national policies in respect of child protection to 20 cover both current and non-recent cases, and a full-time 21 national safeguarding officer. This report was 22 published in 2014, prior to there being a comprehensive 23 suite, shall we say, of national policies, and there was 24 no full-time national safeguarding officer in place. We 25 will be asking the Church of England about the</p> <p style="text-align: center;">Page 20</p>

<p>1 implementation of these recommendations.</p> <p>2 Turning next to AN-F15. We will be hearing evidence</p> <p>3 this afternoon from AN-A4, who alleged that he was raped</p> <p>4 by AN-F15, a cleric, in his flat in 1976, when he was</p> <p>5 16, and that he disclosed this abuse to a number of</p> <p>6 clerics over a number of years.</p> <p>7 As a result of the concerns he raised, the</p> <p>8 Church of England commissioned a report from</p> <p>9 Mr Ian Elliott, who will come to give us evidence, and</p> <p>10 he will be telling us about his conclusions and</p> <p>11 concerns. We will be asking him, in particular, about</p> <p>12 why he considers that there was poor practice in</p> <p>13 response to the disclosures of abuse by AN-A4; secondly,</p> <p>14 why he reached the view that a lack of awareness of this</p> <p>15 case at national level was caused because of an absence</p> <p>16 of internal reviews and/or oversight within the church</p> <p>17 itself; or, third, why he reached the view that the</p> <p>18 relationship between the Church of England and its</p> <p>19 insurers needed to be clarified in dividing the human</p> <p>20 response from the legal response when child sexual abuse</p> <p>21 cases within civil claims presented themselves.</p> <p>22 I turn next to Victor Whitsey, the Bishop of</p> <p>23 Chester. The Right Reverend Victor Whitsey was Bishop</p> <p>24 of Chester from 1974 to 1982. He died in 1987.</p> <p>25 Thirteen people have made complaints of child sexual</p> <p style="text-align: center;">Page 21</p>	<p>1 abuse to Chester Police and the Church of England is</p> <p>2 aware of six more. The allegations are that he</p> <p>3 indecently assaulted both teenage boys and teenage</p> <p>4 girls, as well as young adults, during his tenure as the</p> <p>5 Bishop of Chester.</p> <p>6 In 2016, the church convened something called a core</p> <p>7 group, which we will hear about later in this hearing,</p> <p>8 and commenced the process of an independent review.</p> <p>9 Cheshire Police also undertook an investigation. They</p> <p>10 wrote to the church in March 2019 with concerns about</p> <p>11 the actions of the now Bishop of Chester,</p> <p>12 Dr Peter Forster, as a result of which an application</p> <p>13 for discipline under the Clergy Discipline Measure we</p> <p>14 understand has been brought.</p> <p>15 We will be hearing from an individual, who alleges</p> <p>16 abuse by Bishop Whitsey, on Wednesday and from the</p> <p>17 current Bishop of Chester, Dr Peter Forster, as well.</p> <p>18 I turn last to the Reverend Trevor Devanamanikkam.</p> <p>19 Reverend Devanamanikkam was a priest in the Dioceses of</p> <p>20 Ripon, Bradford, Wales and the Diocese of Europe until</p> <p>21 his retirement in 1996. He had permission to officiate</p> <p>22 in the Diocese of Lincoln between 2002 and 2009.</p> <p>23 In 2017, Reverend Devanamanikkam was charged with</p> <p>24 three counts of buggery and three counts of indecent</p> <p>25 assault. These were alleged to have taken place in 1984</p> <p style="text-align: center;">Page 22</p>
<p>1 and 1985 against the Reverend Matthew Ineson, who was</p> <p>2 a child at the time. Reverend Ineson had been sent by</p> <p>3 his parish priest to live with Reverend Devanamanikkam</p> <p>4 during his teenage years because of a turbulent</p> <p>5 relationship with his family. Reverend Devanamanikkam</p> <p>6 was meant to be providing respite care and pastoral</p> <p>7 support.</p> <p>8 The day before his court appearance, Reverend</p> <p>9 Devanamanikkam took his own life. We will hear evidence</p> <p>10 from Reverend Ineson, who has waived his right to</p> <p>11 anonymity, about his abuse and about the</p> <p>12 Church of England's responses to his disclosures.</p> <p>13 The Reverend Ineson made a number of disclosures to</p> <p>14 individuals within the church from 2012 onwards, but the</p> <p>15 church only made a formal response to his disclosures in</p> <p>16 2016 and is in the process of commissioning an</p> <p>17 independent review into its handling of the disclosures</p> <p>18 made by Reverend Ineson in the past.</p> <p>19 These examples may show that some of the failings</p> <p>20 already identified by this investigation in the Diocese</p> <p>21 of Chichester and in respect of Peter Ball have been</p> <p>22 repeated in different dioceses at different times and</p> <p>23 not just in the distant past. We will be asking whether</p> <p>24 the work done, and being done, by the Church of England</p> <p>25 adequately addresses the failures which these cases</p> <p style="text-align: center;">Page 23</p>	<p>1 illustrate.</p> <p>2 We also want to examine the degree to which there</p> <p>3 has become a sense of complacency, a sense that, because</p> <p>4 there are now policies and practices, these cases</p> <p>5 wouldn't happen.</p> <p>6 The recently published analysis of accounts provided</p> <p>7 to the Truth Project from those who were abused in</p> <p>8 a religious context identify a number of notable</p> <p>9 characteristics that make the experiences of victims and</p> <p>10 survivors of religious abuse different, in certain ways,</p> <p>11 from those abused in other contexts. In particular,</p> <p>12 it's identified that the abuse often took place in the</p> <p>13 context of a family life that was orientated around</p> <p>14 religion and the church. The religious institution</p> <p>15 sometimes permeated their lives. Perpetrators,</p> <p>16 therefore, sometimes had access to all aspects of</p> <p>17 the life of a child, including where they lived and</p> <p>18 their school, as well as the church itself.</p> <p>19 Secondly, the perpetrators of abuse in these cases</p> <p>20 were held in high esteem, not just by their families,</p> <p>21 but by others around them, whether or not they occupied</p> <p>22 official religious offices. They garnered privilege,</p> <p>23 respect and even reverence by the nature of their role.</p> <p>24 They often went on to have long and distinguished</p> <p>25 careers within religious institutions, sometimes despite</p> <p style="text-align: center;">Page 24</p>

<p>1 disclosures having been made against them, as we have 2 just seen.</p> <p>3 Because perpetrators were held in such high esteem, 4 they were able to spend time alone with children without 5 either query or question. Perpetrators sometimes 6 groomed the children by showing them kindness, 7 attention, encouragement, but also by building strong 8 relationships with their families and by individuals 9 around them.</p> <p>10 When abuse was disclosed, those who have provided 11 disclosures to the Truth Project identified that the 12 reputation of the religious community was seen as 13 paramount. Individuals who came forward were sometimes 14 discredited, and the congregation and other members of 15 the community also sought, above all, to protect the 16 church. They sometimes belittled the disclosures or 17 sought to minimise them or disbelieved them.</p> <p>18 Analysis shows that a consequence of the abuse for 19 many participants within the Truth Project has been 20 a lifetime of mental health problems. It has also often 21 caused fractured and disconnected relationships with 22 their parents, other relatives and members of 23 the community where they grew up, which has fed into 24 a cycle of poor emotional health.</p> <p>25 Furthermore, for those brought up or steeped in</p> <p style="text-align: center;">Page 25</p>	<p>1 faith, the loss of it is sometimes a devastating 2 consequence of such abuse. Victims cannot reconcile 3 their religious beliefs with being sexually abused by 4 someone sometimes seen as a representative of God. This 5 has often led to a profound sense of loss which is both 6 impossible to quantify and, indeed, often difficult to 7 articulate.</p> <p>8 Turning now to the Past Cases Review, in 2007 to 9 2009, the Church of England, following a series of 10 high-profile cases and revelations about child sexual 11 abuse within its ranks, determined to undertake what it 12 called a Past Cases Review in an attempt to identify and 13 resolve any safeguarding incidents from the past. The 14 inquiry has already heard evidence during the Diocese of 15 Chichester case study hearings about the significant 16 deficiencies in this review, both in its methodology and 17 in its findings. Subsequent convictions have in fact 18 flowed from information which should have been, but was 19 not, identified during the Past Cases Review process.</p> <p>20 Sir Roger Singleton, who was one of the team who was 21 asked by the church to examine the Past Cases Review in 22 2017, will be giving evidence about his team's review of 23 the information available, both then and more recently, 24 and also to explain the rationale why the church is 25 carrying out what is being called a Past Cases Review -</p> <p style="text-align: center;">Page 26</p>
<p>1 Part 2.</p> <p>2 We will also be asking the Bishop of Horsham, 3 Mark Sowerby, who is involved in the working group on 4 the Past Cases Review - Part 2, to give us some evidence 5 in this regard.</p> <p>6 I now turn to Operation Redstone. The inquiry has 7 received a witness statement from Lincolnshire Police 8 who carried out an extensive police investigation, 9 Operation Redstone, following referrals by the Diocesan 10 Safeguarding Advisor for Lincoln in 2015. As with the 11 Diocese of Chichester, a number of the files examined 12 during the original Past Cases Review did not, at that 13 time, result in referral to the police for criminal 14 investigation, despite disclosing criminal offences. Of 15 the 59 cases referred by the Diocesan Safeguarding 16 Advisor of Lincoln to the police in 2015, 23 have 17 resulted in further police investigations. There have 18 been three convictions, and one individual, who I have 19 already mentioned, the Reverend Devanamanikkam, took his 20 own life prior to trial.</p> <p>21 The convictions to date arising from Operation 22 Redstone are, firstly, the Reverend Stephen Crabtree, 23 who admitted the offending when questioned by the then 24 Bishop of Grimsby in 2001. This was recorded in his 25 personnel file at that time, yet the information was not</p> <p style="text-align: center;">Page 27</p>	<p>1 passed to the police and he continued in active 2 ministry. He was convicted of six counts of indecent 3 assault in March 2016.</p> <p>4 Secondly, the Reverend Stephen Bayley. He was 5 convicted in 2017 of 25 offences of indecent assault, 6 which took place between 1955 and 1982. He received 7 a sentence of six years in prison. Previous bishops had 8 known of allegations made against him, yet he continued 9 to keep his role as the Diocesan Director of Education.</p> <p>10 Lastly, Roy Griffiths. He pleaded guilty to 11 assaults on six former pupils whilst he was the 12 housemaster of Lincoln Cathedral School between 1960 and 13 1971. He was given a custodial sentence of six years 14 and seven months at the age of 82.</p> <p>15 Having introduced some of the background, I will 16 explain a little about each of the themes for the 17 hearing, why they have been chosen and what evidence we 18 have gathered to assist our investigation.</p> <p>19 Firstly, dealing with victims and survivors of abuse 20 within the Church of England. The Church of England has 21 already accepted, in the course of this investigation, 22 that it has failed victims and survivors and has stated 23 that it is acutely aware of its historic failings in 24 this area. Alana Lawrence, the former chair of MACSAS, 25 from whom we heard during the Chichester hearing, wrote</p> <p style="text-align: center;">Page 28</p>

<p>1 to Archbishop Justin Welby in 2014, identifying that                  2 those who have disclosed abuse have been dismissed,                  3 vilified or told to get over it. Jo Kind, also of                  4 MACSAS, has provided us with a witness statement for                  5 this hearing and has told us that complainants, victims                  6 and survivors continue to be met with polite obstinacy                  7 and an unwillingness to either acknowledge the scale of                  8 the problem or the structural inadequacies of                  9 the safeguarding system.</p> <p>10 Witnesses from the Church of England will be giving                  11 evidence about its current policies and practices. The                  12 church commissioned the Social Care Institute for                  13 Excellence, otherwise known as SCIE, to complete a piece                  14 of work published this year about the responses to and                  15 the church's dealings with victims and survivors. We                  16 will hear from Dr Sheila Fish, who authored this work.</p> <p>17 We will also hear about the practices that emerged,                  18 and also the work that Dr Fish identified that the                  19 church needs to undertake; in particular, to own its                  20 mistakes, to provide long-term support, to design                  21 responses so that they are person-centred, and to be                  22 willing to listen to feedback about the service                  23 provided.</p> <p>24 The church, in its own internal audit in July 2018,                  25 recognised that their engagement and dealing with</p> <p style="text-align: center;">Page 29</p>	<p>1 victims and survivors has not been adequate at times.                  2 As a result of the work carried out both internally                  3 within the church and with Dr Sheila Fish, the                  4 Church of England has told the inquiry that they are                  5 going to co-design what is going to be called                  6 a "Survivors Charter" along with victim and survivor                  7 groups, setting out a series of expectations as to what                  8 the church will do when an allegation of child sexual                  9 abuse is received.</p> <p>10 It should also be noted that MACSAS were involved in                  11 the design of the Survivors Survey with SCIE. They are                  12 also being consulted about the development of                  13 a survivor-led strategic framework for church-wide                  14 engagement with survivors and the establishment of what                  15 is being called a survivors reference group. They have,                  16 however, via the witness statement of Jo Kind, told the                  17 inquiry about their concerns over the genesis and                  18 workings of what is called and known by the                  19 Church of England as the Safe Spaces Project, which is                  20 envisaged to provide short-term crisis support to those                  21 who disclose abuse. They have also told the inquiry of                  22 their concerns about whether the church structures for                  23 managing safeguarding can ever be effective if they are                  24 solely internal: we will be asking witnesses from the                  25 Church of England about these issues.</p> <p style="text-align: center;">Page 30</p>
<p>1 We will also be asking what steps are being taken to                  2 improve the church's relationship with victims and                  3 survivors and what services are being put in place. We                  4 will examine how complainants, victims and survivors can                  5 be put at the centre of any responses about and work                  6 concerning child sexual abuse. The work involving                  7 victims and survivors is multifaceted and includes how                  8 the church is managing disclosures of abuse and how it                  9 responds to them; how it then reports such abuse to                  10 appropriate statutory authorities and what investigatory                  11 or disciplinary measures it undertakes; the provision of                  12 support for counselling and therapy; and how it uses the                  13 experience and expertise of victims to help to deliver                  14 future services.</p> <p>15 The Church of England has critics from within its                  16 own ranks about its approach to victims and survivors.                  17 Bishop Alan Wilson, the Suffragan Bishop of Buckingham,                  18 considers that the church's response to complainants,                  19 victims and survivors are not good and that painful                  20 memories need to be acknowledged and owned by the whole                  21 church community. He is coming to give us evidence                  22 tomorrow. He says that simply picking up the phone and                  23 saying, "How can I help?", is often what people want to                  24 hear and often what is missing, in particular from                  25 senior clerics.</p> <p style="text-align: center;">Page 31</p>	<p>1 We will be asking him about what he thinks is                  2 working well and what he thinks needs to change. We                  3 will also be hearing from the lead bishop on                  4 safeguarding, Bishop Peter Hancock; from Graham Tilby,                  5 national safeguarding adviser; from Sir Roger Singleton,                  6 interim safeguarding director of the National                  7 Safeguarding Team; and from John Sentamu, the Archbishop                  8 of York and Justin Welby, the Archbishop of Canterbury.</p> <p>9 Turning now to the question of reparation, there has                  10 been criticism of the approach of the church to those                  11 who seek to use the civil justice system to bring claims                  12 for damages and of the approach taken by insurers in                  13 particular cases. We heard evidence from                  14 Professor Julie Macfarlane at the Diocese of Chichester                  15 hearing, who expressed her concerns about the way that                  16 the process was conducted when she brought a claim. We                  17 have also heard evidence from Phil Johnson, a survivor                  18 of abuse in the Church of England, and Ms Lawrence, the                  19 former chair of MACSAS, as well as other victims and                  20 survivors about their experiences. In the light of                  21 the concerns of Professor Macfarlane, she gave us                  22 evidence that she sought to engage with the                  23 Ecclesiastical Insurance Organisation, which is the body                  24 which provides insurance for the vast majority of                  25 churches, in the light of her concerns to seek to</p> <p style="text-align: center;">Page 32</p>



<p>1 develop a set of principles. These guiding principles                  2 have in fact been issued by the EIO, as I will call it,                  3 in 2016 and revised and reissued in 2018.                  4 The criticism of the approach of the church to                  5 dealing with victims and survivors, as I have already                  6 identified, also lies from within. The Reverend                  7 Philip North, Bishop of Burnley, spoke on Radio 4 only                  8 yesterday of his concerns about the approach of                  9 the church in such claims, identifying that they are                  10 often re-traumatising, and that compensation needed to                  11 be generously and freely given.                  12 This inquiry has an entirely separate investigation                  13 into address and reparations in the civil justice system                  14 as a whole, which we will not try to replicate. The                  15 focus of part of this investigation is about the                  16 approaches involving the Anglican Church and the                  17 Church in Wales. We have a number of witness statements                  18 from the EIO. It insures the vast majority of                  19 Church of England parishes and dioceses, as well as                  20 other Anglican organisations and organisations within                  21 the Church in Wales. The inquiry has received witness                  22 statements from a David Bonehill and a Mr Michael Angell                  23 about the EIO as an organisation and its claims                  24 management process. We will be asking Mr Bonehill, who                  25 is coming to give us evidence tomorrow, about the</p> <p style="text-align: center;">Page 33</p>	<p>1 approach to claims.                  2 There are a number of issues which have been raised                  3 with us by victims and survivors and others that we wish                  4 to explore at this hearing. These include the way that                  5 the EIO has approached cases of child sexual abuse, why                  6 it has adopted its guiding principles, and how it                  7 implements them.                  8 Whether or not the EIO has, on occasions, told the                  9 Church of England not to have direct contact with                  10 complainants, victims and survivors, including the                  11 provision of counselling and other services.                  12 Ian Elliott, who undertake a review into the independent                  13 review of the Church of England, as I have already                  14 mentioned in respect of AN-A4, has provided us with                  15 information that he was informed that the EIO had told                  16 the Church of England not to provide counselling                  17 services to AN-A4 once he had launched a civil claim.                  18 The EIO considers that this was not the position, and                  19 never has been the case.                  20 Next, the way that the Church of England has                  21 approached individuals when they have started a claim                  22 and whether those approaches have been fundamentally                  23 flawed. We have sought evidence from Stephen Slack, the                  24 former head of the Church of England's Legal Office,                  25 about advice he gave in 2007 on whether and when bishops</p> <p style="text-align: center;">Page 34</p>
<p>1 should give apologies to victims and survivors and how                  2 such advice came about. He has told us that the advice                  3 has been taken out of context and was not meant to be                  4 policy for the Church of England and was not meant to                  5 prevent apologies being given in such cases. But he has                  6 recognised that his advice did not reflect the                  7 Compensation Act 2006, which identifies that the giving                  8 of an apology shall not be taken to mean any admission                  9 of liability.                  10 We will also hear about the interrelationship                  11 between the Church of England and the EIO. Some victims                  12 and survivors, as well as clerics, have raised questions                  13 about the approach of the EIO to claims, given their                  14 close interrelationship with the church. The inquiry                  15 has asked for, and received, witness statements from                  16 Rachel Hall, the company secretary from the EIG and the                  17 EIO, and Sir Philip Mawer, who is the chair of                  18 the All Churches Trust.                  19 The EIO is a subsidiary organisation of                  20 the Ecclesiastical Insurance Group and its main trading                  21 arm. It insures the majority of Church of England                  22 properties and organisations but is also well known for                  23 its insurance of heritage properties and schools. It is                  24 regulated by the Financial Conduct Authority and the                  25 prudential regulatory authority to carry out insurance</p> <p style="text-align: center;">Page 35</p>	<p>1 business. It also provides separate investment                  2 management advice. It is unusual because it is                  3 a wholly-owned subsidiary of the All Churches Trust,                  4 which I will call the ATL, which is a charity                  5 established in 1972 seeking to promote the Christian                  6 religion.                  7 Profits, therefore, made by the EIG are given to the                  8 ATL which then gives grants to the Church of England and                  9 other religious organisations. The ATL has ten                  10 trustees, three of whom are senior office holders in the                  11 Church of England. Between 2014 and 2017, EIG gave just                  12 over £100 million to the ATL, and ATL then provided                  13 grants between 2014 and 2017 to various institutions of                  14 some £48 million, the vast majority of which went to the                  15 Church of England. Anywhere between 55 per cent to                  16 82 per cent of the money that the ATL spends annually is                  17 spent on the Church of England. It provides funds to                  18 individual churches, dioceses and cathedrals.                  19 The inquiry asked the ATL what money has been                  20 directly given to fund or develop projects concerning                  21 child sexual abuse since 2014. The evidence they have                  22 given is that they are co-partly funding the Safe Spaces                  23 Project with the sum of £292,000.                  24 The inquiry also asked what guidance the ATL has                  25 provided to the EIO in relation to sexual abuse claims</p> <p style="text-align: center;">Page 36</p>

<p>1 and what steps they have taken to discuss any issues                  2 concerning child sexual abuse within the                  3 Church of England with victims and survivors. ATL says                  4 that it operates as a wholly separate entity to EIG and                  5 to the EIO and that it cannot, for regulatory reasons,                  6 be involved on a day-to-day basis. It does not manage                  7 the operations of either the EIG or the EIO and the                  8 management and settlement of all claims is a matter for                  9 the EIO and the EIO alone. However, it states that it                  10 welcomes the development of the statement of guiding                  11 principles.</p> <p>12 Some survivors have been concerned that an                  13 organisation which ultimately funds the church, and over                  14 which there is a significant clerical presence, does not                  15 act in a way which is consistent with the church's                  16 values and statements in respect of child protection and                  17 safeguarding.</p> <p>18 The church views itself as a place of compassion and                  19 one of love. Survivors, therefore, approaching it are                  20 expecting a response which is other than that which they                  21 themselves would characterise as mechanistic and                  22 process-driven, which is inherent within the context of                  23 insurance claim. The Gradgrindian experience of                  24 bringing a claim in the civil justice system often                  25 leaves them hurt and disappointed.</p> <p style="text-align: center;">Page 37</p>	<p>1 Turning now to recruitment, training and                  2 professional development, in order to create a safe                  3 culture and a safe church, the inquiry wishes to explore                  4 how, and in what ways, the need to understand                  5 safeguarding has been promoted and emphasised during the                  6 process of selection of clergy, during their ordination                  7 and training, and then during the course of their                  8 clerical careers in the Church of England and the                  9 Church in Wales. Given the growth of lay ministry, both                  10 within the Church of England and the Church in Wales, it                  11 also wishes to know how and what training lay                  12 individuals receive in this context.</p> <p>13 We have already received extensive evidence from                  14 Julian Hubbard, Director of Ministry for the                  15 Archbishops' Council, and also Hannah Foster, who was                  16 the Director of Human Resources for the National Church                  17 Institutions of the Church of England. We will also be                  18 hearing oral evidence from Bishop Mark Tanner of                  19 the Church of England on these issues. We also have                  20 evidence from the Church in Wales about their training.</p> <p>21 Bishops themselves recognition the importance of                  22 clerical training. In a recent report about clerical                  23 discipline, bishops made pertinent observations about                  24 what they considered was needed of their clerics. They                  25 say:</p> <p style="text-align: center;">Page 38</p>
<p>1 "For us, this exercise relating to the working of                  2 the CDM, particularly by the bishops, has focused rather                  3 sharply that we need clergy at all levels of                  4 the ministry, from the newly ordained assistant curate                  5 to a senior dean or bishop; clergy who are                  6 psychologically integrated, resilient in the face of                  7 inevitable criticism and conflict that is normal in                  8 contemporary ministry, and who are also emotionally                  9 intelligent, not only to read the sign of the times, but                  10 also able to assess what is going on in a pastoral                  11 encounter. We also need rigorous selection procedures                  12 which screen out people who do not have the potential to                  13 be trained to minister in this way, but also those who                  14 seek to use the privileges of ordained ministry to hold                  15 power over others and, in some instances, sexually to                  16 exploit vulnerable children and adults. We need bishops                  17 who are consistent and firm enough to remove candidates                  18 for discernment or training when concerns in those areas                  19 are raised by relevantly qualified people working on our                  20 behalf."</p> <p>21 They then say:                  22 "It is beyond the scope of our brief to suggest how                  23 these issues may be addressed, but our report would be                  24 incomplete if we did not politely suggest that, as well                  25 as of course supporting those in ministry and having</p> <p style="text-align: center;">Page 39</p>	<p>1 systems that treat them with love and justice, we need                  2 to be more careful in those who are selected for                  3 ordained ministry in the first place."</p> <p>4 Written evidence about the process operating within                  5 theological educational institutions who provide the                  6 first stage, shall we say, of training have been                  7 obtained from Mr Michael Highton of Durham University,                  8 who is responsible for setting and monitoring the                  9 academic standards at all institutions which provide                  10 theological education. This is done under a contract                  11 with the Church of England. Safeguarding courses are                  12 still not part of the current academic curriculum for                  13 those training to be clerics, licensed lay readers or                  14 other forms of lay ministry, and although they are                  15 a requirement of the diocese, they are not a mandatory                  16 requirement set out in the academic nature of any                  17 theological training course and are not the primary                  18 subject matter of any module. We will be hearing oral                  19 evidence from Mr Alistair Oatey, the chief operating                  20 officer of the Cambridge Theological Federation, which                  21 is a large collaboration between a number of colleges                  22 and institutions who teach theology in Cambridge, both                  23 to the Church of England and other Christian                  24 denominations, as well as interfaith institutions. We                  25 will be asking him about the nature of training, vetting</p> <p style="text-align: center;">Page 40</p>

<p>1 and teaching during the years at theological colleges 2 and the issues which have been raised by the bishops. 3 The Church of England has introduced compulsory 4 training for both clerics and lay individuals in late 5 2016. We will hear from Graham Tilby, the national 6 safeguarding adviser, as to how this has been 7 implemented. Figures given to us by the church show 8 that some 69,000 people have completed the basic 9 training, with 68,000 completing what's known as the 10 foundation training, 16,000-odd completing the 11 leadership module, and 1,600 having completed the senior 12 leadership module since 2017. These are impressive 13 numbers for a relatively short period of time, but there 14 are still some 56,000 people, it is estimated, within 15 the church who still need to complete the most basic 16 stage of training. 17 We will also hear about the review undertaken by an 18 independent reviewer, Dr Eleanor Stobart, which 19 identified some simplifications and changes to the 20 training programme, but also identified particular 21 concerns still evident about the response of certain 22 individuals to training. She says that she found, and 23 she was told, that some retired clerics with permission 24 to officiate still found it difficult to engage with 25 safeguarding training and that, at nearly every training</p> <p style="text-align: center;">Page 41</p>	<p>1 session, there were aggressive participants who refused 2 to attend. She also identifies -- and it must be said 3 that this information was from sort of early 2018 rather 4 than now -- that there was still resistance from older 5 volunteers, who had often been in post for many years. 6 They were worried about being subject to a DBS check and 7 also concerned that safeguarding, they didn't think was 8 relevant to their role, for example, on the parochial 9 church council or as a church warden. We want to ask 10 about the nature of the current recruitment and training 11 processes, how they are changing, as we understand they 12 are, and what differences this will make in order to 13 meet the critique identified within the church itself, 14 issues which arise in respect of safeguarding during 15 recruitment and training, and also how individuals are 16 promoted within the church and how much that involves an 17 assessment of someone's ability to manage the issues 18 which arise in respect of safeguarding, not just dealing 19 with disclosures themselves, but the disciplinary and 20 regulatory steps which follow from it. 21 I turn next to the vexed question of vetting and 22 barring. We have received evidence during the previous 23 hearings from Adele Downey, an individual who works for 24 the Disclosure and Barring Service. We have also heard 25 evidence from individuals that they consider the current</p> <p style="text-align: center;">Page 42</p>
<p>1 system of vetting and barring is not necessarily fit for 2 purpose in the context of church-based activities. 3 Just to provide a brief summary of what the current 4 Disclosure and Barring system does, it has four levels 5 of checks -- two of them, known as the enhanced and 6 enhanced certificates with barred list checks are 7 relevant for those who undertake work with children and 8 vulnerable adults. 9 An organisation is only permitted to ask for such 10 enhanced checks to be carried out if either the role or 11 the activity that will be undertaken is set out in the 12 relevant legislation and is therefore considered to be 13 what is known as a regulated activity, which in and of 14 itself could be considered to be a bit of a mouthful. 15 There is no entitlement to an employer or an 16 organiser of a voluntary activity to be able to carry 17 out such a check unless it is regulated activity, even 18 if they have significant concerns about the person. 19 What constitutes regulated activity is therefore 20 crucial. In broad and very imprecise terms, regulated 21 activity includes: any form of teaching, training, 22 instruction and caring for children if that activity is 23 unsupervised or providing guidance on physical, 24 educational or emotional well-being to such children, 25 again, if unsupervised; or work within a limited number</p> <p style="text-align: center;">Page 43</p>	<p>1 of establishments, which includes schools, hospitals, 2 social care establishments, but does not include work 3 done by volunteers who are supervised within those 4 settings. 5 Not only does it have to be work of a particular 6 nature, but there is also a quantity of work which has 7 to take place before it falls into the concept of 8 regulated activity. It either has to be undertaken 9 frequently or on more than three days in any period of 10 30 days. Some individuals and religious organisations 11 have told us that this definition is complex and not 12 easy to work with in practice, particularly in the 13 context of a religious organisation. 14 It should also be noted that there is no definition 15 within the legislation of what is considered to be 16 supervision. This has been the subject of further 17 guidance issued in the last year, both by the 18 Home Office and the Charity Commission, which has 19 published its own guidance about safeguarding in 20 a charitable context. 21 As I have already identified, this definition of 22 regulated activity doesn't fit comfortably with the way 23 that many churches operate their religious or social 24 activities. Clerics, for example, who minister largely 25 to elderly parishes, may come into contact with children</p> <p style="text-align: center;">Page 44</p>

<p>1 infrequently, but when they do so, they will be people                  2 with significant pastoral or spiritual authority over                  3 them.                  4 The inquiry asked both the Department for Education                  5 and the Home Office about the concerns expressed in                  6 various quarters and for their own views on the current                  7 definition of "regulated activity". Mrs Susan Young                  8 from the Home Office has given us evidence -- the                  9 Home Office being the government department which has                  10 policy responsibility for vetting and barring -- and has                  11 identified that the policy rationale behind the scheme,                  12 which was to "scale it back to commonsense levels" so                  13 that it removed some roles from regulated activity, such                  14 as supervised volunteers and school governors, and that                  15 regulated activity should include only activities which                  16 provide "the highest levels of risk". The Home Office                  17 says that regulated activity does not include groups                  18 that have minimal or limited access to vulnerable                  19 children or adults.                  20 I give four examples of people who may not be                  21 subject to an enhanced check under the current scheme                  22 but may be in a position of considerable authority. For                  23 example, bishops who perform confirmations; for example,                  24 the late Bishop Ball did this frequently, even after his                  25 caution for sexual offending. Clerical visitors to</p> <p style="text-align: center;">Page 45</p>	<p>1 schools who do not visit every week. Clerics who only                  2 see children when supervised by the children's parents.                  3 Adults singing with children if they are supervised by                  4 an adult who does have a DBS check. Individuals working                  5 with children in cathedrals if they are supervised, for                  6 example, organists, choirmasters, other members of                  7 the cathedral community. I turn again to the example of                  8 Terence Banks, an individual who held an office, but not                  9 a church office, within Chichester Cathedral, but who                  10 would not necessarily have come under the definition of                  11 regulated activity as it is currently defined.                  12 I turn next to the issue of capability and                  13 discipline. At the last hearing, we heard evidence from                  14 a Mr Tilby, a Colin Perkins, who is the Diocesan                  15 Safeguarding Advisor from Chichester,                  16 Bishop Peter Hancock, Bishop Martin Warner, the Diocesan                  17 Bishop of Chichester, and the Archbishop of Canterbury                  18 about how the Church of England manages and deals with                  19 clerics and other office holders if it considers that                  20 their approaches to child protection have been wrong in                  21 some way, either by way of ignorance, wilful blindness                  22 or active coverup.                  23 As was explored at the previous hearings, the church                  24 did not have, until recently, any kind of formal                  25 capability process for situations where individuals</p> <p style="text-align: center;">Page 46</p>
<p>1 could be the subject not of censure, but of advice and                  2 additional supervision if they have demonstrated a lack                  3 of understanding of such. Neither did a diocese.                  4 We will hear about the concept of reviewing and                  5 providing formal assistance and support to dioceses                  6 where improvements are required.                  7 We also recognise that being a parish priest or                  8 performing any clerical role is often not easy, and to                  9 struggle with it is neither surprising nor unexpected.                  10 Not everyone will be as careful or able to manage                  11 safeguarding as others. We want to know what support                  12 and advice the church has put or will put in place.                  13 Just as that is the case for the parish priest, the                  14 same must be true of more senior clerics, including                  15 bishops. They have demanding commitments in a number of                  16 directions and will often have been trained and                  17 recruited in an era where safeguarding was, at the very                  18 best, a peripheral issue.                  19 Turning from support to discipline, I deal now                  20 briefly with the Clergy Discipline Measure. The                  21 Church of England's previous approach to disciplining                  22 clerics when there were concerns about safeguarding in                  23 the past has been the subject of previous examinations                  24 and, furthermore, the Chichester Commissary's report,                  25 along with other concerns, led to significant changes by</p> <p style="text-align: center;">Page 47</p>	<p>1 way of legislation within the Church of England itself                  2 in 2016. This affects all those who hold office within                  3 the church and, firstly, enabled suspension of both                  4 a bishop or an archbishop in cases where there is a risk                  5 of harm to a child or a vulnerable adult; secondly,                  6 extended the timeframe for bringing complaints about the                  7 management of allegations concerning child sexual abuse                  8 so that they can be considered more than 12 months after                  9 the act complained about; and, thirdly, permitted                  10 compulsory risk assessments of clerics and other office                  11 holders where a risk of harm existed.                  12 There have been two recent, very high profile,                  13 within the context of the church, exercises of this                  14 power by the Church of England.                  15 In May 2019, the Bishop of Lincoln,                  16 Christopher Lowson, who in fact was part of the review                  17 into the views of bishops about the Clergy Discipline                  18 Measure, which I have just quoted, was suspended from                  19 his duties by the Archbishop of Canterbury due to                  20 alleged failures in respect of safeguarding. The                  21 precise details of such failures are not in the public                  22 domain and relate to Operation Redstone, which does not                  23 form a central part of this hearing. I must be clear                  24 and identify that there is no allegation that the bishop                  25 himself was involved in any child sexual abuse or</p> <p style="text-align: center;">Page 48</p>

<p>1 safeguarding concerns.</p> <p>2 The second high-profile exercise of this power was</p> <p>3 made in April this year when Sir Roger Singleton, the</p> <p>4 Interim National Director of Safeguarding, made</p> <p>5 a complaint under the Clergy Discipline Measure, or CDM</p> <p>6 as it is often known, about Bishop Peter Forster, the</p> <p>7 Bishop of Chester. We understand that this concerns</p> <p>8 either action or inaction taken in respect of</p> <p>9 the Reverend Gordon Dickenson, a cleric convicted of</p> <p>10 sexual offending in 2018, but against whom some</p> <p>11 information about this offending may have been known in</p> <p>12 2009. We will also be asking the church about the</p> <p>13 clerical complaints made by the Reverend Ineson in</p> <p>14 respect of a number of senior individuals.</p> <p>15 Online commentators have raised concerns as to</p> <p>16 whether or not the 2016 changes have been used</p> <p>17 appropriately, especially if there are no allegations of</p> <p>18 child sexual abuse themselves or safeguarding concerns,</p> <p>19 the issue being about what was done or not done about</p> <p>20 others.</p> <p>21 I would also identify that the Tim Storey case</p> <p>22 demonstrates the limits of CDM. As I identified, it was</p> <p>23 seen to be disproportionate and not to provide the</p> <p>24 outcome which the survivors would wish, given that</p> <p>25 survivors wanted to challenge the conclusions reached</p> <p style="text-align: center;">Page 49</p>	<p>1 within the independent review.</p> <p>2 We want to examine whether CDM is fit for purpose in</p> <p>3 dealing with complaints about child protection and</p> <p>4 safeguarding, even after the changes I have just</p> <p>5 identified. The church has recognised that this may be</p> <p>6 the case and therefore has undertaken three recent</p> <p>7 consultations which we will ask about: a consultation on</p> <p>8 the workings of CDM to all diocesan bishops;</p> <p>9 a consultation by the National Safeguarding Team about</p> <p>10 the efficacy of the CDM process; and a consultation with</p> <p>11 lawyers operating in dioceses known as diocesan</p> <p>12 registrars who handle such complaints about the issues</p> <p>13 of delay.</p> <p>14 We want to hear about the possible proposals which</p> <p>15 are being put forward to further amend CDM and how they</p> <p>16 are going to be taken forward. In particular, we want</p> <p>17 to know how effective CDM is as a process for risk</p> <p>18 management for current concerns and if, in fact,</p> <p>19 a different sort of process needs to be devised.</p> <p>20 Secondly, if the process currently builds in</p> <p>21 adequate processes to meet the needs of complainants,</p> <p>22 and also those who are the subject of complaints.</p> <p>23 And, lastly, if staff who undertake work involving</p> <p>24 CDM have suitable experience in managing the needs of</p> <p>25 vulnerable individuals.</p> <p style="text-align: center;">Page 50</p>
<p>1 The church recognises, at least in part, that CDM is</p> <p>2 not a means of protecting against risk in a safeguarding</p> <p>3 context, and is not necessarily an appropriate vehicle</p> <p>4 for those who do not manage safeguarding well, but whose</p> <p>5 conduct would not meet the test for the bringing of</p> <p>6 disciplinary proceedings. It also recognises that the</p> <p>7 capability procedure introduced for certain members of</p> <p>8 the clergy who have a status known as "common tenure",</p> <p>9 which has only been in place since 2011 and which</p> <p>10 provides some of measure of quasi employee rights and</p> <p>11 responsibilities, is also seen by the church not to be</p> <p>12 an appropriate mechanism and unlikely to be of</p> <p>13 assistance.</p> <p>14 At this point, chair and panel, I recognise that we</p> <p>15 have been going for an hour and a quarter, and I would</p> <p>16 ask, chair, with your permission, if we could have</p> <p>17 a short break?</p> <p>18 THE CHAIR: Yes. We will return at 11.35 am.</p> <p>19 MS SCOLDING: Thank you very much.</p> <p>20 (11.20 am)</p> <p>21 (A short break)</p> <p>22 (11.40 am)</p> <p>23 MS SCOLDING: I now pass over to permission to officiate,</p> <p>24 about which I have already spoken. We have already</p> <p>25 heard a great deal about this, both within the</p> <p style="text-align: center;">Page 51</p>	<p>1 Chichester and also at the Peter Ball hearings. To</p> <p>2 remind those who are unfamiliar with the terminology,</p> <p>3 this is a licence granted by the local diocesan bishop</p> <p>4 to where somebody lives to those who are not in</p> <p>5 full-time ministry but still wish to be able to take</p> <p>6 clerical services. It is largely given to clerics who</p> <p>7 are retired and who are, frankly, essential to keep the</p> <p>8 Church of England running, particularly if clerics are</p> <p>9 on sabbatical, are unwell or are responsible for several</p> <p>10 parishes.</p> <p>11 There are often between 400 and 500 individuals in</p> <p>12 every diocese with permission to officiate. We know its</p> <p>13 grant has been problematic in the past, with abusers</p> <p>14 being allowed to officiate, despite known concerns, and</p> <p>15 also inadequate records being kept of who has it and who</p> <p>16 does not and what the conditions should or shouldn't be.</p> <p>17 We want to hear about how the system works now, how</p> <p>18 it is monitored and enforced by the dioceses or any</p> <p>19 national church institutions and any proposals for</p> <p>20 change.</p> <p>21 As I have mentioned earlier, concerns have been</p> <p>22 fairly recently expressed about the attitude and</p> <p>23 approach of some retired clergy to training and</p> <p>24 safeguarding and the feeling it is not relevant for</p> <p>25 them.</p> <p style="text-align: center;">Page 52</p>

<p>1 I now turn to the seal of the confessional.                  2 Although described by Bishop John Hind during the course                  3 of the Chichester hearings as a "minority practice", the                  4 issue of whether or not the seal of the confessional                  5 should or ought to be set aside, if information is                  6 provided during such about child sexual abuse, is one of                  7 totemic significance, both in the Church of England but                  8 also in the worldwide Anglican Communion and in respect                  9 of other religious traditions.                  10 We will be asking Dr Canon Rupert Bursell QC,                  11 a distinguished criminal and canon lawyer and senior                  12 judge, about the seal of the confessional in order to                  13 explore his view that it can, and should, be set aside                  14 in certain situations. We will also be asking Bishop                  15 Mark Sowerby, the Suffragan Bishop of Horsham, who was                  16 a member of the working group which has just published                  17 a work on this subject, to give evidence about, firstly,                  18 what steps need to be taken to clarify and provide                  19 guidance to members of the clergy about what the seal of                  20 the confessional is and why it should be used, the                  21 recent working group identifying that there was much                  22 confusion and misunderstanding, even amongst clerics,                  23 about what it is and when it should operate; and why the                  24 working party does not have a unanimous view and in fact                  25 indicated they could not agree about whether or not the</p> <p style="text-align: center;">Page 53</p>	<p>1 seal of the confessional should or could be set aside in                  2 cases of child sexual abuse. We are particularly                  3 interested in why the position in England and Wales is                  4 different from that in Australia, where the                  5 Anglican Church has made such changes and introduced                  6 changes to its internal legislation.                  7 We are also interested in discussing the question of                  8 whether or not there should be compulsory reporting.                  9 Now, the issue of mandatory reporting spans across all                  10 investigations and a seminar has been held this year                  11 about such. In the context of this investigation,                  12 evidence has been sought both by the Charity Commission                  13 and the Department of Education about their views and                  14 approaches towards mandatory reporting in this sector,                  15 something which very many victims and survivors                  16 considered is required. The Department for Education,                  17 as is well known, held a consultation on this subject                  18 between 2016 and 2018, the results of which did not                  19 recommend its introduction. The Charity Commission in                  20 the witness evidence it has given to this investigation                  21 raises concerns that the compulsory reporting of                  22 safeguarding suspicions or allegations could lead to                  23 additional administration and would possibly lead to an                  24 increase in referrals which would divert attention from                  25 the most serious cases. It considers that it would not</p> <p style="text-align: center;">Page 54</p>
<p>1 improve the judgment of trustees, professionals or                  2 practitioners in respect of safeguarding. The                  3 Charity Commission does, however, identify and agree and                  4 would be supportive of a new offence of deliberately                  5 concealing abuse, something which both the NSPCC and the                  6 Children's Commissioner have identified as a potential                  7 new criminal offence.                  8 I turn next to cultural change. Cultural attitudes                  9 within the Church of England towards both child                  10 protection and safeguarding have, in the past, been                  11 a significant barrier to change. This inquiry has                  12 identified examples, both within this opening and within                  13 the previous hearings, of incidents, even very recent,                  14 where people were ostracised from a parish when they                  15 disclosed serious sexual abuse and many individuals                  16 still continuing to refuse to believe that their vicar                  17 could be responsible for such actions. We have in fact                  18 received from Colin Perkins an article which he has                  19 written this year, along with others, about the fact                  20 that those within religious communities are less likely                  21 to believe that those in positions of power and                  22 responsibility have committed abusive behaviour.                  23 We have also heard examples of people refusing to                  24 undergo DBS checks because they felt it put them under                  25 suspicion or of a refusal to undertake the relevant</p> <p style="text-align: center;">Page 55</p>	<p>1 training. The Church of England's evidence has                  2 recognised cultural change as a central issue. As                  3 Sir Roger Singleton has told us in evidence last year,                  4 he considers that, without doubt, the most important and                  5 significant current issue within the church is the need                  6 to do further work on cultural change. As he and other                  7 senior members of the church have identified, cultural                  8 change involves having a whole church approach to                  9 safeguarding and it involves actions as well as words.                  10 This hearing is, in part, a chance to scrutinise                  11 whether the words spoken in March 2018 have been                  12 translated into action. As we heard repeatedly                  13 previously, the church is a decentralised body with                  14 diverse sources of informal power but no formal systems                  15 of accountability and control. How is it possible to                  16 make effective change in this context?                  17 I return again to the independent review of                  18 Dr Eleanor Stobart, where she spoke to both                  19 parishioners, diocesan advisers and clerics. They told                  20 her that, despite all this improvement -- and there is                  21 a unanimous view that there has been a significant                  22 improvement in respect of safeguarding from those                  23 individuals over the past few years -- those                  24 participating considered it would take many years, if                  25 not decades, to change the culture of the church. They</p> <p style="text-align: center;">Page 56</p>

<p>1 said to her it will take quite some time to turn around 2 this particular ship. 3 We want to hear both from Sir Roger and from other 4 senior members of the church and the National 5 Safeguarding Team about cultural change, along with 6 Mrs Meg Munn, the new Independent Chair of 7 the Safeguarding Panel, about her initial thoughts and 8 about how such change can be effected. 9 This inquiry has already heard evidence that 10 cultural and historic views about sexuality and sexual 11 orientation could have hampered effective action being 12 taken. We heard evidence from senior clerics, including 13 Lord Williams, the former Archbishop of Canterbury, 14 about the need for open, honest and transparent dialogue 15 about these issues. Bishop Christine Hardman, who leads 16 the oversight group on behalf of the Church of England, 17 tasked with providing individual advice and a set of 18 principles and teaching guides, provides us with 19 evidence about the long discussion within the church 20 about sexual orientation and same-sex relationships, 21 which are, as she characterises them, "difficult and 22 divisive" for the church in a way that they are not in 23 other sections of civil society. Bishop Hardman 24 recognises that some of those who held strong views on 25 certain issues, including that of same-sex</p> <p style="text-align: center;">Page 57</p>	<p>1 relationships, have tended to band together, leading to 2 groups based upon close personal ties, and that some 3 clerics and others within the church have not felt able 4 to openly acknowledge their sexuality, which has 5 impacted upon the extent to which a culture of openness 6 and transparency has been able to develop. 7 In 2017, a debate in synod about alterations to the 8 current guidance of the church in respect of same-sex 9 relationships and the proposal of the House of Bishops 10 to welcome gay and lesbian people within the church and 11 to provide updated guidance and teaching to replace 12 those that were currently in existence was narrowly 13 defeated. This investigation understands that this was 14 largely by those who wanted to see the church undertake 15 a more radical approach to the blessing of same sex 16 partnerships by recognising it or permitting it within 17 the church itself. 18 As a result of this defeat, the church has sought to 19 establish an oversight group to advise dioceses in 20 respect of their approach to human sexuality and to 21 provide relevant teaching documents. Pastoral 22 principles were published in January 2019 which seek to 23 "see difference as a gift rather than a problem", 24 principles that build trust and model generosity. Part 25 of those principles requires the church to recognise</p> <p style="text-align: center;">Page 58</p>
<p>1 that inequalities of power have led to abuses in the 2 past. All those who hold and exercise pastoral care are 3 asked within these principles to reflect continuously on 4 the power that they hold and note that they: 5 "... need to learn to become more aware of our own 6 power, and our vulnerability to the perceived power of 7 others and to notice and call out when power is 8 exercised inappropriately." 9 This inquiry understands that the oversight group is 10 also developing a set of resources, which will include 11 exploration of the power dynamics which can influence 12 the church's polity and how sexual behaviour can become 13 destructive and cause profound harm. 14 In the most recent safeguarding training document, 15 again, Dr Stobart identified that a number of 16 individuals talked about the need for more women in 17 senior roles within the church in order to create what 18 they described as a more balanced atmosphere and to 19 create greater inclusivity. 20 Again, mention has been made of the need to change 21 what is sometimes perceived as the old boys' club. 22 I turn now to cathedrals. As has been explored in 23 the report published by this inquiry already in this 24 area, an area of concern has been the effectiveness of 25 safeguarding by the Church of England in respect of</p> <p style="text-align: center;">Page 59</p>	<p>1 cathedrals. They are separate and distinct 2 organisational structures and very often they were not 3 obliged to be part of the diocesan safeguarding 4 practices and processes. We will be hearing evidence 5 from Graham Tilby about changes which are being made. 6 Some of the concerns this inquiry has expressed 7 about the rather self-contained structures of cathedrals 8 to date arise because they are often places where 9 children will visit in groups and which often have 10 a particular importance in the city in which they are 11 situated as places of history, learning or as focal 12 points of community activities. They are also places 13 where children sing, often on a daily basis, as part of 14 a choir. It should be identified that the EIO has 15 stated that 24 claims presented to them have involved 16 a choir school. 17 To assist this inquiry as to the picture more 18 generally, we have sought evidence about the practices 19 in some cathedrals. We have received evidence from the 20 Chair of the Choir Schools Association who has 21 identified to us the need for consistency of approach in 22 safeguarding between cathedrals and schools and has 23 identified that this has not always been the case. He 24 also identifies the need for there to be clear lines of 25 accountability for who is responsible for the children</p> <p style="text-align: center;">Page 60</p>

<p>1 at choir schools and within the cathedral at any one                  2 time and identifies the distinction between the panoply                  3 of regulation which applies to schools and the absence                  4 of regulation which applies to cathedrals, at least                  5 until very recently.                  6 The Choir Schools Association also highlights the                  7 issue which I have already raised about who should be                  8 subject to relevant checking and barring and, in                  9 particular, if adult choristers who sing with children                  10 are said to be undertaking regulated activity, an issue                  11 I have touched on previously in this opening.                  12 The inquiry has also received evidence from the                  13 Diocesan Safeguarding Advisor in the Diocese of Bath and                  14 Wells and the cathedral administrator of Wells                  15 Cathedral, the cathedral of the current lead bishop on                  16 safeguarding, Peter Hancock. They provide evidence                  17 about the protocols and practices they currently put in                  18 place.                  19 SCIE, as I mentioned earlier, has begun to audit the                  20 work of cathedrals. It's identified that in fact the                  21 work undertaken in respect of choral foundations and                  22 choristers is much further advanced and established than                  23 other sorts of safeguarding arrangements, with evidence                  24 of good practice seen in the audits undertaken to date.                  25 This inquiry has obtained evidence from</p> <p style="text-align: center;">Page 61</p>	<p>1 Stephen Lake, the Dean of Gloucester Cathedral, who is                  2 currently the Lead Dean, the dean being the chief pastor                  3 within a cathedral, who sits on the National                  4 Safeguarding Steering Group and is the key point of                  5 contact for cathedrals on safeguarding issues.                  6 A Safeguarding Working Group was set up by the                  7 church in 2017 and reported in respect of 2018. It                  8 reported amongst a number of issues involving the                  9 governance and structure of cathedrals, including                  10 safeguarding, and identified that the nature of                  11 cathedrals and the range of activities they undertook                  12 meant they were places which were open to all and so                  13 subject to especially complex issues in respect of                  14 safeguarding. They identified that safeguarding should                  15 not be left to chance or voluntary compliance and                  16 identified the following issues.                  17 Firstly, there was no uniform approach to                  18 safeguarding across all cathedrals. Cathedrals weren't                  19 able to access the specialist expertise available in                  20 dioceses and sometimes didn't have the money or the                  21 people to try and get such expertise and there was often                  22 not a joint approach between the dioceses and the                  23 cathedral. The church has taken steps, using the                  24 safeguarding measure I mentioned earlier, which                  25 identified that all the clerical office holders have to,</p> <p style="text-align: center;">Page 62</p>
<p>1 at the moment, have due regard to the House of Bishops'                  2 safeguarding guidance, in the same way as applies if                  3 they were to work for a diocese.                  4 We will also hear evidence from Dr Sheila Fish, who                  5 I have mentioned earlier, the head of safeguarding case                  6 review and audit work at SCIE. She and Dean Lake set                  7 out information in their evidence about the cathedral                  8 auditing programme undertaken by the organisation.                  9 Dr Fish identifies three challenges which have                  10 emerged to date. Firstly, the lack of independent                  11 oversight of safeguarding management in a cathedral;                  12 secondly, the fact that key safeguarding roles are often                  13 run by volunteers with limits on the expectations that                  14 can therefore be imposed upon them; and, lastly, that                  15 cathedrals are places and not networks, which therefore                  16 mean they have more engagement with vulnerable adults,                  17 those who may have mental health and other problems, and                  18 the boundary, therefore, between pastoral care and                  19 safeguarding is difficult to navigate.                  20 The inquiry understands that this auditing process                  21 will be completed in 2021.                  22 I turn now to allegations made when a perpetrator is                  23 deceased. This inquiry has already heard evidence about                  24 the case of Bishop George Bell and the report of                  25 Alex Carlile which was critical of some of the processes</p> <p style="text-align: center;">Page 63</p>	<p>1 and the conclusions reached by the church in that case.                  2 Lord Carlile has provided us with a witness statement in                  3 which he responds to some of the issues raised in oral                  4 evidence during the course of the Chichester hearings by                  5 Mr Perkins and Mr Tilby, and in particular gives us                  6 evidence about the conclusions he reached about the use                  7 of confidentiality clauses in cases involving child                  8 sexual abuse; the need to seek advice from a senior                  9 criminal lawyer when investigating allegations; and the                  10 discretion required when issuing statements.                  11 As I have said before, this inquiry is not                  12 determining the truth or otherwise of these allegations.                  13 What it can do, however, is to examine the processes                  14 which are put in place when allegations are made against                  15 those who are deceased and to identify how one strikes                  16 a balance between appropriate redress for the                  17 complainant as against the complexities of making                  18 assessments when one party is no longer able to speak                  19 for themselves. This issue is particularly acute in                  20 matters involving sexual offending as there are often no                  21 witnesses to such events, there is often no physical                  22 material available and, as the claims brought to the EIO                  23 show, and other research demonstrates, over 90 per cent                  24 of all claims are brought more than 20 years after the                  25 abuse has taken place.</p> <p style="text-align: center;">Page 64</p>



<p>1 This may change in the future, but the deep sense of 2 shame and guilt, of course misplaced, which a number of 3 survivors feel often prevents them from speaking out 4 until they are much older.</p> <p>5 The Church of England has, we understand, since the 6 last hearing, dealt with further allegations which were 7 made against Bishop George Bell. This inquiry has 8 received evidence both from Mr Tilby and also from 9 Mr Perkins about the second core group process, as it is 10 known, and how it's been amended in the light of 11 the issues raise by the Carlile Review. The church has 12 also dealt with a number of allegations made by 13 individuals against the Bishop of Chester, as I have 14 already mentioned, the then Bishop of Chester, 15 Victor Whitsey.</p> <p>16 As I have identified, Chester Police, in a police 17 investigation called Operation Coverage, identified 18 that, had Bishop Whitsey been alive, they would have 19 interviewed him in respect of 10 out of the 13 20 complaints, the other three complainants not having 21 provided sufficient evidence. Allegations were made by 22 eight women and five men of sexual assault or sexual 23 impropriety during the period 1974 to 1982.</p> <p>24 In respect of the investigation of deceased alleged 25 perpetrators more widely, the National Police Chiefs</p> <p style="text-align: center;">Page 65</p>	<p>1 council, under the auspices of Operation Hydrant, has, 2 in consultation with the College of Policing, provided 3 specific advice about investigating suspects who are 4 deceased, providing guidance to the senior investigating 5 officer as to the steps to be taken in such 6 circumstances. In particular, the guidance notes that, 7 as the process cannot lead to conviction, the focus is 8 upon examining any potential safeguarding risks, the 9 public interest and, when determining whether or not to 10 carry out an investigation, one has to look both at the 11 nature of the offences and whether specialist resources 12 to investigate such are available. The focus, 13 furthermore, in such police investigations is not upon 14 determining the truth or otherwise of the allegations, 15 but to establish facts and, if possible, to identify the 16 potential offenders and to prevent further safeguarding 17 breaches.</p> <p>18 We understand the church is in the process of 19 developing its own internal guidance about how it 20 manages such claims. In this hearing, the inquiry 21 intends to explore how the church is managing such 22 allegations; is the current process adequate; what 23 factors have to be balanced; how this interrelates with 24 remedies sought under the civil justice system; and 25 publicity and confidentiality in the context of these</p> <p style="text-align: center;">Page 66</p>
<p>1 allegations.</p> <p>2 We have received very comprehensive evidence from 3 the Church of England about its current and future work, 4 and it has been identified that there has been 5 a plethora of actions and activity undertaken. What the 6 inquiry wishes to probe is whether that activity has 7 borne fruit or changed underlying attitudes, or whether 8 it is full of sound and fury, signifying nothing.</p> <p>9 Just to provide a picture, Mr Tilby, within his 10 extensive witness statement, has identified that, as of 11 2018, 90 per cent of all parishes have parish 12 safeguarding officers; 38 out of 42 dioceses have 13 Diocesan Safeguarding Advisory Panels, which include 14 sufficient independent representation; 33 dioceses out 15 of 42 have formal safeguarding arrangements in place 16 with their cathedral; 41 out of 42 dioceses employ their 17 own safeguarding advisors; all dioceses now have 18 a safeguarding strategy in place; all diocesan synods 19 have adopted the guidance on safeguarding; and 39 20 dioceses monitor safeguarding in parishes.</p> <p>21 In 2017, the Church of England carried out 47 22 learning lessons reviews.</p> <p>23 In respect of finances in the Church of England, it 24 identifies that funding by the Archbishops' Council has 25 increased from £168,000 in 2014 to £1.963 million in</p> <p style="text-align: center;">Page 67</p>	<p>1 2017. The combined funding by the Diocesan Boards of 2 Finance has altered from £895,000 in 2014 in respect of 3 all 42 dioceses to £5.9 million in 2018.</p> <p>4 In particular, in respect of current and future 5 steps, we will be looking at the structures for managing 6 safeguarding, which is allied to how and if there needs 7 to be some form of independence built into the 8 safeguarding service and what that would look like.</p> <p>9 Secondly, the possible creation of an Ombudsperson 10 scheme and what that is meant to be doing. Next, the 11 priorities for the church over the next two to three 12 years. Then casework and record keeping, in particular, 13 how far the church has got with developing a national 14 case management database. Then the creation of a single 15 register of all clergy on a national basis, the creation 16 of senior leadership courses and training, what 17 engagement there is with statutory agencies, and 18 long-term budgeting and financing of safeguarding.</p> <p>19 We will also look at casework on the ground. As 20 part of this hearing, the inquiry identified four 21 dioceses in England and six dioceses in Wales and asked 22 those dioceses to provide a list of all safeguarding 23 casework undertaken by the relevant Diocesan 24 Safeguarding Advisor between April 2017 and April 2018. 25 The English dioceses are London, York, Sheffield and</p> <p style="text-align: center;">Page 68</p>

<p>1 Worcester, and in respect of Wales we asked for samples                  2 from all the dioceses, which are Bangor, Monmouth,                  3 St David's, Llandaff, St Asaph and Swansea &amp; Brecon.                  4 The inquiry then selected a small number of cases                  5 from each diocese which appeared to reflect the                  6 different issues which arose. These include the putting                  7 in place of risk assessments and safeguarding agreements                  8 with known sex offenders within parishes; managing                  9 allegations made about parishioners and/or others of                  10 potential sexual misconduct; and management and dealing                  11 with police, probation and Social Services. The inquiry                  12 instructed Ms Edina Carmi, an independent social worker,                  13 to review these cases and provide her expert opinion                  14 about whether or not the diocesan practices were in line                  15 both with its own internal guidelines and with social                  16 work and safeguarding practice more generally.                  17 She has produced an extensive report and will be                  18 giving evidence, as will some of the individuals                  19 involved in particular sampling cases.                  20 Interestingly, the Charity Commission has told the                  21 inquiry that it has not received any serious incident                  22 reports since 2007 for the Dioceses of London, York,                  23 Sheffield or Worcester. The Commission has told us,                  24 however, that it has recently worked with the                  25 Church of England to provide new guidance for those</p> <p style="text-align: center;">Page 69</p>	<p>1 bodies who are meant to undertake such reports, such as                  2 parochial church councils or Diocesan Boards of Finance                  3 and religious communities to encourage them to undertake                  4 such reporting, this new guidance having been issued                  5 in January 2019.                  6 The SCIE audits which have now been undertaken on                  7 all English dioceses finalised its work and produced                  8 a final overview report in April 2019 to which Ms Carmi,                  9 who had undertaken some of the audits for the dioceses,                  10 contributed. The report identified what it describes as                  11 a major improvement in the provision of resources,                  12 policies and training by the church and notes that the                  13 overhaul in particular of all national policies had been                  14 a significant achievement. However, SCIE still has                  15 concerns that the ultimate responsibility for                  16 safeguarding lies with the diocesan bishop and not                  17 a safeguarding professional.                  18 It also raises concerns, something which this                  19 investigation itself has also raised, about the fact                  20 that the current guidance doesn't differentiate between                  21 what's good practice and what's obligatory and uses                  22 a term "due regard" which is little understood.                  23 Having considered the 16 sample cases, Ms Carmi                  24 concluded the exercise does, in her mind, question                  25 whether the current system or even the suggestion in the</p> <p style="text-align: center;">Page 70</p>
<p>1 SCIE overview report of a National Safeguarding Service                  2 is capable of resolving the underlying obstacles in                  3 providing a safer church. This would need the                  4 safeguarding service able to make decisions, as opposed                  5 to recommendations to clergy, senior clergy to have                  6 managerial relationships with incumbents and                  7 a disciplinary process better able to deal with clergy                  8 who in effect place obstacles in the delivery of a safer                  9 service and the culture which uses the processes in such                  10 cases.                  11 Having dealt in some detail with the                  12 Church of England, I now turn to the Church in Wales.                  13 The Church in Wales has a significant, separate and                  14 distinct form of organisation. We will be hearing                  15 evidence this week from the current Archbishop of Wales,                  16 the most Reverend John Davies, and also from                  17 Simon Lloyd, the Provincial Secretary to the Church, who                  18 is, to coin a term, the chief administrator for the                  19 organisation and oversees the administration of                  20 the legislative bodies which make decisions on behalf of                  21 the Church in Wales.                  22 At this point, I will spend a few moments explaining                  23 the church and its structure on a very simple basis, and                  24 which I am certain some of which will be overly                  25 simplistic and possibly wrong.</p> <p style="text-align: center;">Page 71</p>	<p>1 The witness statements of Archbishop Davies and                  2 Simon Lloyd set this information out in more detail and                  3 I cannot do justice to them in this opening speech.                  4 What is important is the Church in Wales is not an                  5 established church. It is not under the control of, or                  6 part of, the Church of England and has not been since                  7 1920. It is, however, a province of the worldwide                  8 Anglican Communion with its own constitution and systems                  9 of governance and administration which are distinct from                  10 and separate to those of the Church of England.                  11 The Church in Wales has average Sunday attendance in                  12 2017, the latest figures which were available, of around                  13 27,500 worshippers. It has just under 600 clerics, most                  14 of whom are paid for their services. There are 146                  15 Church in Wales schools, over 95 per cent of which are                  16 in the primary sector. They make up a significantly                  17 smaller number of schools per head of the population                  18 than in England, only educating around 6 per cent of                  19 the Welsh school population.                  20 The church owns school buildings and has a right to                  21 appoint some governors to the governing body, but                  22 otherwise has little to do with the day-to-day running                  23 of the school.                  24 There is no oversight of safeguarding within                  25 Church in Wales schools by the diocese, nor is there</p> <p style="text-align: center;">Page 72</p>

<p>1 a requirement for the school to inform a diocese if                  2 a safeguarding incident takes place. There is, however,                  3 an overall Director of Education within the                  4 Church in Wales as well as diocesan directors of                  5 education in each diocese who liaise with the relevant                  6 schools where appropriate.</p> <p>7 As I have already mentioned, there are six dioceses                  8 in Wales. These all have a diocesan bishop and their                  9 own board of finance and administration and are run by                  10 a diocesan secretary, who is, I believe, the nearest                  11 equivalent to what could be called a chief operating                  12 officer.</p> <p>13 Bishops have particular responsibility for issues of                  14 faith and ministry, ie, how worship is to be conducted                  15 and how Christianity is to be taught and spread to those                  16 who live in the area. Collectively, they are known as                  17 the "bench" of bishops and meet four to six times a year                  18 to discuss a wide range of matters.</p> <p>19 From one of the diocesan bishops, an Archbishop of                  20 Wales is elected. Like in England, the archbishop has                  21 no control or jurisdiction over other diocesan bishops                  22 but is considered to be first amongst equals. He                  23 continues his role as diocesan bishop whilst undertaking                  24 his role as archbishop.</p> <p>25 As well as six dioceses, there are six cathedrals,</p> <p style="text-align: center;">Page 73</p>	<p>1 all of whom have a dean, who is the chief cleric of                  2 the cathedral. Bishops do not have direct oversight and                  3 control of cathedrals, but can visit them.</p> <p>4 Like English cathedrals, alongside the dean there                  5 are a number of canons who are clerics who work full                  6 time, or for part of the time, in cathedrals and who                  7 make up the governing body of such, which is known as                  8 a chapter.</p> <p>9 The inquiry understands that the governance of                  10 cathedrals in Wales is going to be altered for reasons                  11 similar to those already identified within the                  12 Church of England but also because of a significant                  13 disparity in financial resources between them at                  14 present.</p> <p>15 The Church in Wales has a written constitution and                  16 a decision-making body which is called the governing                  17 body. This is a body of elected lay members, ie, people                  18 who worship in a parish or a cathedral, elected clergy                  19 and the diocesan bishops and is the equivalent to its                  20 parliament. It meets twice a year. The governing body                  21 appoints what's known as a standing committee, which                  22 organises and implements the work which the governing                  23 body has authorised it to undertake.</p> <p>24 The administration is managed and run by something                  25 called the representative body. It has central control</p> <p style="text-align: center;">Page 74</p>
<p>1 of policies and procedures for all the dioceses in the                  2 Church in Wales. This body is made up of 26 clerics and                  3 lay people, some of whom are appointed, some of whom are                  4 elected and there is one layperson and one cleric from                  5 each diocese on the representative body. It looks after                  6 the assets of the church, owns the buildings which the                  7 church owns and provides accommodation and, where                  8 appropriate, for clerics. It is insured along with each                  9 parish so any claims for child sexual abuse are brought                  10 against the representative body rather than the                  11 individual diocese. This body meets three times every                  12 year.</p> <p>13 There is now only one theological educational                  14 institution and teaching establishment in Wales,                  15 St Padarns, which provides all theological and practical                  16 training for those who wish to become clerics and also                  17 provides, or will be providing, all continuing                  18 professional development for clerics, including                  19 safeguarding training.</p> <p>20 From 1995 onwards, the Church in Wales has had                  21 a policy which recognises the principles enshrined by                  22 the Children Act 1989 and the Home Office document                  23 called "Safe From Harm" issued in 1993. This                  24 Home Office document prompted a number of religious and                  25 voluntary organisations to reflect upon and develop</p> <p style="text-align: center;">Page 75</p>	<p>1 policies and practices to manage concerns about child                  2 sexual abuse.</p> <p>3 The first Church in Wales specific safeguarding                  4 policy was put in place in 2000. At that time, each                  5 parish was to have what was known as a child protection                  6 coordinator and each diocese a child protection officer.</p> <p>7 In 2009, like in England, the church undertook what                  8 it called a Historic Cases Review organised and run by                  9 an individual seconded from the Children's                  10 Commissioner of Wales to examine all old personnel files                  11 and child protection documentation to see if there were                  12 cases from the past involving child sexual abuse and                  13 other forms of impropriety which had not been dealt with                  14 properly.</p> <p>15 This individual then became the provincial                  16 safeguarding adviser in Wales from 2010 onwards. We                  17 have evidence from Keith Towler, who was then the                  18 Children's Commissioner for Wales, and Sally Holland,                  19 the current Children's Commissioner for Wales, about                  20 this process. They have provided the inquiry with                  21 evidence about the involvement of the Commissioner's                  22 Office with the provision of independent expert advice                  23 and guidance to assist in this review.</p> <p>24 Mr Towler and Ms Holland describe how they have met                  25 with the Church in Wales on a regular basis since 2011,</p> <p style="text-align: center;">Page 76</p>

<p>1 despite the fact that there is no statutory remit for                  2 them to look at safeguarding in a religious context.                  3 The inquiry understands that the church has, on several                  4 occasions, provided information to the Children's                  5 Commissioner about how the recommendations from the                  6 Historic Cases Review have been implemented and the                  7 Children's Commissioner has in turn provided informal                  8 advice as to how to implement such recommendations.                  9 From 2018, the Church in Wales has offered to send                  10 a formal safeguarding report to the Children's                  11 Commissioner in Wales on an annual basis.                  12 The Historic Cases Review found that the policies                  13 and practices of the Church in Wales were outdated and                  14 not comprehensive. Up-to-date policies have therefore                  15 been drafted by an independent consultant employed by                  16 the Church in Wales and were implemented from 2016                  17 onwards.                  18 We will be asking the Church in Wales about the                  19 recommendations made within the Historic Cases Review,                  20 what was found within them and how those recommendations                  21 have been implemented.                  22 National compulsory safeguarding training was                  23 implemented by the Church in Wales from 2015. This was                  24 run and organised by the NSPCC and all clerics were                  25 expected to attend.</p> <p style="text-align: center;">Page 77</p>	<p>1 Training has also recently been implemented for all                  2 lay members who work with children and young people.                  3 The work of the provincial safeguarding officer and                  4 decisions about safeguarding issues are made by the                  5 relevant provincial safeguarding officers, but also by                  6 the body previously known as the Safeguarding Committee                  7 and now known as the People Committee. This is made up                  8 of both specialist safeguarding advisors and lay members                  9 who have a background and expertise in child protection.                  10 There is an independent chair of this committee.                  11 The Church in Wales, like the Church of England, has                  12 a process of licensing clergy who are retired but who                  13 still wish to provide ministry. Again, this is known as                  14 permission to officiate or PTO. Applicants for PTO have                  15 to undergo safeguarding training and the system of                  16 checking and vetting for these clergy will be explored                  17 at this hearing, as well as the recruitment of clerics                  18 within the Church in Wales more generally.                  19 Clerics in Wales are office holders but are subject                  20 to standards terms of service which identify that they                  21 must have training in child protection and that all                  22 relevant guidelines issued by the Church in Wales must                  23 be observed. Their guidelines -- the Church in Wales'                  24 guidelines also require clerics or other individuals to                  25 refer disclosed allegations of abuse to Social Services</p> <p style="text-align: center;">Page 78</p>
<p>1 and also to the provincial safeguarding officer. All                  2 clerics are paid by the Church in Wales, which is                  3 somewhat different to the Church of England, rather than                  4 by a variety of sources.                  5 This inquiry wishes to explore how the                  6 implementation of policies and practices can be embedded                  7 in the context of a relatively autonomous position.                  8 The Church in Wales has a disciplinary tribunal                  9 separate to church structures which has been in place                  10 since 2000. Serving members of the judiciary or lawyers                  11 preside over the tribunal. The Church in Wales has                  12 provided us with details of six individuals who have                  13 been subject to clerical discipline since that date,                  14 including the Reverend Lawrence Davies, who was                  15 convicted of assaulting two boys in his parish over                  16 a number of years. He was deposed from Holy Orders and                  17 banned for life. The difference between England and                  18 Wales being, in England, one cannot be deposed from                  19 Holy Orders for issues of safeguarding, whereas one can                  20 in Wales.                  21 Secondly, the Reverend Darryl Gibbs, who was                  22 prevented from being in Holy Orders for an eight-year                  23 period and resigned from his position as a cleric after                  24 having accessed pornographic websites involving teenage                  25 boys.</p> <p style="text-align: center;">Page 79</p>	<p>1 Lastly, an individual who was the subject of                  2 disciplinary proceedings, even though the CPS did not                  3 bring a prosecution against him. The church prevented                  4 him from being granted a permission to officiate unless                  5 he agreed to undertake a risk assessment. In 2015, he                  6 was deposed from Holy Orders.                  7 The EIO tell us that they have been notified                  8 formally of 14 claims concerning the Church in Wales.                  9 12 claims involve clerics. One of those members of                  10 the clergy was deceased. All were male and 13 out of                  11 the 14 claims concerned disclosures more than 20 years                  12 after the event in question.                  13 Child protection in Wales is a devolved issue, which                  14 means that the relevant legislation and bodies                  15 responsible for investigating child sexual abuse are                  16 different from those in England. Legislation is made by                  17 the Welsh Assembly, not the Parliament at Westminster.                  18 We have sought evidence from certain statutory                  19 bodies about their involvement with the Church in Wales                  20 and child protection. The Director of Social Services                  21 of the Welsh Government, Albert Heaney, has provided us                  22 with a witness statement. He tells us about the                  23 separation of Welsh and English legislation. Whilst                  24 Wales maintains some common pieces of legislation which                  25 date back to before the year 2000, such as, for example,</p> <p style="text-align: center;">Page 80</p>

<p>1 the Children Act 1989, it also has bespoke legislation,                  2 the most recent of which is the Social Services and                  3 Well-being Act of 2014. In particular, under                  4 section 130 of that Act, there is a duty upon statutory                  5 bodies to report to a local authority where there is                  6 a reasonable cause to suspect abuse of a child.                  7 In Wales, investigations of child protection                  8 concerns take place at a local authority level, as do                  9 decisions whether or not a child requires protection by                  10 way of compulsory proceedings, often known as care                  11 proceedings. There are six regional Safeguarding                  12 Children's Boards overseen by a National Independent                  13 Safeguarding Board currently chaired by Mr Towler, who                  14 used to be the Children's Commissioner in Wales. He has                  15 provided a witness statement about its general                  16 operation. Like in England, there is no obligation or                  17 co-option of any religious organisation to be a member                  18 of the relevant regional Safeguarding Board but they can                  19 be co-opted if they wish to do so.                  20 The Welsh Government has no powers to regulate,                  21 audit, inspect or have any oversight of the safeguarding                  22 policies and practices of the Church in Wales.                  23 Safeguarding boards have no statutory powers to                  24 intervene in respect of the actions of the church.                  25 There is statutory guidance issued by the Welsh</p> <p style="text-align: center;">Page 81</p>	<p>1 Government, called "Keeping Learners safe", in force in                  2 all school settings, and there are the All Wales Child                  3 Protection Procedures which provide guidance to social                  4 care bodies and authorities which are due to be updated                  5 and altered this autumn.                  6 As in England, there is no expectation that Welsh                  7 voluntary organisations have to cooperate in line with                  8 the safeguarding requirements of relevant statutory                  9 bodies, but there is an expectation by the Welsh                  10 Government that they tell us in their evidence that they                  11 will operate in a similar way.                  12 Independences of statutory services in Wales are                  13 carried out by the Care Inspectorate and Social Care                  14 Wales in respect of social care, Estyn in respect of                  15 schools, and it should be identified that there is                  16 a national curriculum in Wales but it is very different                  17 from that in England and that, at present, sexuality and                  18 relationship teaching is being made a statutory part of                  19 the curriculum and relationship lessons are delivered                  20 via a charity in schools across Wales.                  21 The inquiry asked the Welsh Government if it                  22 considered that there should be specific guidance for                  23 the Church in Wales and other faith organisations about                  24 their safeguarding duties. The inquiry understands the                  25 Welsh Government's position to be that it has not</p> <p style="text-align: center;">Page 82</p>
<p>1 identified any deficiencies in the current guidance and                  2 it does not consider that there is a need for separate                  3 guidance for the religious sector.                  4 Turning now to practical matters, witnesses will                  5 either come to give us evidence in person or in writing.                  6 If they come in person, their evidence will be                  7 simultaneously live streamed in the internet. If they                  8 do not come in person, some of their evidence may, at                  9 appropriate points, be summarised by counsel and                  10 formally adduced into evidence.                  11 Documents which are referred to by live witnesses                  12 will be published on the inquiry's website at                  13 a convenient moment. We have been fortunate in the                  14 detailed and comprehensive witness evidence we have                  15 received. It will not be possible, and it is not                  16 necessary, to go through every line of those statements                  17 during this hearing. Save in the case of victims,                  18 survivors or complainants, most witness statements will                  19 be published in full on the inquiry website at                  20 a convenient point. The questioning will therefore                  21 focus upon the central issues in hand.                  22 Chair, as you have already identified, the inquiry                  23 has adopted its usual redaction protocol when preparing                  24 evidence for disclosure and where names have been                  25 redacted in accordance with such, ciphers have either</p> <p style="text-align: center;">Page 83</p>	<p>1 been allocated or their names will not be used.                  2 Pursuant to the general restriction order issued on                  3 23 March 2018, two of our complainant core participants                  4 have been granted anonymity and will be giving evidence                  5 under their allocated ciphers. Whilst one complainant                  6 has waived his right to anonymity, the inquiry ask that                  7 the media and public respect his right to privacy and do                  8 not seek to contact him in respect of his evidence to                  9 this investigation, unless the witness himself initiates                  10 that contact.                  11 In addition, chair, you made a restriction order                  12 dated 13 June 2019 in relation to eight of the witnesses                  13 due to come to give evidence, all of whom were included                  14 within what we have called the sampling exercise. The                  15 safeguarding cases considered in the sampling exercise                  16 are sensitive and, in some circumstances, matters are                  17 still ongoing.                  18 You determined, chair, that to name those witnesses                  19 and, through them, the parishes in which they are based,                  20 would create a real risk of identifying those                  21 individuals who have been ciphered or redacted in                  22 accordance with your protocol, including complainants,                  23 victims and survivors. As a result of this, three of                  24 the witnesses coming to give us evidence about current                  25 practice will give live evidence anonymously using</p> <p style="text-align: center;">Page 84</p>

<p>1 a cipher. The others will have their statements 2 published under their allocated cipher. 3 Where witnesses have been granted anonymity, the 4 following special measures will be put in place. 5 Firstly, witnesses will give their evidence in the 6 hearing room, but without a screen. They will not be 7 filmed during their testimony and the camera will be 8 directed either at the chair and panel or lawyers, but 9 not them. 10 Thirdly, members of the public and press will be 11 excluded from the hearing room during the course of 12 testimony but will be able to watch the proceedings in 13 the annex, subject to the usual three-minute delay. 14 Transcripts of evidence will be available on the inquiry 15 website at the end of the day. 16 I now turn to counsel for the core participants who 17 wish to make an opening statement. Due to time 18 constraints, each representative has been allotted 19 a maximum of 15 minutes and open statements will be made 20 in the following order. 21 Firstly, victims and survivors represented by 22 Slater &amp; Gordon, then those represented by Switalskis, 23 then the Archbishops' Council, then the Church in Wales 24 and, lastly, the Ecclesiastical Insurance Office. This 25 afternoon, once we have heard those, we will turn to</p> <p style="text-align: center;">Page 85</p>	<p>1 hear the evidence of AN-A4. Thank you very much. 2 THE CHAIR: Thank you, Ms Scolding. We will, first of all, 3 hear from Mr Scorer? 4 Opening statement by MR SCORER 5 MR SCORER: Thank you, chair. Chair and panel, over the 6 past several years, the Archbishop of Canterbury, 7 Justin Welby, has repeatedly said that the 8 Church of England should focus, above all else, on the 9 needs of victims and survivors and should always be 10 asking what survivors want. 11 This final hearing gives you the opportunity to take 12 him at his word and measure progress in the church 13 against that yardstick: what do survivors want? For the 14 survivors we represent, what they want, and what they 15 should be entitled to, is a church which does the 16 following things. 17 Firstly, ensures that allegations of sexual abuse 18 are reported to the statutory authorities immediately; 19 in other words, as soon as the church knows about them. 20 And that, where the church fails to do this, there are 21 clear penalties for those involved. 22 Secondly, because not all allegations of course will 23 be dealt with within the criminal justice process, and 24 some allegations will raise issues about conduct of 25 church officers and therefore need to be considered by</p> <p style="text-align: center;">Page 86</p>
<p>1 the church itself, any investigation of complaints is 2 done independently and without conflicts of interest. 3 In other words, that we have a fully independent system 4 for the handling of complaints. 5 Thirdly, that safeguarding in the church is also 6 subject to fully independent oversight and scrutiny, so 7 that the quality of safeguarding is constantly improved 8 and failings are rapidly addressed. 9 Fourthly, that victims and survivors receive proper 10 redress, recognising the severity and lifelong impact of 11 abuse, and do not experience the redress process as 12 reabusive and compounding the original injury. 13 Finally, that the church seeks constantly to reflect 14 on the lessons from abuse scandals, to listen to and 15 learn from survivors, and to embody those learnings in 16 its response to abuse, its theology and its culture. 17 These are the things the victims and survivors we 18 represent want and need. So where are we on those 19 objectives? 20 Firstly, on the reporting of allegations to the 21 statutory authorities, you may have seen the publicity 22 earlier this year about the Gordon Dickenson case in 23 Chester. This was a case where the bishop failed to 24 report sexual abuse allegations to the police. 25 In response to that scandal, Meg Munn, the chair of</p> <p style="text-align: center;">Page 87</p>	<p>1 the Church of England's National Safeguarding Panel, 2 told us, and I quote, that the church has to stop 3 thinking that it can deal with these things internally. 4 She is absolutely right on that, of course, and her 5 comments were perhaps an acknowledgement that 6 a mentality of keeping abuse cases in-house still 7 persists in parts of the church, and we have heard more 8 on that from Ms Scolding today. 9 So the question then is, what is the church doing to 10 eradicate that mentality and embed a culture of external 11 reporting? You will remember that at the beginning of 12 the Chichester hearing in March 2018 we supplied you 13 with a critical analysis of Church of England 14 safeguarding policy conducted by the pressure group 15 Mandate Now. In summary, as you may remember, 16 Mandate Now described Church of England safeguarding 17 policy documentation at that time as, and I quote, 18 "a thicket of inconsistent discretionary guidance, which 19 carries with it the risk of confusion, mistake and 20 non-compliance". 21 They went to say that the challenge to anyone tasked 22 with delivering safeguarding in the Church of England is 23 the sheer volume of its guidance, clear and readily 24 comprehensible procedures, insofar as they exist at all, 25 are hidden like needles in a haystack. They maintain</p> <p style="text-align: center;">Page 88</p>

<p>1 the so-called guidance does little to establish who is                  2 actually responsible for doing what and when and they                  3 expressed the concern there was simply no clear                  4 direction or requirement that allegations should be                  5 reported to the statutory authorities. The guidance                  6 repeatedly used the word "should" about external                  7 reporting when it needed to use the word "must".                  8 That was the situation in March 2018. In that                  9 hearing, it was suggested by church witnesses there                  10 might be changes to that rather woolly language. So                  11 where are we more than a year on? Having conducted an                  12 exercise of "spot the difference" over thousands of                  13 words, it seems to us that there may have been some very                  14 modest tinkering with the language. We are happy to be                  15 corrected if we are wrong, but the point perhaps is that                  16 it's very difficult to tell. The thicket of documents                  17 remains and, to the extent that the language has been                  18 adjusted, we can see no attempt by the church to clearly                  19 communicate any such changes to all who work in, and                  20 operate within, the church.                  21 This point about communication is very important.                  22 In this inquiry, we are examining and talking about                  23 child safeguarding every day. It is at the centre of                  24 our minds. But for most people involved in the                  25 Anglican Church, it isn't at the centre of their minds</p> <p style="text-align: center;">Page 89</p>	<p>1 at all. It is a peripheral subject at best. So any                  2 attempt to change hearts and minds in the church has to                  3 be led forcefully and vocally from the top and has to be                  4 communicated with clarity and conviction and has to be                  5 constantly reinforced and repeated.                  6 Survivors don't see that. More than a year after                  7 this issue was raised, the thicket of incomprehensible                  8 guidance is still with us and we say that no real                  9 attempt has been made to communicate to the wider church                  10 the simple and overriding imperative that allegations                  11 need to go to the statutory authorities right away; who                  12 in the church does this; and what the penalties are for                  13 not doing it.                  14 In your report published in May 2019, you rightly                  15 emphasised the problems with due regard and the need to                  16 change the language in the Canon which lacks clarity.                  17 In its response to your report, published recently, the                  18 church accepts this needs to happen. But the fact is                  19 the desperate need for this change was obvious in the                  20 hearings in 2018. The church is now saying proposals                  21 for change will be put before synod in mid 2020, another                  22 year away. So what survivors see here is a lack of                  23 urgency about change. They see the church, in their                  24 eyes, dragging its feet, maybe making a few tweaks to                  25 the language, and the change to Canon law, which was so</p> <p style="text-align: center;">Page 90</p>
<p>1 urgently needed, plodding through the church's                  2 bureaucratic governance structures, but with no real                  3 vigour or clarity or urgency behind the change.                  4 I then move on to the second issue: the                  5 investigation of complaints which failed to meet the                  6 standard for criminal prosecution or which raise issues                  7 about church conduct which require disciplinary action                  8 in the church. These allegations will inevitably                  9 include many non-recent cases. Survivors have                  10 repeatedly called for these complaints to be dealt with                  11 by an independent body with full powers to enforce                  12 disciplinary measures. So where are we on that? In                  13 2018, the church indicated an intention to explore the                  14 setting-up of some kind of Ombudsman scheme. Progress                  15 on that seems very slow. But, in any case, to be clear,                  16 an Ombudsman was not what survivors asked for. An                  17 Ombudsman system, as we understand it, requires                  18 survivors to exhaust all internal procedures first                  19 which, for many survivors, is simply forcing them to                  20 re-engage with the institution where abuse occurred.                  21 Survivors desperately want and need a system which is                  22 fully independent.                  23 I also make this connected point: whilst I act for                  24 victims and survivors, the reality in fact is that this                  25 dissatisfaction and lack of confidence in the church's</p> <p style="text-align: center;">Page 91</p>	<p>1 internal investigation processes is actually expressed                  2 not just by victims and survivors, but also by those who                  3 believe themselves to have been wrongly accused and, if                  4 you look at websites where these issues are debated,                  5 like "Thinking Anglicans", for example, you can see that                  6 almost nobody, whether complainants, on the one hand, or                  7 those accused, on the other, express confidence in the                  8 integrity of church processes. Both camps feel that the                  9 church's response to allegations will be coloured and                  10 driven by one factor above all: a desire to protect the                  11 reputation of the church, and especially the reputation                  12 of bishops. The factor that you have highlighted in                  13 your various reports.                  14 Bishops are heavily involved in the Clergy                  15 Discipline Measure. The purple circle are still in                  16 control.                  17 So the reality is that, to restore confidence,                  18 investigation of complaints needs to be dealt with by an                  19 independent body and one with a power to enforce any                  20 disciplinary action.                  21 Progressive voices in the church recognise this, and                  22 you will remember that in the last hearing                  23 Colin Perkins, the Chichester safeguarding adviser,                  24 specifically recommended that investigation of                  25 allegations be dealt with by an independent body.</p> <p style="text-align: center;">Page 92</p>

<p>1 Yesterday, the Bishop of Burnley said something similar.                  2 The need for such a body is even more obvious now than                  3 it was a year ago but, as things stand, we are no closer                  4 to getting it.                  5 The third demand of survivors is that the operation                  6 of safeguarding in the church is also subject to                  7 genuinely independent oversight, as Ian Elliott, for                  8 example, argues. Again, the need for that ought to be                  9 beyond debate.                  10 We know that it was only survivor and media pressure                  11 that brought the Chichester scandals to light. We know                  12 that significant issues remain. To take one example,                  13 just the other week, a survey by a survivor group                  14 identified that a large number of parishes have failed                  15 to make safeguarding information visible on their                  16 website. We know that the need for external oversight                  17 is already acknowledged to some degree by the                  18 Church of England because they commissioned the SCIE                  19 report, but we also know the reality is that SCIE, the                  20 SCIE auditing process -- it is no criticism of SCIE at                  21 all, but their process happens on terms dictated by the                  22 church itself. The church dictates when auditing                  23 happens, how much resource gets put into it, how quickly                  24 it gets done.                  25 So that leaves survivors with a huge question, which</p> <p style="text-align: center;">Page 93</p>	<p>1 is: what will there be to oversee the church after this                  2 inquiry has gone? At the moment, what the church allows                  3 in the form of the SCIE audit can be taken away as soon                  4 as this inquiry finishes and the heat is off.                  5 Unless you establish a permanent mechanism of                  6 independent oversight and scrutiny, there is simply no                  7 guarantee that even what there is at the moment will                  8 exist in any form after your inquiry has finished.                  9 This is a real fear for survivors, that the church                  10 can simply run down the clock on this inquiry and that                  11 the pressure for change then falls away after the                  12 inquiry ceases to exist.                  13 On all of these issues, we urge you to consider the                  14 statement committed by our client AN-A90.                  15 Unfortunately, for health reasons, he was unable to give                  16 oral evidence in this hearing, but his written evidence                  17 is well worth considering. As well as being a survivor                  18 of abuse, A90 works in a senior role in a public sector                  19 organisation where he has responsibility for continuous                  20 improvement, so his role is to make sure that                  21 organisational change is implemented, and his expertise                  22 on this has informed his thinking about the ways in                  23 which change needs to be brought about within the                  24 church.                  25 He makes two key points on this. He notes that at</p> <p style="text-align: center;">Page 94</p>
<p>1 synod in 2018, the church stated its ambition was to                  2 become a safe place for all. But, as he says, in                  3 setting out an ambition like this, the church also needs                  4 to provide some mechanism to measure its success in                  5 achieving this ambition.                  6 A90 notes that the synod document contains                  7 absolutely no measures of success. It lacks clarity                  8 over outcomes, it lacks clear timescales and says                  9 nothing about specific ownership of actions. It is                  10 a set of aspirations but without any clarity as to what                  11 is going to be achieved, when it is going to be achieved                  12 by, and who precisely will have responsibility for                  13 achieving it. In other words, says A90, it lacks the                  14 things that any managed project in a business or a large                  15 public sector organisation would need in order to be                  16 successful.                  17 In A90's view, the church simply lacks the project                  18 and programme management skills and governance                  19 arrangements necessary to ensure that grand ambitions                  20 are realised. Projects of this kind cannot be run by                  21 gentlemen amateurs. The sort of gentlemen amateurs who                  22 seem to have decided to store highly sensitive files in                  23 a palace in Bishopthorpe in York known to be at serious                  24 risk of flooding, and then, when the personnel file of                  25 Bishop Victor Whitsey, who is accused of multiple counts</p> <p style="text-align: center;">Page 95</p>	<p>1 of child sexual abuse, gets lost in a flood, they simply                  2 shrug their shoulders.                  3 As A90 also says, another issue is, how do you get                  4 a consistent approach to safeguarding across the country                  5 in the church? He says, if you walk into Marks &amp;                  6 Spencers in Plymouth, you expect to receive the same                  7 customer experience as if you walk into Marks &amp; Spencers                  8 in York, but he suggests that the current structure of                  9 the Church of England makes this impossible.                  10 42 independent dioceses and too much power with each                  11 individual bishop. That means there is no guarantee of                  12 a consistent approach.                  13 A90 goes on to talk about how, in his experience,                  14 organisations cannot be both gamekeeper and poacher.                  15 They need independent scrutiny. He explains how the                  16 particular area of the public sector where he works was                  17 in desperate need of change, but change only happened                  18 when an independent regulator, an enforcer with real                  19 teeth, was established. A90 also gives the example of                  20 health and safety. Companies only started to comply                  21 with health and safety when an independent enforcer, in                  22 the form of the HSE, came into existence with the power                  23 to levy large fines or imprisonment in the absence of                  24 compliance. This has proved to be the reality in                  25 a variety of sectors, and the Anglican Church, he says,</p> <p style="text-align: center;">Page 96</p>



<p>1 is no different. We urge you to heed his analysis and                  2 recognise the need for a permanent independent body to                  3 oversee safeguarding in the church as well as                  4 independent investigation of complaints, as I said                  5 earlier.</p> <p>6 The fourth demand of survivors is that they receive                  7 proper redress. We say that, within the limitations of                  8 the current civil justice system, the picture here is                  9 mixed. On the one hand, we recognise the policy adopted                  10 by Ecclesiastical Insurance Group of not pursuing                  11 limitation defences, except in rare circumstances, is                  12 a welcome and progressive change that other insurers                  13 would do well to follow. On the other hand, there                  14 remain a significant number of survivors who have                  15 experienced the redress process within the                  16 Church of England as aggressive, hostile and harmful and                  17 significantly compounding the original injury.</p> <p>18 Unless and until the experiences of those survivors                  19 are properly addressed and remedied, by both the church                  20 and by Ecclesiastical Insurance, survivors will continue                  21 to mistrust the church, especially given that the church                  22 has a significant financial stake in the insurer's                  23 parent owner, as we heard earlier.</p> <p>24 Finally, what victims and survivors want to see is                  25 a deeper cultural change; a church which is engaged in</p> <p style="text-align: center;">Page 97</p>	<p>1 a continual process of re-evaluating its culture, its                  2 theology and its values in the light of the appalling                  3 abuse which has now been exposed. I'm afraid survivors                  4 see too little evidence of this happening in the                  5 institutional church. There are certainly theologians                  6 who are now thinking critically about the way in which                  7 religion can be used or misused to promote and                  8 facilitate abuse, but there is little evidence of this                  9 thinking permeating the church at senior leadership                  10 level.</p> <p>11 In the Chichester hearings, we heard about the                  12 deeply problematic role of the concept of forgiveness in                  13 Christian abuse scandals, how notions of forgiveness                  14 could be for misused to shield and protect abusers.                  15 In July 2018, a number of survivors attended the                  16 General Synod. Within the safeguarding session, we                  17 heard a speech from Archbishop Sentamu. After making                  18 a nod to the importance of safeguarding, he proceeded,                  19 without any sense of irony at all, to talk at length                  20 about the centrality of forgiveness in the Christian                  21 message, without even a hint of awareness or thought                  22 about the role that a distorted concept of forgiveness                  23 has played in clerical abuse scandals.</p> <p>24 The issue was simply not even on his radar. This                  25 attitude is a fundamental problem. It needs to be</p> <p style="text-align: center;">Page 98</p>
<p>1 addressed within the church. But this will take many                  2 years and this is another reason why we need to protect                  3 victims of church abuse by external mechanisms such as                  4 mandatory reporting and independent oversight.</p> <p>5 Chair and panel, these are the objectives of                  6 the survivors we represent and I hope you can see the                  7 frustration of survivors about the pace of change and                  8 the fear, most of all, that progress will simply stall                  9 once this inquiry comes to an end. We hope that you                  10 will keep those thoughts in mind as you hear the                  11 evidence in this hearing. Thank you.</p> <p>12 THE CHAIR: Thank you, Mr Scorer. Mr Greenwood?                  13 Opening statement by MR GREENWOOD                  14 MR GREENWOOD: Chair and panel, I speak on behalf of MACSAS                  15 and AN-A1 to AN-A6, Phil Johnson, Julie Macfarlane,                  16 Graham Sawyer and the Reverend Matthew Ineson.</p> <p>17 The Anglican Church can be a force for good. It                  18 creates communities. It can help those in need. There                  19 are very many worthy people doing much good. But from                  20 a safeguarding perspective, the Anglican Church presents                  21 us with a huge, unregulated area of activity. It is                  22 a magnet for the vulnerable. It draws in children,                  23 youth groups, choirs and provides spiritual guidance.</p> <p>24 We have seen through previous investigations in                  25 Chichester and Peter Ball, it is a place where</p> <p style="text-align: center;">Page 99</p>	<p>1 paedophiles have good reason to feel safe.</p> <p>2 I won't dwell on the obvious problem of the church's                  3 web-like structure. You have heard previously that                  4 I have advocated a more corporate structure to bring                  5 accountability -- fines and the enforced raising of                  6 standards.</p> <p>7 At present, we have bishops as final arbiters on                  8 safeguarding responses. This brings inconsistency and                  9 a temptation to protect individuals and the                  10 organisation's reputation. We must find a way to break                  11 this dangerous safeguarding structure.</p> <p>12 The church has tried to plug the holes exposed by                  13 the Chichester inquiry. It has introduced many detailed                  14 responses, some of which are an improvement, but, as we                  15 will see from the evidence of Jo Kind of MACSAS, they                  16 are inadequate and she considers them to be                  17 a smokescreen to get through the current scrutiny.</p> <p>18 The General Synod document, GS2092, is a report by                  19 the National Safeguarding Steering Group of 2018. Its                  20 inquiry reference is ACE026363. It recommends that                  21 clergy, lay readers, church wardens and PCCs have due                  22 regard for guidance issued by the House Bishops. This                  23 phraseology is inadequate. Only mandatory referral                  24 externally would be acceptable to MACSAS.</p> <p>25 On changes to the Clergy Discipline Measure, the</p> <p style="text-align: center;">Page 100</p>

<p>1 church is, in its word, "considering external scrutiny".                  2 This obfuscatory language demonstrates an unwillingness,                  3 in my view, to change, unless forced to do so by                  4 legislation. Again, here, independence is needed to                  5 enforce dismissals, fines and awards of compensation.                  6 Cultural change will only come through the enforcement                  7 of tough penalties.                  8 The GS2092 document argues that independent                  9 oversight would mean the church contracting out of its                  10 responsibilities. In fact, what happens if independence                  11 is not introduced, is that, once the heat of IICSA                  12 scrutiny and potential legislation lies down, the church                  13 will revert to type. It will deal with issues quietly                  14 and internally. This is what organisations with                  15 reputations to protect do. All the measures announced                  16 fail to deliver true independence or mandatory                  17 reporting. If a bishop wishes to avoid reporting to the                  18 police or Social Services, he or she can still legally                  19 do so, even after the new proposed initiatives. Bishops                  20 are hopelessly conflicted, to be fair to them,                  21 hopelessly conflicted in their duties. On the one hand,                  22 they have the good name of their diocese and staff to                  23 protect, and on the other they are tasked with                  24 responding well to allegations of abuse.                  25 The proposed Ombudsman service is a mere fig leaf.</p> <p style="text-align: center;">Page 101</p>	<p>1 It would only cover those persistent and strong enough                  2 to complain about the poor handling they have already                  3 endured. It is clear that the church is unwilling to                  4 commit to independence.                  5 The GS2092 proposal also uses vague language, such                  6 as agreeing to develop and analyse options, to develop                  7 proposals, to consider findings, to commission a working                  8 report and to undertake an analysis. There is no                  9 commitment by the church to relinquish control of                  10 responses to safeguarding concerns. This is deliberate                  11 behaviour. The church is trying to buy time until IICSA                  12 goes away. MACSAS will not go away and I hope that the                  13 IICSA recommendations will be very forceful.                  14 Until true independence is established, there                  15 remains a concern that the National Safeguarding Team                  16 has insufficient power to intervene where poor                  17 safeguarding compliance exists. It is not clear whether                  18 bishops, deans and archbishops can prevent the NST                  19 having access to documents and staff within their                  20 organisations, but only the establishment of a truly                  21 independent body to manage safeguarding operations                  22 established through legislation can ensure proper                  23 oversight.                  24 Church office holders and employees are a fairly                  25 small, close-knit community. As your hearings have so</p> <p style="text-align: center;">Page 102</p>
<p>1 far demonstrated the bonds of loyalty to each other and                  2 the organisation are strong and can easily override                  3 official policy. Only external, independent decision                  4 makers can avoid this real risk.                  5 I should share a comment with you from a core                  6 participant who has commented that the tears shed by                  7 Justin Welby in his first appearance were not tears of                  8 shame, but were tears arising from the realisation that                  9 his organisation and his office has been found to have                  10 failed. It has placed too much emphasis on protecting                  11 the clergy and bishops and has allowed children to go                  12 unprotected. This core participant says that they were                  13 tears at being caught out.                  14 The core participant told me that it is actually the                  15 church that should be ashamed of the office of                  16 the Archbishop of Canterbury. We have seen how                  17 George Carey felt a compulsion to protect one of his                  18 bishops. We know that David Hope protected                  19 Robert Waddington. There is evidence that bishops                  20 continue to be protected by Mr Welby.                  21 On internal discipline, the Clergy Disciplinary                  22 Measure must be surely another embarrassment for the                  23 church. Its ludicrous rules led to complaints of being                  24 timed out after a year and many claims being dismissed                  25 or decisions to take no action, all without independent</p> <p style="text-align: center;">Page 103</p>	<p>1 scrutiny. What kind of discipline measure has                  2 impenetrable rules, allows an alleged perpetrator to                  3 comment on whether a case can be considered out of time,                  4 and, as per the report on the CDM of 2018 attests, has                  5 only 90 complaints covering over 20,000 members.                  6 The CDM summary report of 2018 tells us that most of                  7 the 90 complaints were either dismissed by a bishop, had                  8 no action taken or a penalty by consent imposed. Only                  9 seven reached consideration by the President of                  10 Tribunals. Only four were dismissed from office. These                  11 came after criminal convictions. It bears no relation                  12 to most employer and employee disciplinary codes.                  13 Interestingly, 24 complaints were made against                  14 bishops. All, apart from the six still outstanding,                  15 were dismissed or no action taken by Messrs Welby and                  16 Sentamu.                  17 We will hear from Matthew Ineson in week 2 about his                  18 appalling treatment by bishops which prompted Mr Welby                  19 to take no action, despite a catalogue of inaction and                  20 lies. It seems Mr Welby is continuing in Mr Carey's                  21 footsteps by protecting his bishops.                  22 We now know the church has regular business meetings                  23 to manage its reputational risk. Discrediting                  24 Matthew Ineson has been discussed. We also know that                  25 the church is convinced it can resist any</p> <p style="text-align: center;">Page 104</p>

<p>1 recommendations that IICSA may have to introduce                  2 independence into its safeguarding process. When it                  3 comes to safeguarding, this is a thoroughly disreputable                  4 organisation and cannot be trusted.                  5 We will hear today from AN-A4 about how he tried to                  6 tell literally dozens of senior church people over three                  7 decades and was not taken seriously. Some have                  8 forgotten, some have not. He complains of                  9 the withdrawal of counselling as soon as the civil claim                  10 was intimated. A core group was established without his                  11 knowledge and without him being invited to attend. They                  12 discussed damage limitation rather than his welfare.                  13 He is concerned at the conflict of interest between the                  14 church insurer and the church which has staffed its                  15 board.                  16 On the subject of the Past Cases Review, we will                  17 hear from Roger Singleton, who is rightly critical of                  18 the woefully inadequate terms of reference and treatment                  19 of the data. The review resulted in the church                  20 declaring that it had a clean bill of health, when                  21 nothing could have been further from the truth. The                  22 church has treated us like fools. It lied to us and it                  23 lied to the children and parents who put their trust in                  24 the church. It put them at an unacceptable risk and,                  25 until the Past Cases Review is rerun with an in-depth</p> <p style="text-align: center;">Page 105</p>	<p>1 analysis, children are still at risk in this church.                  2 For all these reasons, I ask the panel to find that                  3 the church is unable to effectively respond to child                  4 sexual abuse risks. Legislation is required to enact                  5 mandatory reporting and to create an independent                  6 statutory body to enforce basic standards of                  7 safeguarding.                  8 I won't labour the point of the constitution of                  9 the independent body, as I have set out those                  10 previously, but I will pass on this speech to the                  11 inquiry so that you can see what our recommendations                  12 are. Thank you, chair and panel.                  13 THE CHAIR: Thank you, Mr Greenwood.                  14 MS SCOLDING: Chair, I think it is now approaching 1.00 pm,                  15 I was wondering whether now might be an appropriate                  16 moment, with your permission?                  17 THE CHAIR: Yes. We will return at 2.00 pm.                  18 MS SCOLDING: Thank you very much.                  19 (12.57 pm)                  20 (The short adjournment)                  21 MS SCOLDING: I think first up this afternoon, chair, we                  22 have Mr Giffin.                  23 Opening statement by MR GIFFIN                  24 MR GIFFIN: Chair, members of the panel, as before, I appear                  25 of course for the Archbishops' Council.</p> <p style="text-align: center;">Page 106</p>
<p>1 Before and after the Chichester and Ball case study                  2 hearings, the Archbishops' Council, on behalf of                  3 the church, expressed its shame and its sorrow about the                  4 failings of which the inquiry heard.                  5 The inquiry's recent interim report on those case                  6 studies was severely critical of the church's response                  7 to the events in question at a national and at                  8 a diocesan level. You and your colleagues will know                  9 from our previous submissions that the church positively                  10 agreed with the great majority of those criticisms.                  11 We also recognised last year that, even though the                  12 case studies related to particular places and people and                  13 to past times, the underlying problems they revealed                  14 would not be unique, nor would they be merely historical                  15 in nature, and that is borne out by what Ms Scolding                  16 said this morning about events in other dioceses, as she                  17 said, not always in the distant past.                  18 In our previous evidence and submissions, we set out                  19 significant changes already made in the church's                  20 safeguarding practice, and sought to identify the                  21 further work that was then under way. We did not                  22 attempt to pretend, of course, that the necessary tasks                  23 were anything like complete.                  24 So, with these national hearings, the time has come                  25 for the inquiry to consider where things have got to</p> <p style="text-align: center;">Page 107</p>	<p>1 now. The church so far, of course, has been working to                  2 improve its practices without knowing what conclusions                  3 the inquiry will reach or what insights may emerge from                  4 the inquiry's different work streams.                  5 So, once again, therefore, I reaffirm the commitment                  6 of the national church institutions to listen to the                  7 evidence and to consider, with the utmost care and                  8 attention, what the inquiry may ultimately recommend.                  9 At this stage, may I simply make four broad points                  10 and elaborate briefly on each of them, but especially                  11 the first point, which concerns, I think, the third of                  12 Ms Scolding's six themes: current safeguarding practices                  13 and whether what has been said previously by the church                  14 has been translated into action.                  15 Since the hearings last year, work has continued on                  16 many fronts, and these are described primarily in the                  17 sixth witness statement of Mr Tilby and in the third                  18 witness statement of Bishop Peter Hancock, with other                  19 new statements dealing with specific topics, such as                  20 training in theological colleges. There are 200-plus                  21 pages of Mr Tilby's statement dealing, as Ms Scolding                  22 has said, with a plethora of work streams, but examples                  23 of where progress has been made include the distribution                  24 of safeguarding resources, such as handbooks, leaflets,                  25 posters, to the parishes; the programme of independent</p> <p style="text-align: center;">Page 108</p>

<p>1 auditing of cathedrals begun last autumn, which, again,                  2 Ms Scolding mentioned; and the new arrangements for the                  3 reporting of serious safeguarding incidents to the                  4 Charity Commission, which took effect at the start of                  5 this year, and there are important initiatives                  6 concerning discernment and the suitability of entering                  7 the ministry.                  8 These are only examples. A lot has been done in                  9 quite a short time, and all this, we suggest, represents                  10 a major commitment. It is not just a cosmetic exercise                  11 designed as a sop to this inquiry.                  12 We also recognise that, because of the very heavy                  13 burden on the National Safeguarding Team, especially in                  14 recent months, there have been some areas where matters                  15 have not progressed as far or as fast as had been hoped.                  16 That does not mean that these issues have been                  17 forgotten. It is the fact that significant changes need                  18 to be properly designed before they are implemented.                  19 The church has also taken steps designed to enhance                  20 the effectiveness of its safeguarding institutions, and                  21 they include the appointment of an independent chair of                  22 the National Safeguarding Panel, Meg Munn, as you have                  23 heard. Her witness statement deals with the steps she                  24 has already taken to revise the NSP's terms of reference                  25 and manner of operation, and there will no doubt will</p> <p style="text-align: center;">Page 109</p>	<p>1 further consideration with you of how the NSP can best                  2 operate to scrutinise and act as a critical friend to                  3 the church.                  4 Following the very significant growth in the size                  5 and the responsibilities of the National Safeguarding                  6 Team over the last few years, the church has set about                  7 restructuring that team and has created a new post of                  8 national safeguarding director. Over the last few                  9 months, that post has been filled on a temporary or                  10 interim basis by Sir Roger Singleton whilst the first                  11 permanent director has been recruited. That person is                  12 Melissa Caslake, an experienced former director of Local                  13 Authority Children's Services. She will be starting                  14 work very shortly.                  15 So this is a time of transition for the NST, but the                  16 changes being made are ones that the church is                  17 optimistic will enable the progress of recent years to                  18 be consolidated and built on in the future. I say that                  19 to emphasise we are very conscious that the further                  20 impetus to reform which this inquiry has undoubtedly                  21 created as a result, not least, of some shocking                  22 evidence of abuse followed by institutional                  23 indifference, which last year's case studies brought                  24 into clear focus. That impetus needs to be maintained                  25 after the inquiry has come to an end.</p> <p style="text-align: center;">Page 110</p>
<p>1 We hear and understand the concerns expressed about                  2 that on behalf of survivors this morning. The                  3 Archbishops' Council believes that developing the right                  4 framework and infrastructure, as the church has been                  5 seeking to do, will lead to safeguarding being properly                  6 institutionalised and remaining as a priority for the                  7 future.                  8 Meanwhile, we have the inquiry's interim                  9 recommendations and its case study report, and the                  10 National Safeguarding Steering Group's response to that                  11 report and to the five recommendations mentioned in,                  12 chair, your opening remarks this morning, as published                  13 last week. I will just -- I should say, as you may                  14 know, the Archbishop of Canterbury has asked that every                  15 member of the House of Bishops should read and study the                  16 case study report in detail, and the House of Bishops                  17 has issued a statement committing to this and welcoming                  18 the recommendations. The NSSG has subsequently held                  19 a special meeting to discuss both the inquiry's case                  20 study report and the report of its Truth Project.                  21 I will just mention briefly the position on the five                  22 recommendations. Three of those, in effect, require                  23 action by the church alone. One of them is concerned                  24 with the better regulation of religious communities. In                  25 that respect, the necessary amending legislation has</p> <p style="text-align: center;">Page 111</p>	<p>1 been progressed, and General Synod will be asked to give                  2 final approval to it when it meets at the end of this                  3 week.                  4 Then regulations and revised guidance will follow                  5 and the intention is that those should have been                  6 finalised and approved by July next year.                  7 The inquiry's second recommendation was for                  8 amendment of the Clergy Discipline legislation so far as                  9 it concerns the obligation to have due regard to                  10 safeguarding guidance, which the inquiry has concluded                  11 is an acceptable term of art, but one lacking clarity to                  12 what one might call -- my words rather than yours --                  13 a non-legal audience.                  14 As Ms Scolding has mentioned, since the last                  15 hearings there have been a number of consultations on                  16 the CDM and its efficacy, including consultation drawing                  17 specifically upon the experience of bishops and diocesan                  18 registrars. The House of Bishops has now established                  19 the working group to bring forward proposals for reform                  20 with a view to amending legislation being introduced                  21 next year, and the NSSG has determined that the                  22 inquiry's particular recommendation for legislative                  23 change should be addressed as part of that process and                  24 that, meanwhile, a strategy for better communication of                  25 what the current legislation means and requires should</p> <p style="text-align: center;">Page 112</p>

<p>1 be developed and implemented.</p> <p>2 The church also agrees with, and has accepted, the</p> <p>3 inquiry's recommendation on sanctions for those holding</p> <p>4 voluntary offices who fail to undergo a DBS check or</p> <p>5 complete compulsory training, and the NSSG's response,</p> <p>6 if that goes, I think, somewhat further than the</p> <p>7 inquiry's recommendation by addressing nonregulated</p> <p>8 activity as well.</p> <p>9 The inquiry has then made a recommendation</p> <p>10 essentially to government for amending the Sexual</p> <p>11 Offences Act 2003 to include clergy within the</p> <p>12 definition of those holding a position of trust. The</p> <p>13 NSSG strongly supports that recommendation -- indeed,</p> <p>14 would favour extending the definition slightly beyond</p> <p>15 that -- and the church will be writing formally to</p> <p>16 government to that effect.</p> <p>17 The last of the inquiry's interim recommendations</p> <p>18 for disclosure of internal reviews to the national</p> <p>19 review body requires, I think, some dialogue with the</p> <p>20 Child Safeguarding Practice Review Panel to agree the</p> <p>21 right approach to what cases are to be reported. But</p> <p>22 the church supports the idea of external scrutiny to</p> <p>23 maximise learning and will actively pursue that dialogue</p> <p>24 so as to implement that recommendation as well.</p> <p>25 Chair, as we have said before, the task of embedding</p> <p style="text-align: center;">Page 113</p>	<p>1 good attitudes and good practice throughout the church</p> <p>2 is a large one. We agree that, as Ms Scolding indicated</p> <p>3 this morning, there is no room for complacency here. We</p> <p>4 certainly do not pretend that everything is already as</p> <p>5 it should be, and Ms Scolding has given various examples</p> <p>6 of evidence of inappropriate attitudes still persisting.</p> <p>7 But to recognise that is not the same as saying that</p> <p>8 nothing has changed.</p> <p>9 The inquiry has selected four sample dioceses, as</p> <p>10 you have heard, and been supplied with information by us</p> <p>11 about examples of case work on the ground. In her</p> <p>12 report, of which you have heard, Ms Carmi identifies</p> <p>13 a number of themes.</p> <p>14 The church is still considering the detail of that</p> <p>15 report, which was, as you know, only quite recently</p> <p>16 completed and provided. As we understand it, the report</p> <p>17 is based solely upon the documents rather than upon the</p> <p>18 witness statements, and no doubt the inquiry will wish</p> <p>19 to raise points from it with the appropriate witnesses</p> <p>20 in due course. However, our initial reaction is that</p> <p>21 Ms Carmi's main conclusions about what the evidence</p> <p>22 reveals about the position on the ground appears likely</p> <p>23 to be broadly right. On the one hand, some of</p> <p>24 the sample cases do demonstrate good safeguarding</p> <p>25 practice at parish or diocesan level. They suggest,</p> <p style="text-align: center;">Page 114</p>
<p>1 perhaps, in particular there is now a much greater</p> <p>2 willingness than in previous years to seek professional</p> <p>3 advice when a safeguarding situation arises, and there</p> <p>4 is evidence in a number of cases of much closer liaison</p> <p>5 between the church and the statutory agencies with</p> <p>6 safeguarding responsibilities.</p> <p>7 On the other hand, there are a number of areas of</p> <p>8 concern which emerge, including some questions raised by</p> <p>9 the samples about the respective roles and</p> <p>10 responsibilities of safeguarding staff and clergy and</p> <p>11 about the effectiveness of some of the current guidance</p> <p>12 on safeguarding investigations and risk assessments.</p> <p>13 So this evidence tends to suggest both real progress</p> <p>14 already made and significant work still to do, and that</p> <p>15 assessment would be consistent, as Ms Scolding has</p> <p>16 indicated to you, with the recent SCIE overview report,</p> <p>17 which was broadly positive, about the major improvement</p> <p>18 in safeguarding resources, policies and training since</p> <p>19 2015.</p> <p>20 What is also clear, however, is that the church</p> <p>21 still has a real distance to go, in particular in terms</p> <p>22 of regaining the confidence of survivors and in finding</p> <p>23 the right ways of working with survivors. This is</p> <p>24 evident, in particular, from the SCIE analysis already</p> <p>25 mentioned. That it makes for difficult reading is,</p> <p style="text-align: center;">Page 115</p>	<p>1 frankly, recognised by Bishop Peter Hancock in his most</p> <p>2 recent statement. He sets out some of the steps which,</p> <p>3 with the benefit of advice from Sir Roger Singleton, the</p> <p>4 church is taking in an attempt to do more and better in</p> <p>5 this respect. They include working together with the</p> <p>6 survivor reference group, planning a National</p> <p>7 Safeguarding Summit, the establishment of an academic</p> <p>8 and practitioner group drawn from a variety of</p> <p>9 denominations, co-working, as Ms Scolding again</p> <p>10 mentioned, between survivors and professionals to</p> <p>11 develop guidance and a Survivors Charter, and a number</p> <p>12 of other specific steps including work on what</p> <p>13 reparation and redress may look like for the church.</p> <p>14 But, again, the church will listen very carefully to any</p> <p>15 further recommendations which the inquiry may in due</p> <p>16 course make about survivor engagement.</p> <p>17 Some of the individual issues that the inquiry</p> <p>18 intends to hear evidence about are harder to reach</p> <p>19 consensus about than others. For example, it is no</p> <p>20 secret that there are differences of opinion within the</p> <p>21 church about the desirability or practicality of changes</p> <p>22 or exceptions to the current position concerning the</p> <p>23 absolute confidentiality of statements made in the</p> <p>24 course of a formal confession. Those questions have not</p> <p>25 been ducked. The evidence and arguments both ways have</p> <p style="text-align: center;">Page 116</p>

<p>1 been very carefully and closely scrutinised in the                  2 detailed report of the working group chaired by the                  3 Bishop of Durham. The majority of the group concluded,                  4 for reasons carefully set out in the report, that it                  5 wasn't right to introduce such exceptions, but made                  6 recommendations for the improvement of relevant                  7 training, supervision and advice.</p> <p>8 The church has also been confronting issues                  9 concerning its teaching on human sexuality and, whilst                  10 those issues go well beyond the remit of this inquiry,                  11 you have heard evidence in previous hearings to the                  12 effect that a lack of openness and honesty in relation                  13 to such matters risks creating an environment in which                  14 proper safeguarding is endangered. Ms Scolding has                  15 mentioned the witness statement you have from the                  16 Bishop of Newcastle on what her pastoral advisory group                  17 chaired by her has done to foster a culture of openness                  18 and to address the abuse of power in sexual                  19 relationships. That's the first point.</p> <p>20 The second and briefer point concerns cultural                  21 change. As Ms Scolding put it, has the work done borne                  22 fruit in relation to underlying attitudes? Mr Tilby                  23 notes in his latest statement that cultural change is                  24 difficult to achieve and hard to measure. But we                  25 suggest that it would not be right to claim that the</p> <p style="text-align: center;">Page 117</p>	<p>1 pace of change is non-existent. Old attitudes may                  2 indeed persist, but they are perhaps beginning to stand                  3 out from a better norm.</p> <p>4 Mr Tilby, Bishop Peter, Archbishop Welby all see in                  5 their statements some encouraging signs of what                  6 Bishop Peter calls a real shift in how safeguarding is                  7 perceived in the parishes, dioceses and nationally,                  8 although we need continued improvement which needs to be                  9 driven in particular by increased training and awareness                  10 of safeguarding, monitoring and oversight, making the                  11 issue of safeguarding as visible as possible within the                  12 church.</p> <p>13 My third point is this: fault has been given within                  14 the church to whether there is a case for more radical                  15 change to safeguarding structures -- for example, either                  16 the centralisation or the complete externalisation of                  17 safeguarding functions.</p> <p>18 The view of the Archbishops' Council is that such                  19 change would not be the right way ahead. It remains                  20 essential, we believe, if safeguarding is to be                  21 effective, for it to be owned by, and embedded within,                  22 the fabric of the church and, in particular, at all                  23 levels of the church. The evidence to which I have                  24 referred shows, we say, that it is possible to make real                  25 change for the better within the basic structures which</p> <p style="text-align: center;">Page 118</p>
<p>1 currently exist. That is not to be complacent or to                  2 deny failures and shortcomings in what has so far been                  3 done and not done, and nor is it to suggest there's no                  4 room for improving structures or for further independent                  5 elements within, and external scrutiny of, the church's                  6 safeguarding practice, and our acceptance of that should                  7 be evident both from the changes already made,                  8 including, for example, independent risk assessment for                  9 clergy -- the sheer number of independent reviews and                  10 audit mentioned by Ms Scolding this morning and other                  11 changes currently under debate. Some of the church's                  12 statements raise other ideas as to how things might be                  13 progressed in the future.</p> <p>14 But radical upheaval, with all the delays and                  15 disruption which that entails, is not the right way to                  16 build upon what has been achieved to date.</p> <p>17 The fourth and final point is simply this: it is to                  18 reiterate the church's shame at what has occurred in the                  19 past and the ardent desire of my client that it should                  20 do better in the future. The Archbishop of Canterbury                  21 in his witness statement for these hearings says this:                  22 "It is essential that, as Christians, we demonstrate                  23 that we do care for each other properly and safely. It                  24 is a core part of our belief that we build a safe                  25 church, and we do so by being honest with ourselves and</p> <p style="text-align: center;">Page 119</p>	<p>1 each other about our failings. Nothing can undo the                  2 great harm done. No single person can compensate for                  3 institutional failure. The answer must lie in                  4 collective responsibility and culture change and the                  5 extent of my sorrow is indicated by continued efforts to                  6 make that happen."</p> <p>7 Thank you, chair.</p> <p>8 THE CHAIR: Thank you, Mr Giffin. Mr Powell?</p> <p>9 Opening statement by MR POWELL</p> <p>10 MR POWELL: Chair and panel, as Ms Scolding, if I may say                  11 so, so eloquently took you through the history of                  12 the Church in Wales, you will know that next year is our                  13 centenary. We have been disestablished for 99 years,                  14 going on 100 years, and that has significant                  15 ramifications for the way in which we, as a church, are                  16 set up and our constitution. You have heard from                  17 Ms Scolding that we have a written constitution, and                  18 that, I think, is before you in your papers.</p> <p>19 So far as your inquiry's position is concerned,                  20 perhaps the important thing to note, if I may bring it                  21 to your attention, is this: quite apart from the fact                  22 that the Church of England's measures have no import in                  23 our jurisdiction, our cathedrals are all subject to the                  24 same safeguarding procedure as the rest of the church.                  25 There is no separation, to that extent, in terms of</p> <p style="text-align: center;">Page 120</p>

<p>1 the cathedrals in Wales, as against the ordinary 2 parishes, the other parishes.</p> <p>3 In July 2016, I explained to your predecessor, 4 chair, that the then Archbishop of Wales, 5 Dr Barry Morgan, was determined to provide every 6 assistance that the Church in Wales could to your 7 inquiry. I hope that events since then have borne out 8 his promise. He is now replaced by Archbishop 9 John Davies, from whom you will hear on Friday, and 10 Archbishop John Davies is the chair of safeguarding, he 11 has special responsibility for safeguarding in the bench 12 of bishops. I hope, again, that you will find that what 13 has happened since he has been elected to be the 14 archbishop is the same as what Dr Barry Morgan was 15 hoping for, namely, complete co-operation with your 16 inquiry.</p> <p>17 We promised then that we would pay attention to what 18 you told us, and we have paid attention to what you have 19 told us. Changes have been made to the disciplinary 20 tribunal procedure. It used to be the case that all 21 that was required to avoid what might be described as 22 justice was for a cleric or somebody else before the 23 disciplinary tribunal to resign, in which case it was 24 understood that, therefore, he or she could not be 25 proceeded with, that the tribunal were not competent to</p> <p style="text-align: center;">Page 121</p>	<p>1 deal with them. That has been changed, and that has to 2 be a change for the good.</p> <p>3 We are in the process, as well, of streamlining the 4 disciplinary tribunal procedure because it was 5 recognised that both the accused and the complainants 6 took too long to have a determination. That is in the 7 process of being approved by the representative body and 8 then the governing body, and I am hopeful that that will 9 happen within the next six months.</p> <p>10 A People Committee has been set up, and that is 11 a joint committee of legal, of HR -- human resources -- 12 and of the safeguarding officers, who will look 13 carefully, on a strategic basis, at safeguarding 14 practice in the province.</p> <p>15 In addition, of course, there is a safeguarding 16 panel who deal with the day-to-day referrals to the 17 safeguarding officers, who will be involved in making 18 decisions about what should happen when safeguarding 19 references are made to them. Previously, that was 20 chaired by a cleric, but in terms and in the spirit of 21 independence, now an independent, nonclerical chair has 22 been appointed, someone from outside, to ensure, from 23 the outside at least, it looks as if there is an 24 independent view given to the matters that are put 25 before the panel.</p> <p style="text-align: center;">Page 122</p>
<p>1 We realised early in the procedure that, whilst we 2 had carried out a review of the -- when we carried out 3 a review of the live clergy files, we hadn't carried out 4 a review of the dead clergy files, and that has been 5 done. That is a direct result of the observations and 6 the introspection we had to give, perhaps, to what was 7 our practice at the time.</p> <p>8 We have also identified that, in terms of the 9 discipline procedure, there was a lacuna, because, 10 whilst the safeguarding advice could be given to 11 a bishop, if the bishop did not act on it, then there 12 was not much anybody could do; in fact, there was 13 nothing anybody could do about it. That has been 14 altered so that the head of safeguarding, or the head of 15 the representative body, will be able to refer bishops 16 to the disciplinary tribunal. That is a work in 17 progress. It is not finished yet, but it is an 18 indication of the fact that the Church in Wales take 19 seriously any shortfalls that have been identified 20 either by you or by our own internal investigations.</p> <p>21 We have set up a triage system so that all matters 22 referred to the safeguarding -- or before they are 23 referred to the safeguarding panel are considered by 24 a representative from HR, a representative from 25 safeguarding and the provincial secretary, and they meet</p> <p style="text-align: center;">Page 123</p>	<p>1 every month, in the hope that they are then able to 2 divert to whichever is the most appropriate organisation 3 the investigation. Because, of course, sadly, not all 4 safeguarding matters relate to children. There is 5 a variety of other matters that come before them.</p> <p>6 In terms of new appointments, and in particular new 7 appointments in senior positions within the church, the 8 importance of the safeguarding role of those clerics has 9 been highlighted and the job descriptions have been 10 amended to provide for that.</p> <p>11 On a parochial level, we have amended the rules so 12 that at least three PCC members must have enhanced DBS 13 checks and at least two of them must be church wardens. 14 Those are members who were approved by the 15 representative body in November last year.</p> <p>16 But, of course, there is still a large number of 17 matters that needs to be addressed. We were greatly 18 assisted by the report of Edina Carmi, and can I say 19 that I am instructed specifically that each and every 20 observation that she has made, and each and every 21 recommendation that she has made, is acceptable and 22 accepted by the church and will be acted upon.</p> <p>23 But we do realise that we need help and we need to 24 improve the way in which we respond to complainants in 25 a more appropriate way. We do realise that our liaison</p> <p style="text-align: center;">Page 124</p>

<p>1 in the past with the Church of England has not been as                  2 good as it might have been, particularly when clerics                  3 move from one way to another. But I am pleased to say                  4 that there are discussions ongoing at the moment which                  5 will improve the situation so far as that is concerned.                  6 In Wales, we don't have local authority designated                  7 officers from Social Services. Different people deal                  8 with different parts of the social work perspective.                  9 That is something that should be improved and we hope                  10 that you, in your inquiry, will make recommendations                  11 about that, because that's something that we are                  12 conscious has caused us some difficulties, because                  13 sometimes we are not entirely sure to whom we have to                  14 speak when referring a matter to Social Services.                  15 We are also conscious of the fact that there are                  16 ways in which the organisation of clergy records can be                  17 improved, and Ms Carmi makes mention of that as well.                  18 But we have to accept, I'm afraid, that this is the                  19 management of risk, and it is management rather than                  20 eradication. We strive to get rid of all risk, but                  21 bitter experience shows that that's probably not                  22 possible, and there is a tension, we find, in the                  23 management of risk.                  24 We obviously, as a church, have a duty to help the                  25 vulnerable and the afflicted. But, equally, we have</p> <p style="text-align: center;">Page 125</p>	<p>1 a need to protect the vulnerable, whilst not being so                  2 restrictive as to prevent them and the rest of                  3 the community receiving the joy of the Christian                  4 message, because we are a church when all is said and                  5 done.                  6 So what of the future? Well, I have indicated our                  7 preparedness to learn and the value of the inquiry to                  8 us. Archbishop John Davies is determined to carry on                  9 putting safeguarding at the forefront of the church's                  10 work and to make sure that his lead is something that is                  11 going to be followed by those below him and around him.                  12 We have made, we believe, changes for the better,                  13 but we are only too aware that the inquiry will be able                  14 to give further advice to the Church in Wales as to the                  15 other steps that could be taken to reduce the chance of                  16 future sexual abuse of children, and we welcome such                  17 advice and guidance, and we will seek to implement the                  18 same.                  19 Madam chair, thank you very much indeed.                  20 THE CHAIR: Thank you. Mr Phillips?                  21 Opening statement by MR PHILLIPS                  22 MR PHILLIPS: Chair, as you know, I represent the                  23 Ecclesiastical Insurance Office, EIO. At the start of                  24 the Chichester case study hearing in March last year,                  25 I set out for you what I saw as the key points about EIO</p> <p style="text-align: center;">Page 126</p>
<p>1 and its role in this investigation, in the hope that you                  2 would keep them well in mind as the evidence unfolded.                  3 The transcript reference is Day 1, pages 177 to 186.                  4 Having heard that opening last year, you did not, in                  5 fact, go on to hear evidence from EIO's witnesses, and                  6 very little time in that hearing was spent considering                  7 their statements. Unsurprisingly, therefore, the points                  8 that I outlined last time remain important at the start                  9 of this hearing, when you will hear from one EIO witness                  10 tomorrow and when other EIO and related statements will                  11 also be adduced.                  12 So whilst I won't repeat this afternoon what I said                  13 to you last year, I would like, please, to highlight                  14 some of those points, and to give you a sense of                  15 developments since that hearing.                  16 The first point to hoist in, please, is that EIO is                  17 an insurer. It is, as I suggested to you last time,                  18 a most unusual, if not unique, insurer because of its                  19 charitable ownership, about which you have now had                  20 further evidence. That charitable ownership naturally                  21 shapes the EIO's way of operating, drives its commitment                  22 to ethical principles, but it is in business as an                  23 insurer, and other important points flow from that.                  24 First, EIO is quite unlike any of the bodies and                  25 organisations, whether within or outside the church,</p> <p style="text-align: center;">Page 127</p>	<p>1 with which you're concerned in this investigation.                  2 I can illustrate that in this way: EIO's relationships                  3 with its many policyholders or customers are all founded                  4 on contracts. The terms of the insurance policies                  5 issued by EIO govern and determine precise relationships                  6 between it and its many thousands of customers, their                  7 respective rights and obligations.                  8 And next, and as your counsel pointed out this                  9 morning, because it is an insurer, it is authorised and                  10 regulated by the UK financial regulators. That is their                  11 function under statute. Its senior management are                  12 supervised and scrutinised in their conduct of its                  13 business by the specialist regulators.                  14 Now, as far as that business is concerned, it now                  15 covers many areas of insurance, as I told you last time,                  16 and has expanded vastly since it was founded by                  17 churchmen in 1887.                  18 The insurance which it provides for the                  19 Anglican Church, its buildings and its institutions is                  20 just one part of the EIO's faith sector, namely the                  21 insurance it provides for religious buildings and                  22 institutions of various kinds, from temples and mosques                  23 to synagogues and churches. The whole of the faith                  24 sector itself represents only about a quarter of EIO's                  25 property and liability business. So it follows that the</p> <p style="text-align: center;">Page 128</p>



<p>1 insurance with which you are concerned, the contracts                  2 made over the years for buildings and institutions                  3 within the Church of England and the Church in Wales,                  4 makes up one part of one sector of all of the business                  5 written by EIO, and that may help to put into some sort                  6 of perspective the next topic I want to mention, namely,                  7 EIO's relationship with the church.                  8 First, I need to remind you that EIO does not insure                  9 the Church of England nor the Church in Wales as a whole                  10 or as a single institution. The customer relationships                  11 which EIO has, as insurer, are with the thousands of                  12 church bodies to whom it issues insurance each year,                  13 large and small, local and national, from the tiniest                  14 parish to the greatest cathedrals.                  15 Next, I should stress that the church has no control                  16 over any of EIO's business. Indeed, you will understand                  17 from what I have already said about the wide range of                  18 that business the church has no connection whatever with                  19 the vast bulk of EIO's insurance business.                  20 Of course it is true that the relationship between                  21 EIO and the church has continued since its foundation.                  22 One of its eight non-executive directors is a member of                  23 the clergy of the Church of England. But that director                  24 is not appointed by the church and is not its official                  25 representative. Nor, should I add, does EIO have any</p> <p style="text-align: center;">Page 129</p>	<p>1 control over the church. That is no part of its                  2 function nor its business.                  3 Turning back to the question of contracts, as I have                  4 said, it is contracts that govern the relationship                  5 between EIO and its many church customers. The terms of                  6 those contracts are agreed between the insurer, on the                  7 one hand, and the customer, on the other. In his                  8 evidence to you, Mr Angell of EIO has described the                  9 range of those contracts and given you a sense of their                  10 terms. And, of course, EIO's part in this investigation                  11 arises because claims have been made under some of those                  12 contracts. Those are the contracts where there is                  13 public liability cover available, normally as part of                  14 a range of insurance. So that, in simple terms, the                  15 contract will respond if there is a legal liability                  16 attaching to the customer. If that is established, then                  17 the EIO will indemnify the customer against the claim.                  18 What that means in practice, and in the vast majority of                  19 the cases with which you're concerned, is that the EIO                  20 settles the claim.                  21 Most claims are, in fact, settled before proceedings                  22 are issued. In Mr Bonehill's third statement, you will                  23 see -- and your counsel made this point this morning --                  24 that only one of the 231 claims so far made against the                  25 Church of England and Church in Wales customers went to</p> <p style="text-align: center;">Page 130</p>
<p>1 trial. I should say on that point that the number of                  2 total claims is 231; the number of those which are                  3 Church of England claims is 217; and the number of                  4 Church in Wales is 14.                  5 Now, the settlements that I have mentioned usually                  6 come about after discussions between the claimant's                  7 lawyer, there to advise and represent him or her                  8 throughout, not least in relation to the terms of                  9 the settlement, and EIO, or the lawyer representing EIO                  10 and its church customer. In the same section of                  11 Mr Bonehill's third statement, you will see that well                  12 over 90 per cent of these claimants were legally                  13 represented.                  14 The settlements are, without exception, financial.                  15 They are, and are intended to be, final. Claimants                  16 enter into them having had the benefit of legal advice.                  17 I should add, based on the latest statistics, that                  18 56 per cent of the sums paid out by EIO went to                  19 claimants; 30 per cent went to claimant lawyers; and                  20 14 per cent went to EIO's lawyers.                  21 Now, chair, of course EIO understands that money                  22 cannot truly compensate claimants for the harm they have                  23 suffered as a result of abuse. EIO's role in these                  24 claims is defined by the limits not only of its                  25 insurance contracts, but also more broadly by the limits</p> <p style="text-align: center;">Page 131</p>	<p>1 of the civil justice system. The relevant liability, as                  2 I have explained, is legal liability.                  3 As Mr Bonehill points out in his most recent                  4 statement, the basis of a civil claim under our system                  5 is remedy and not reparation. No system of remedy can                  6 ever make a claimant whole again. The system can                  7 deliver compensation for injury, physical and                  8 psychological, but it can't be guaranteed to deliver                  9 closure, and it cannot, of itself, prevent the                  10 recurrence of abuse.                  11 Now, all of that said, where there is cover for the                  12 church customer, the indemnity provided by EIO can be                  13 a valuable source of redress for the claimant and, were                  14 the EIO not standing behind the church body, then it                  15 would have to draw on its own resources to pay the claim                  16 or to make the settlement, thus inevitably reducing the                  17 fund available to it for its work within the church.                  18 And that's why organisations buy liability cover of this                  19 kind: to protect themselves from the financial                  20 consequences of legal liability. Indeed, that's why we                  21 all buy insurance: not to solve the world's great                  22 problems or to bring about cultural change, but to                  23 protect ourselves against loss.                  24 Now, turning back to the claims themselves,                  25 I highlighted for you last year some of the difficulties</p> <p style="text-align: center;">Page 132</p>

<p>1 inherent in handling claims of this kind, and you have                  2 very detailed evidence now from EIO about that. In                  3 Mr Bonehill's latest evidence, he updates the claim                  4 statistics for you, and in the process confirms that                  5 well over 90 per cent of the claims relate to events                  6 which took place at least 20 years before the claim was                  7 notified. And I know that in many claims the time span                  8 was greater even than that.</p> <p>9 Unsurprisingly, therefore, by the time the claims                  10 are made, some of the alleged perpetrators are dead.                  11 Just over a quarter of the clerics alleged to have been                  12 perpetrators were dead when these claims were notified.                  13 Those factors clearly create problems in the                  14 investigation of allegations by the insurer on top of                  15 the intrinsically difficult and sensitive nature of such                  16 claims.</p> <p>17 And so, despite the fact that these types of claims                  18 represent a tiny fraction of the claims dealt with by                  19 the EIO in any one year, the entire physical and sexual                  20 abuse category of claims amounted to only 0.4 per cent                  21 of all claims and 5.5 per cent of public liability                  22 claims last year, EIO has recognised that this type of                  23 claim requires particular care and a very specific                  24 approach, and that reflects its recognition that the                  25 claims process itself, the very business of coming</p> <p style="text-align: center;">Page 133</p>	<p>1 forward, can be traumatic for the victim, regardless of                  2 how long ago the abuse occurred.</p> <p>3 The result of all of that is that these claims                  4 demand and receive a quite disproportionate amount of                  5 care and time on the part of specialist claims handlers                  6 within the company's claims department, and EIO, of                  7 course, also draws on the advice and expertise of                  8 specialist lawyers.</p> <p>9 When a claim is received, EIO has a responsibility                  10 to investigate its factual basis. That investigation is                  11 necessary to enable the company to deal with it properly                  12 and fairly. The investigation may include the need for                  13 an independent medical assessment of the claimant's                  14 condition in order objectively to assess the                  15 consequences of the abuse alleged, and it would be                  16 wrong, as well as unfair to its customers and to other                  17 genuine claimants, if an insurer did not investigate the                  18 credibility of the allegations before deciding how to                  19 respond to the claim.</p> <p>20 As the volume of these claims has increased, so                  21 EIO's knowledge and understanding of the issues to which                  22 they give rise has deepened, and the company has                  23 responded by changing and updating its ways of handling                  24 them. That process continues, and I should say that the                  25 work of the inquiry has had its part to play in that.</p> <p style="text-align: center;">Page 134</p>
<p>1 As you know, in June 2016, EIO issued its guiding                  2 principles in relation to claims of this kind, and they                  3 set out in writing the practices and the principles                  4 which were by then established. Its aim in making them                  5 public was to make its approach to such claims                  6 transparent, in order to help both claimants and                  7 customers. The church, amongst other bodies, was                  8 consulted on those principles before their publication,                  9 and the evidence you have received is to the effect that                  10 the church seeks to follow them when handling claims                  11 which are not covered by insurance.</p> <p>12 At this point, I should remind you that by no means                  13 all of the claims which you have considered in this                  14 investigation have been insured. For example, the                  15 Bishop Bell, the Bishop Ball, the Bishop Whitsey claims                  16 about which you will hear, none of those have been                  17 covered by the EIO's insurance.</p> <p>18 Returning to the guiding principles, if I may, EIO                  19 pledged to keep them under review, in the light of its                  20 experience, to ensure that they continued to reflect                  21 current best practice and, in September last year, it                  22 issued an updated version, which you have in evidence.                  23 It will continue to review its handling of these                  24 challenging claims and to reflect on its experiences.                  25 It will continue to discuss these issues with claimant</p> <p style="text-align: center;">Page 135</p>	<p>1 legal representatives, including those present here                  2 today. And it will continue to welcome feedback from                  3 its customers and from victims and survivors who have                  4 experienced the claims process.</p> <p>5 I should add, of course, that EIO is by no means the                  6 only liability insurer which has had to deal with                  7 historic sex abuse claims involving not just the church,                  8 but many other organisations and institutions. They                  9 presented unique challenges for the whole liability                  10 insurance market and the Association of British Insurers                  11 itself has acknowledged the impact of the work of this                  12 inquiry on the issues arising, most recently in its                  13 letter to the inquiry on the question of limitation.</p> <p>14 Mr Bonehill has set out for you the EIO's approach                  15 to this potential defence, which is also made clear in                  16 the guiding principles, to which Mr Scorer referred.                  17 He's pointed out that it has been run as a defence in                  18 a small proportion of the church claims, and he has                  19 outlined for you the very particular combination of                  20 circumstances in which a decision to plead it might be                  21 made, adding the rather important point that because of                  22 the court's wide discretion to extend the relevant                  23 limitation point, its impact on such claims is in fact                  24 limited.</p> <p>25 I should add that EIO understands how difficult it</p> <p style="text-align: center;">Page 136</p>

<p>1 is for victims and survivors of any kind of abuse to                  2 bring a claim and, as a result, it approaches the                  3 question of limitation with care and uses it rarely. It                  4 is, in fact, currently reviewing its position on                  5 limitation for claims involving physical and sexual                  6 abuse and feels that the ABI's revised approach is very                  7 timely.                  8 Chair, that's all I wanted to say at this stage.                  9 THE CHAIR: Thank you, Mr Phillips.                  10 MS SCOLDING: Chair, I believe Mr Powell QC just wants to                  11 correct something very briefly.                  12 THE CHAIR: Mr Powell?                  13 MR POWELL: Chair, you may remember I mentioned the setting                  14 up of the People Committee, and I think probably                  15 inadvertently, or -- well, no, inadvertently, I didn't                  16 give you the full picture, because the People Committee                  17 is a subcommittee of the representative body, and                  18 Ms Scolding spoke about the role of the representative                  19 body this morning, and it deals with -- it has                  20 a portfolio which includes HR, administrative, staffing                  21 and safeguarding strategy, and it is made up of trustees                  22 of the representative body as well as a small number of                  23 others with relevant expertise. I think I said there                  24 was a legal member as well. That isn't right, but                  25 obviously they call in legal advice as and when it is</p> <p style="text-align: center;">Page 137</p>	<p>1 necessary. I hope that that clarifies the matter. As                  2 I have indicated, that's the difference between that                  3 committee and the safeguarding panel, which is                  4 effectively the investigatory arm of the safeguarding                  5 procedure in the Church in Wales. I'm very sorry if                  6 I didn't make that clear earlier on.                  7 THE CHAIR: Thank you, that's noted.                  8 MS SCOLDING: Chair, we are now due to have evidence from                  9 the witness known as AN-A4, or A4 for short. But,                  10 chair, given that there will need to be some sort of                  11 rearrangement of the room, would it be sensible to take                  12 the afternoon break slightly early and then to return in                  13 about 15 minutes, with your permission?                  14 THE CHAIR: Yes.                  15 (2.51 pm)                  16 (A short break)                  17 (3.07 pm)                  18 WITNESS AN-A4 (sworn)                  19 Examination by MS SCOLDING                  20 MS SCOLDING: Please take a seat. I will call you "A4".                  21 I know that is a slightly peculiar thing to be called,                  22 but I would ask if you would likewise reciprocate and                  23 call yourself A4 at all times. There are also a couple                  24 of other people who are mentioned in your witness                  25 statement who also have a cipher. I have given you</p> <p style="text-align: center;">Page 138</p>
<p>1 details of that cipher, and I would ask that you use                  2 that cipher when you're responding in any questions.                  3 Just a few things, A4. Firstly, as I have already                  4 said to you, please don't hesitate if you need a break                  5 at any time for whatever reason. I know that some of                  6 the evidence you will be giving you might find                  7 distressing and upsetting, so we fully recognise and                  8 appreciate that.                  9 Secondly, this isn't a test of memory. You                  10 shouldn't hesitate to tell the inquiry if you can't                  11 remember something, and it is really not any reflection                  12 on you or your position.                  13 Thirdly, you should have your witness statement in                  14 front of you, but there will also be documents coming up                  15 on a screen next to you.                  16 I should also identify that this witness has said                  17 they have some problems orthopaedically, so at some                  18 points they may need to stand during the course of their                  19 evidence.                  20 A4, you first met the person that we are going to                  21 call, for the purposes of today, F15 when you were                  22 around 13 or 14 years old, and he was a friend of                  23 the family. Can you describe your impressions of F15                  24 when you first met him?                  25 <b>A. He was a very distinguished gentleman, and I knew him to</b></p> <p style="text-align: center;">Page 139</p>	<p>1 <b>be somebody who was a very senior figure in the church,</b>                  2 <b>in terms of Canon law, and quite a -- I think he is what</b>                  3 <b>they call a name in the church. I don't know whether</b>                  4 <b>that phrase is used, but he was certainly a name in the</b>                  5 <b>church.</b>                  6 <b>He moved between worlds, Cambridge and London. He</b>                  7 <b>was, I think, one of two canon lawyers who also taught</b>                  8 <b>at Oxbridge, I think, is my memory.</b>                  9 Q. Okay.                  10 <b>A. So he was a very significant figure.</b>                  11 Q. Can you describe his relationship with your parents?                  12 <b>A. He was my father's mentor. He was a very close</b>                  13 <b>family -- a trusted friend, and that was how he</b>                  14 <b>essentially adopted me as a mentee, or whatever.</b>                  15 Q. You have obviously talked about the fact he was very                  16 close to your parents. How did he behave towards you                  17 during your early teenage years and during your                  18 childhood?                  19 <b>A. My earliest memory of him is around about 13, and he</b>                  20 <b>treated me as a small adult, you know, with</b>                  21 <b>a considerable degree of charm, you know, and courtesy</b>                  22 <b>and -- well, as I understand it now, grooming. You</b>                  23 <b>know, he enticed me with a sense of drawing out my</b>                  24 <b>wisdom and calling me very bright and all of those sorts</b>                  25 <b>of things. He treated me.</b></p> <p style="text-align: center;">Page 140</p>

1 Q. At F15's request, you visited his flat on around five  
 2 occasions?  
 3 **A. Five or six occasions, yes.**  
 4 Q. How old were you at that time?  
 5 **A. I was between 14 and 16, so it spanned a couple of**  
 6 **years, and it was always on the pretext of serving in**  
 7 **[redacted]. Sorry, am I allowed to say that?**  
 8 MS SCOLDING: Chair, if we could pause proceedings for  
 9 a moment. Chair, if you could make a restriction order  
 10 covering that last matter.  
 11 What was the purpose of the visits, as you  
 12 understood them?  
 13 **A. I was always to serve in the church for the Eucharist.**  
 14 **The church was a weekday church, so it didn't have**  
 15 **a Sunday congregation at all. It was closed at**  
 16 **weekends, or certainly on a Sunday, because F15 was in**  
 17 **Cambridge during the weekends mostly.**  
 18 Q. When you visited his flat, what used to happen in terms  
 19 of his social relationship with you?  
 20 **A. He used to talk a lot about psychic, psychical stuff.**  
 21 **He was a member of -- I can't remember exactly what it**  
 22 **was called -- Christian Psychical Research Institution**  
 23 **or something, he was a leading light in that. So, when**  
 24 **I was about 14 or 15, he used to kind of excite me,**  
 25 **I suppose, we'd talk about ghosts and death and**

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1 **A. Yes.**  
 2 Q. And then, after the meal, what did he do?  
 3 **A. Well, he raped me. He forced me to strip. He kind of**  
 4 **went very Jekyll and Hyde in his way of behaving and**  
 5 **forced me to strip and pinned me down on the bed and**  
 6 **raped me and cuffed me around the head because he**  
 7 **couldn't get it up.**  
 8 Q. So in the immediate aftermath of the abuse, did you tell  
 9 anyone?  
 10 **A. Not immediately, no. I think it took me a couple of**  
 11 **years before I started telling people. It was around**  
 12 **about 1978, and I first started telling people within**  
 13 **the church, end of '77 to '78.**  
 14 Q. Now, I understand that when you were around 18, so this  
 15 would have been sort of a few years later on, you  
 16 disclosed your abuse to someone we are going to call  
 17 F14 --  
 18 **A. F14, yes.**  
 19 Q. -- during confession. What was his reaction on being  
 20 told of this information?  
 21 **A. He wanted to hear the story in full confession, and he**  
 22 **was very kind of interested in the full technicolour**  
 23 **details of it. He wanted to know, you know, every tiny**  
 24 **dot and every element of it, stuff that you haven't**  
 25 **asked and that I haven't said. He wanted every last**

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1 **afterlife, all of those sorts of things, which I knew**  
 2 **were off limits as far as my family were concerned,**  
 3 **so ...**  
 4 Q. Did he used to give you drinks, or did he used to talk  
 5 to you in a particular way?  
 6 **A. Yeah, he would give me drinks that -- my parents**  
 7 **certainly didn't. I mean, my parents would give me wine**  
 8 **with water in a very kind of French way, but not**  
 9 **spirits, and he would give me sherry and gin and tonic**  
 10 **and stuff like that, when I was 14. But never -- he**  
 11 **would never get me drunk, but I was always treated as**  
 12 **a kind of special, "Don't tell your family", "This is**  
 13 **between us, this is private, you mustn't share with your**  
 14 **father that you are being given a gin and tonic", so**  
 15 **there was a lot of conspiratorial behaviour. He also**  
 16 **used my adoption very heavily to confuse and**  
 17 **disorientate. So he would kind of gradually work on**  
 18 **a lot of confusion within me about the relationship**  
 19 **between my parents and the relationship that I had with**  
 20 **them.**  
 21 Q. Okay.  
 22 **A. He was very clever. He was incredibly skilful. As**  
 23 **I look back now, an incredibly clever brain.**  
 24 Q. Thank you. So on the last occasion you visited his  
 25 flat, I understand that F15 cooked you a meal?

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1 **drop of detail. And that went through an entire**  
 2 **confession. And then, at the end of that, he led me**  
 3 **into a romance which lasted a year. So I was sort of**  
 4 **caught up in a very strange, kind of very secretive**  
 5 **romance with somebody that I didn't understand, didn't**  
 6 **seek, and I was already heavily confused because, as you**  
 7 **know, I'd been abused at prep school and then raped**  
 8 **within the church. So I was massively confused as**  
 9 **a young person.**  
 10 Q. You identify and explain, as you have already started to  
 11 explain to us, that you disclosed that you were abused  
 12 by F15 to a number of senior clerics in the church, and  
 13 you have put together a timeline of your disclosures,  
 14 spanning from the late 1970s to 2012.  
 15 **A. Yes.**  
 16 Q. Chair and panel, it is behind -- I have it as behind B1  
 17 of my bundle. Ralph, would you mind putting up  
 18 ANG000502.  
 19 Would you mind just expanding it slightly, so that  
 20 we can read it. So you have gone through and identified  
 21 various people, some of whom we have redacted, some of  
 22 whom we haven't, who you have told at various points in  
 23 time from 1970 onwards.  
 24 There are three people in particular I would like to  
 25 ask you about. One of those is Bishop John Eastaugh, as

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1 I believe he is called, who was then the Bishop of  
 2 Hereford. Ralph, would you mind going to page 2 of  
 3 ANG000502, please?  
 4 **A. He was the [redacted].**  
 5 Q. If you could go down slightly, Ralph. It is just there,  
 6 "When I was at [X], I told ..."  
 7 **A. Yes, he was the [redacted], and in all the years that**  
 8 **I told people --**  
 9 MS SCOLDING: Can we just cut the feed, please?  
 10 **A. Sorry, this is new to me, sorry.**  
 11 Q. That's okay. It is absolutely fine. I usually do it.  
 12 In fact, it was practically the first thing I did when  
 13 I had to stand up here a year ago, so please don't  
 14 worry.  
 15 Chair, I would invite you to pause proceedings  
 16 temporarily as there appears to have been a breach of  
 17 the restriction order and sensitive information. The  
 18 live feed will be temporarily broken. I would remind  
 19 all those currently present in the hearing room that you  
 20 have already made a restriction order of, in fact,  
 21 today's date, prohibiting disclosure and/or publication  
 22 of the name of any individual whose identity has been  
 23 redacted or ciphred by the inquiry and any information  
 24 redacted is sensitive and irrelevant. May we now  
 25 continue?

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1 individuals, both clerics and other individuals who were  
 2 involved with the church. I would like to turn now to  
 3 the 2000s, when you -- Ralph, would you mind getting up  
 4 ANG000502\_004, please, the bottom of that page, if  
 5 possible. You say that you disclosed this information  
 6 to Bishop Tim Thornton, who was then the Suffragan  
 7 Bishop of Salisbury and he is now the Bishop at Lambeth?  
 8 **A. He was Bishop of Sherborne at the time, and it was 2003.**  
 9 Q. Right.  
 10 **A. He was somebody who knew my family -- not terribly well,**  
 11 **and I'm just checking that I don't say a name of**  
 12 **a place. He knew me because he visited the place where**  
 13 **I lived.**  
 14 **We met six times or so; a quite joshy kind of**  
 15 **banter, you know, lots of humour, and then, on the last**  
 16 **occasion that we met, he asked me why I was living at**  
 17 **that place that I'm not allowed to say.**  
 18 Q. The place you're not going to say, that's fine.  
 19 **A. So I told him about my health condition -- is that okay**  
 20 **to say that?**  
 21 Q. Yes.  
 22 **A. And he asked me why I thought I had that health**  
 23 **condition, and so I explained to him, and I told him my**  
 24 **story. And it seems strange -- is it okay if I just say**  
 25 **a little bit more about that? Because I think this is**

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1 Thank you very much, A4. If we could just try and  
 2 keep everything as vague as possible, so not mention any  
 3 sort of places or names, that would be really helpful.  
 4 Thank you so much.  
 5 **A. Sorry.**  
 6 Q. No, that's absolutely fine. The first person I wanted  
 7 to ask you about was Bishop John Eastaugh on the request  
 8 of someone. What response did you receive to your  
 9 disclosure to him of your abuse by F15?  
 10 **A. He claimed that he didn't know who F15 was. He got me**  
 11 **to write the name down and he got me to repeat the name**  
 12 **I think about three or four times, slowly, as my memory**  
 13 **recalls. I knew at the time that I was being lied to.**  
 14 **I knew that it was extremely unlikely that a senior**  
 15 **bishop in the Church of England didn't know F15, because**  
 16 **I knew enough about the church to know that F15 was**  
 17 **a significant figure, and then I remember him telling**  
 18 **me, "You've done very well to tell me. This shows that**  
 19 **you have come through it very, very well and it will be**  
 20 **for your spiritual growth. The best thing for you to do**  
 21 **is to leave it with me and I will make very discreet**  
 22 **enquiries", and that was it. That was the end of his**  
 23 **involvement with that. I never heard from him again.**  
 24 Q. You also told a number of other individuals, which you  
 25 set out within this document, a large number of

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1 **an important thing, actually, for people to understand.**  
 2 **I don't understand how it is that I can remember, in**  
 3 **incredible detail, disclosures, but I know that I do,**  
 4 **and I know that I have talked with others who have had**  
 5 **that same dynamic. Some of these disclosures are almost**  
 6 **as if yesterday, in my experience. They are so**  
 7 **detailed.**  
 8 **I couldn't tell you what I remember of**  
 9 **a conversation with my mother at the same time or with**  
 10 **my neighbour a month ago. But the disclosures are**  
 11 **incredibly finely detailed. It is extraordinary.**  
 12 Q. Did you receive any formal response or any action? Was  
 13 any action taken?  
 14 **A. No, none at all.**  
 15 Q. You also identify, in 2003, that you also contacted  
 16 Bishop Paul Butler, who was the Bishop of Durham, and  
 17 I think, at that time, had just become the bishop with  
 18 lead on safeguarding. What did you disclose to him and  
 19 what response did he give?  
 20 **A. The Bishop of Durham came and visited me in my home**  
 21 **town, and there were two witnesses present, and**  
 22 **I basically told him my whole story. The local vicar**  
 23 **had helped me -- had written to the Bishop of Durham on**  
 24 **my behalf, and, to be fair to Paul Butler, he was very**  
 25 **quick in response. I think he was -- I think he**

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<p>1 responded within less than 48 hours, and then he came to 2 visit, I think, three or four -- it was very soon after. 3 I disclosed my entire story and all the people I'd 4 told and everything in quite a long, tearful disclosure, 5 and at the time, I sort of naively -- I thought, 6 mistakenly, that I was the first survivor telling about 7 bishop disclosure. I didn't, at that stage, realise 8 that actually there were quite a few other folks who had 9 told bishops. I thought -- for me, that felt like quite 10 a big, scary step and to be telling of that, if that 11 makes sense. 12 Q. I understand that you have written a number of letters 13 that you sent to the church complaining about its 14 management over the years of the disclosures that you 15 made. I understand, in fact, you have written 17 16 letters in total. Have you ever received any -- or did 17 you ever receive any response to them? 18 A. I wrote many, many more than 17 letters. Seventeen 19 letters -- the number 17 is the -- 20 Q. Seventeen letters to Lambeth Palace is what you say in 21 your witness statement? 22 A. To Lambeth Palace, but I wrote many, many more than 17. 23 I sent 17 letters to Archbishop Welby's office about the 24 response from the Bishop of Durham and the then Bishop 25 of Truro, Tim Thornton as he was, just the sort of blank</p> <p style="text-align: center;">Page 149</p>	<p>1 and fog as I call it, you know, fog and blank, 2 tumbleweed, silence to really major questions and 3 issues, cherry picking of one little question out of 4 maybe five or six really important questions, and total 5 blank to the questions about senior disclosures and 6 critically total blank to the issue of secondary abuse 7 within the church. It was just ignored, completely. 8 Q. I mean, I understand that after you'd written a number 9 of letters you received a short reply from Andrew Nunn, 10 who in fact we know about from previous hearings, who 11 identified and said to you that the archbishop would be 12 sure to hold you in his prayers when he hears you have 13 written again? 14 A. That's right, yes. 15 Q. You also spoke with Mr Nunn on the telephone, asking why 16 you had been blanked by everyone, and why were issues by 17 a bishop being totally ignored? 18 A. And he told me that I just had to accept that "that was 19 the way we do it". That was the phrase, I wrote it 20 down, "You just have to accept that that's how we do 21 it". And I then said, "But for Christ's sake, man, I'm 22 being blanked by everybody and I was pinned down on 23 a bed", and he then said, not immediately after, but 24 about a minute later, he reminisced that he had gone to 25 visit F15 in the place where F15 lived and his comment</p> <p style="text-align: center;">Page 150</p>
<p>1 was, "I hope you don't mind my saying, but what a very 2 strange image", and I thought, I'm on the end of 3 the phone here to Lambeth Palace, what is this culture? 4 I could not understand it. And David will know how 5 stunned and angry I was by a lot of these antics. It 6 was a circus. 7 Q. So in 2014, you brought a claim for damages against the 8 Church of England in respect of your abuse by F15. 9 A. Yes. 10 Q. What are your views on the way in which the church 11 approached your civil claim? 12 A. As I say, it was a rotten circus. The pastoral support 13 was closed down, I rang up Cheryl Kent, who was the 14 London DSA, and I think it is okay to say her name? 15 Q. Yes, it is. 16 A. She was a hero. She was a really sterling DSA. 17 I remember ringing her up and she told me, "I'm so 18 sorry, I can't respond. I am not allowed to engage with 19 you", and I went, "What! What are you talking about?". 20 I was completely closed down. Any kind of pastoral 21 support, what little there was -- I mean, the Bishop of 22 Durham had responded sparingly, if that, really, and 23 then I suppose I went on for, I don't know how long it 24 was, about a year, a year or 18 months from that, 25 something in that region -- I'm not entirely sure how</p> <p style="text-align: center;">Page 151</p>	<p>1 long the period of time was -- 2 Q. I think it was a period between about 12 and 3 18 months -- 4 A. Something like that. 5 Q. -- before the church commissioned what we are going to 6 call the Elliott Review. 7 A. That's right. 8 Q. How did you feel about the process in respect of 9 insurers? You say in your witness statement that the 10 insurance process made you feel profoundly reabused? 11 A. Yes. I mean, it's just toxic. I was called to 12 Plantation Square, the BLM office, and I think I'm 13 allowed to say this: it was four minutes' walk from the 14 church of the abuse. So it was literally around the 15 corner, in the very next street. 16 Q. I think that's fine, on the basis that, if we know -- 17 I know Plantation Square, and there's lots and lots 18 of -- 19 A. There's a lot of Wren churches. 20 Q. There's a lot of places you can walk in four minutes, 21 let's just put it that way? 22 A. Wren churches are thrown out across the City like 23 Smarties, you know, but it was four and a half minutes' 24 walk. And the lawyer leading the settlement -- I'm not 25 entirely sure whether I'm allowed to say the name of</p> <p style="text-align: center;">Page 152</p>

1 the lawyer? Am I not?  
 2 Q. That's fine.  
 3 A. I can say?  
 4 Q. Yes.  
 5 A. Paula Jefferson. I met her very briefly, with  
 6 David Greenwood, and she explained to me that the church  
 7 accepted liability for what had happened to me, accepted  
 8 responsibility, and then they went off into another room  
 9 together, and then everything that happened from thereon  
 10 in was everything to do with why the church didn't in  
 11 fact accept liability. So it was an incredibly  
 12 schizophrenic kind of experience.  
 13 I think the settlement process, or the "horse  
 14 trade", as I call it, started off at £5,000. Let me  
 15 just say, I have a lifetime of mental health illness.  
 16 I'm 60 next year. I am incomeless. And I have zero  
 17 pension. I'm a bright person, but I have a very damaged  
 18 past. They started at £5,000. And there was a kind of  
 19 horse trade up. And the first legal defence used was,  
 20 "He wasn't acting in his capacity as a priest". I'm  
 21 going to say that again: "He wasn't acting in his  
 22 capacity as a priest". But I was a stone's throw from  
 23 the church where I'd served for mass every time I'd  
 24 stayed with F15.  
 25 The second legal defence was, "Wrong institution.

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1 they had no involvement in the Elliott Review. Well,  
 2 they were sat there. Their representative was there  
 3 with Ian Elliott in those two core groups. How can they  
 4 claim not to have had involvement?  
 5 And then in the mediations, do you know what those  
 6 people did? They posted the letter from the bishops and  
 7 their response and 14 times they put my family's surname  
 8 up online for the world to see, and I'd never used my  
 9 surname. I'd protected my family name. I have been  
 10 very public as a campaigner and as a fighter for  
 11 justice, but I'd never used my family's surname.  
 12 Fourteen times. And I think it was up for three days or  
 13 something. It was a blogger of a well-known  
 14 Christian -- Thinking Anglicans who spotted it, and  
 15 a whole raft of people had seen it, and my family name  
 16 is very distinctive. Fourteen times.  
 17 I mean, I have to say, that is pretty intimidating,  
 18 isn't it?  
 19 Q. So can I ask, because of the dissatisfaction that you  
 20 had expressed on a number of occasions that you have  
 21 told us about, the church decided to commission an  
 22 independent review from Ian Elliott --  
 23 A. Yes.  
 24 Q. -- in 2015, which examined the church's handling of your  
 25 allegations. How did you contribute to this review?

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1 This church is not owned by the church. You weren't  
 2 raped in the church. Therefore, wrong institution", and  
 3 so on. So it was just a circus.  
 4 And then the final coup de grace, and I want you to  
 5 hear this, people, the final coup de grace was when my  
 6 solicitor came back in and said, "Paula Jefferson has  
 7 said that she's gone £5,000 over what she had initially  
 8 decided, at the onset of the day, was going to be the  
 9 ceiling, and your client should be grateful". That was  
 10 what came across. I mean, I felt like -- I felt like  
 11 a camel. I felt like a used car part. It was  
 12 disgusting.  
 13 And then, to my horror, I discover that the  
 14 church -- Church House had had core groups -- is it okay  
 15 if I just go on?  
 16 Q. Yes?  
 17 A. Is that okay? I don't want to upset your system.  
 18 Q. No, no, you're not upsetting any system.  
 19 A. The Church House and the NST held core groups, two core  
 20 groups, into my case during the Elliott Review without  
 21 an invite to David Greenwood or myself. We didn't even  
 22 know for 18 months. So the lawyer who had led the  
 23 settlement about three or four weeks earlier was now  
 24 sitting in a pastoral core group in Church House. It  
 25 was extraordinary. And then Ecclesiastical claimed that

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1 A. The Elliott Review was like an oasis of sanity between  
 2 two kind of periods of weirdness. Ian was -- from the  
 3 moment I met Ian, and he worked with Jane Dodds, who was  
 4 the former Church of England caseworker, and they just  
 5 worked in such a good way. I remember Ian sat me down  
 6 the very first meeting and said, "I want you to know  
 7 that, on paper, this will be called the Elliott Review,  
 8 but the reality is that you're leading this review with  
 9 me and with Jane, and without you this review is not  
 10 possible".  
 11 Q. Would you like a couple of minutes?  
 12 A. Can I? Is that okay?  
 13 Q. That's fine. Do you need a couple of minutes outside,  
 14 or do you just need a couple of minutes to compose  
 15 myself?  
 16 A. No, I'm okay, yes. And Ian Elliott was really the first  
 17 person to help me understand, I think for the first time  
 18 in my life, that I'd been abused not by two people but  
 19 by three people. I was still coming to terms, really,  
 20 with all of that.  
 21 I know that sounds strange, but I hadn't really  
 22 fully grasped the depth to which I'd been disorientated  
 23 by abuse through my early life, by three different  
 24 figures, and the last of whom I think, F14, did an  
 25 immense amount of psychological damage, really more than

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<p>1 can be understood, and I think I'm right in saying --                  2 David will confirm -- that F14 didn't even occur in the                  3 settlement, I think -- I think David is nodding.                  4 I think F14 was completely invisible. But that                  5 reflected the fact that F14 had been completely                  6 invisible in the response from the bishops, from Bishop                  7 of Durham, Archbishop Welby's office. So it was all of                  8 a piece, really.</p> <p>9 Q. What were your views as to the outcome of                  10 the Elliott Review and the recommendations that                  11 Mr Elliott made?</p> <p>12 A. I think, initially, the outcome looked really good.                  13 I think, if I'm honest, it didn't go far enough, and                  14 I suspect Ian Elliott, if he was saying, you know --                  15 doing it now, I suspect, I think, that he would probably                  16 go much further, because, at that stage, he hadn't                  17 really experienced aspects of the NST and Church House                  18 and the culture.</p> <p>19 But, on the surface, I think it looked good: the                  20 involvement of survivors, drawing upon the wisdom of                  21 survivors. That was a very key element, I remember, at                  22 the time.</p> <p>23 Q. Shortly after the Elliott Review, Paul Butler, the                  24 Bishop of Durham, handwrote you a letter, ANG000503,                  25 tab B4, chair and panel. This is a handwritten letter</p> <p style="text-align: center;">Page 157</p>	<p>1 on two pages?</p> <p>2 A. I think that Paul Butler was genuinely very apologetic.                  3 I think that he realised that he had responded very,                  4 very poorly to my situation, and had followed disastrous                  5 advice. I mean, he claimed that he had followed the                  6 advice -- I'm not entirely sure whether from                  7 Ecclesiastical or an agent --</p> <p>8 Q. This is on the second page, Ralph. Would you mind going                  9 to 002, please, and the first half of the page, please,                  10 "I am also extremely sorry", the passage that starts                  11 there. There we are. You should be able to see it. So                  12 this was Paul Butler writing to you, saying:                  13 "I am also extremely sorry that when the solicitor's                  14 letter arrived regarding your claim, I did not overrule                  15 the legal and insurance advice I received regarding                  16 having no further contact with you. I should have made                  17 it clear that it would have been better to maintain                  18 contact. I am also deeply concerned that throughout                  19 this time you think I've been unconcerned or unaffected.                  20 I have thought of you often. I have wept for you and                  21 prayed for you regularly."</p> <p>22 A. It's not good enough, counsel. I wrote I don't know how                  23 many letters repeating and repeating my abuse to people.                  24 I must have written 50 letters, I suspect, certainly                  25 a dozen to Lambeth Palace. I don't know how many in</p> <p style="text-align: center;">Page 158</p>
<p>1 total, David might have the figure, but it was a huge                  2 number.</p> <p>3 I wrote to figures within the National Safeguarding                  4 Team. It was very small at the time. Am I allowed to                  5 say their names?</p> <p>6 Q. Yes, you are.</p> <p>7 A. So at the time, it was Heather Reed, Jacqui Philips, who                  8 I think was the sort of overarching manager, Simon Payne                  9 who I think had come from Lincoln, and I can't remember                  10 the others. But there were about four or five. Do you                  11 know how many responses I got from the National                  12 Safeguarding Team? Zero. Nada. Zero response from the                  13 National Safeguarding Team. So I was repeating myself                  14 dozens of times and saying, "Why is nobody paying                  15 attention to the fact that I was abused by two senior                  16 clerics and other senior clerics walked away and are                  17 walking away still?", and everybody just does                  18 tumbleweed, silence from everywhere. It was staggering.</p> <p>19 And, in the process, I effectively lost my jobs.                  20 I mean, I really went into very profound meltdown                  21 psychologically and emotionally, and I can remember for                  22 a period of that I would be on the phone to Cheryl Kent                  23 just howling. Cheryl Kent, bless her, broke her                  24 protocols. She broke her own employment contract and                  25 kept contact with me, because she, I think, realised</p> <p style="text-align: center;">Page 159</p>	<p>1 that what was going on was so deeply immoral and wrong                  2 that she did not adhere to whatever it was that she had                  3 been given instruction to. That woman had real goodness                  4 in her.</p> <p>5 Q. Can I ask now, following the Elliott Review,                  6 Bishop Sarah Mullally, who was then the Bishop of                  7 Crediton, and who is now the Bishop of London, was asked                  8 to receive the review on behalf of the church and to                  9 implement its recommendations. What contact did you                  10 have with Bishop Sarah regarding the church's response                  11 to the review?</p> <p>12 A. I remember that three of us -- Phil Johnson and Jo Kind                  13 and myself -- went to Exeter to meet with                  14 Bishop Mullally. They are now my colleagues, in fact,                  15 on MACSAS.</p> <p>16 Q. That's fine.</p> <p>17 A. Is that okay? Sorry. I'm charting strange waters.</p> <p>18 Q. Don't worry. If I give you a dirty squirt, you will                  19 know that you have overstepped those marks.</p> <p>20 A. Okay. We went to meet Bishop Mullally, and I think --                  21 I mean, I want to say here that in fact the request for                  22 a woman bishop came from me. So I was the person that                  23 felt that this needed a woman to come in and see things                  24 from a completely new perspective, and shake it up,                  25 because, by that stage, I'd begun to realise, through</p> <p style="text-align: center;">Page 160</p>



<p>1 <b>contact with others, that I was not an isolated case in</b>                  2 <b>this blank and fog circus, as I call it, and there were</b>                  3 <b>other people also having similar -- and my instinct was,</b>                  4 <b>a woman needs to come in and just shake this old boys'</b>                  5 <b>network right up.</b>                  6 Q. Did you feel that she did shake the old boys' network                  7 right up?                  8 <b>A. No, my impression of Bishop Mullally was that she was</b>                  9 <b>kind, kindly, good intentions, but I think, sadly, she</b>                  10 <b>was very quickly hoovered up into the institution, and</b>                  11 <b>my sense was that she didn't really seem to want to</b>                  12 <b>grasp a lot of the issues. So she could only kind of</b>                  13 <b>contain things within boxes, if that makes sense, and</b>                  14 <b>didn't really want to look at the wider issues.</b>                  15 <b>I eventually got very, very frustrated. I think</b>                  16 <b>I wasn't alone with that.</b>                  17 Q. Do you think it would have been possible for any one                  18 person to sort out what you describe as the mess of                  19 the loyalties to institutions and hierarchy?                  20 <b>A. I think that's a really good question. No, I don't.</b>                  21 <b>I would agree with where that question is going.</b>                  22 <b>My sense of it is that I don't think it is possible</b>                  23 <b>for any senior figure to lead change at the moment</b>                  24 <b>within this structure because the structure is so riven</b>                  25 <b>with protection of hierarchy, protection of each other,</b></p> <p style="text-align: center;">Page 161</p>	<p>1 <b>protection of structure, protection of assets,</b>                  2 <b>protection of institution. They're all at sea. I think</b>                  3 <b>what was really interesting, what we saw yesterday, for</b>                  4 <b>example, was a junior -- I suppose a junior bishop or</b>                  5 <b>a suffragan bishop, not a senior figure, who presumably</b>                  6 <b>didn't have an awful lot of information some while ago</b>                  7 <b>but has suddenly grasped how things have been</b>                  8 <b>happening --</b>                  9 Q. I'm assuming you're talking about, just for the                  10 benefit -- he came on the Radio 4 religious programme                  11 yesterday, the Bishop of Burnley?                  12 <b>A. Bishop of Burnley, Philip North. My instinct is that it</b>                  13 <b>may well likely be bishops like that, who are kind of up</b>                  14 <b>and coming, who will lead change. I don't think the</b>                  15 <b>current senior layer are able to lead change. I think</b>                  16 <b>they are prohibited from leading change. They are</b>                  17 <b>caught up with culture change and they haven't</b>                  18 <b>recognised that culture change has to flow out of</b>                  19 <b>structure change. Culture change is meaningless. You</b>                  20 <b>could look at a potato for an hour and say, "Turn</b>                  21 <b>yourself into chips", and it's not going to happen until</b>                  22 <b>you get a bread board out and a knife and make it</b>                  23 <b>structurally happen, and that's my feeling about culture</b>                  24 <b>change: it's got to come out of very, very profound --</b>                  25 <b>surgery is required on this church. Really, root and</b></p> <p style="text-align: center;">Page 162</p>
<p>1 <b>branch surgery, nothing less.</b>                  2 Q. Now, as a result of the various concerns that were then                  3 raised after the Elliott Review, you entered into                  4 a mediation agreement between yourself and Paul Butler                  5 and Bishop Thornton, and Alan Wilson was also present at                  6 this. Ralph, would you mind getting up ANG000503_013,                  7 please. That's the mediation agreement which was                  8 concluded between you all which identified in particular                  9 that a letter would be drafted by the three bishops to                  10 the EIG asking for them to re-open -- in effect, re-open                  11 the settlement and to discuss matters and for you to                  12 have sight of that letter, and that they should also be                  13 engaged in communication with others about pastoral care                  14 for survivors, in effect. There are some other things,                  15 but, by and large -- Ralph, could you go to the next                  16 page, please, which sets out the substantive issues?                  17 <b>A. Can I say a little bit about how that mediation came</b>                  18 <b>about? Is that okay, quickly?</b>                  19 Q. Yes, I was asking to ask you, how did that mediation                  20 come about?                  21 <b>A. It came about through my drive. I had to threaten both</b>                  22 <b>those bishops with week-long visits to their cities with</b>                  23 <b>5,000 flyers in each city. This isn't currently public</b>                  24 <b>information. You are hearing this for the first time.</b>                  25 <b>But David, my solicitor, knows that and Bishop Mullally</b></p> <p style="text-align: center;">Page 163</p>	<p>1 <b>knows that. I said, "If you do not come to the table</b>                  2 <b>and apologise to me for what you put me through, I will</b>                  3 <b>come to your cities with 5,000 flyers, and I will speak</b>                  4 <b>in front of your respective cathedrals every day, and</b>                  5 <b>I will take flyers around every cafe, every library,</b>                  6 <b>every church", and I had actually booked myself into</b>                  7 <b>a lodge in Durham, in the first city that I was going</b>                  8 <b>to. That's the effort that I had to take.</b>                  9 <b>I want to say that because I think this is an</b>                  10 <b>example of the kind of drive that survivors are having</b>                  11 <b>to find in some situations to get proper response, and,</b>                  12 <b>sadly, and it is with sadness that I say,</b>                  13 <b>Bishop Mullally and Bishop Peter Hancock, Graham Tilby,</b>                  14 <b>the NST, just sort of watched all of that and didn't</b>                  15 <b>really do anything. They just watched me do all of</b>                  16 <b>the driving, and that, for me, seems to symbolise so</b>                  17 <b>much of what we go through.</b>                  18 Q. During the course of -- as a result of this mediation                  19 agreement, a letter was written to the EIG -- ANG000503,                  20 behind tab B5, chair and panel, of your bundle, and the                  21 mediation agreement was behind tab B7. This was                  22 a letter which was fairly critical to the chief                  23 executive of the EIG and, on the second page,                  24 ANG000503_003, so it should be the next page of this                  25 document. Can I take you to the second page, please,</p> <p style="text-align: center;">Page 164</p>

1 and if you wouldn't mind highlighting from "AN-A4" at  
 2 the top of the page. We can see "Take some concerns",  
 3 a settlement, the abuse has been lifelong, we are very  
 4 concerned about the way the claim has been handled:  
 5 "In the light of these concerns, we believe that EIG  
 6 should take a fresh look at the settlement breach."  
 7 I should say, for the benefit of the EIG and EIO,  
 8 they responded to this letter and identified  
 9 a significant degree of unhappiness and didn't agree  
 10 with some of the factual material, which they have  
 11 always said was not correct.  
 12 So, in fact, the bishops did write and do what they  
 13 said they would do in the context of the mediation  
 14 agreement.  
 15 You, however, were not happy with the reaction in  
 16 particular of Bishop Paul Butler, and you issued  
 17 a complaint under the Clergy Discipline Measure. You  
 18 referred a Clergy Discipline Measure complaint against  
 19 Bishop Butler. Can I ask, why did you make that  
 20 complaint?  
 21 **A. The CDM was before the mediation process. It was some**  
 22 **while before, just to be clear.**  
 23 Q. So it was before the mediation process?  
 24 **A. Yes.**  
 25 Q. Why did you feel the need to issue a CDM?

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1 reality is, if it is an insured claim, it is for them,  
 2 as an insurer, to give instructions to the solicitor  
 3 rather than the bishop.  
 4 **A. I think there's an element of that, yes. Can I also say**  
 5 **that one of the sticking points is that Ecclesiastical**  
 6 **has said -- they have said repeatedly and publicly and**  
 7 **online that, in my case, there was a misunderstanding,**  
 8 **that the closure of pastoral support was**  
 9 **a misunderstanding. Well, I want to put it on public**  
 10 **record here and today that, if so, I was present with**  
 11 **David Greenwood at a MACSAS AGM about three/four weeks**  
 12 **before the Elliott Review, and we both heard from two**  
 13 **other MACSAS members, including Phil Johnson, that the**  
 14 **same thing was happening in two other dioceses.**  
 15 So, okay, let's be generous and say that it was  
 16 a mistake, but let's also put it on public record that  
 17 that mistake was being made elsewhere at the same time.  
 18 MS SCOLDING: Thank you very much for your evidence. Is  
 19 there anything else you would like to say?  
 20 **A. Is it okay to just say a little bit? And I will keep an**  
 21 **eye on the time and I will watch your nod, if that's**  
 22 **okay.**  
 23 As I've said, I think it will be the next generation  
 24 of leaders that will lead. I don't see leadership in  
 25 the current layer. There is a kind of vacuum of

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1 **A. I took out a CDM because his response was so thin and**  
 2 **was sort of barely there.**  
 3 Q. So this was before he wrote the handwritten letter to  
 4 you and before the mediation agreement?  
 5 **A. It was certainly before the mediation agreement, and**  
 6 **I think it precipitated the handwritten letter, I think.**  
 7 **I'm not entirely sure. But, to be fair to**  
 8 **Bishop Butler, he did do a 20-page report in the CDM,**  
 9 **which he was under no obligation to do. But within it,**  
 10 **he outlined that Paula Jefferson had apparently rung him**  
 11 **to outline the legal defences that might or could be**  
 12 **used, that she advised could be used, and, according to**  
 13 **this document, this 20-page report, the Bishop of Durham**  
 14 **told her, "No, I want the church to pay compensation**  
 15 **without the use of legal defence". He was not happy --**  
 16 **according to him then. So in the 20-page report and**  
 17 **also in the mediation, which was witnessed by**  
 18 **Phil Johnson and Bishop Alan Wilson, he very clearly**  
 19 **told us that he was very unhappy with the way in which**  
 20 **the settlement had been led, and he had clearly been**  
 21 **given to understand that it was not going to be led that**  
 22 **way. He has since, sadly, retracted his position on**  
 23 **that and gone through somewhat of a 180-degree turn and**  
 24 **I can't answer the question as to why that is so.**  
 25 Q. Just sort of to identify, what the EIO would say is the

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1 **leadership at the top of the church at the moment.**  
 2 **I have seen bitterly and sadly how easy it is for**  
 3 **a bishop to be given a golden mandate -- you know, an**  
 4 **incredible ticket for change with cherries on top -- and**  
 5 **not really seem to do very much with it.**  
 6 **I don't think that this church can be rescued at the**  
 7 **moment, until there is really, really deep surgical**  
 8 **reform at so many levels, until they start treating us**  
 9 **justly and fairly and honestly.**  
 10 **Let me say, I didn't expect to get rich, but**  
 11 **I expected to be treated honestly and fairly and nobly**  
 12 **and justly, and I think I had a right, and I think the**  
 13 **people that I'm in touch with, many of whom have been**  
 14 **reabused by this structure, I think that they had**  
 15 **a right to be treated justly and fairly.**  
 16 **Let me say, on a structural level, I believe very**  
 17 **strongly that mandatory reporting, as outlined by**  
 18 **Mandate Now, has to be the bedrock, it has to be the**  
 19 **bedrock for the future. I believe that that's the**  
 20 **requirement.**  
 21 **And I also would echo very strongly the words of**  
 22 **David Greenwood and Richard Scorer, that there has to be**  
 23 **a very serious measure of independence within this**  
 24 **structure, independent oversight.**  
 25 **Can I end briefly on a personal note? I'm 60 next**

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<p>1 year. I was born in 1960. I'm incomeless. I've lost                  2 my jobs through this. I've lost my home. I have zero                  3 pension. But, at the moment, I am currently doing the                  4 work of support, advocacy, campaigning, and I feel I'm                  5 doing it on behalf of the bishops behind me, in that                  6 room behind me. It is not acknowledged. And I know I'm                  7 not the only person doing that work of support for                  8 survivors, because there's a group of us who are                  9 considered to have expertise, you know.                  10 I face, as a result of reporting and having gone                  11 through this circus -- because there is no other word                  12 for it; it is an absolutely toxic circus. As a result                  13 of it, I face an incredibly precarious and uncertain                  14 future, and I wish, in hindsight, that I'd never                  15 reported when I did. I wish that I'd waited ten years,                  16 until you get your act together. I wish I'd waited.                  17 That's the God's truth. Thank you.                  18 MS SCOLDING: Thank you very much. If you would just like                  19 to wait there, because obviously we need to do various                  20 things, so that you can leave the room to preserve your                  21 anonymity.                  22 Thank you very much, chair and panel. Sorry, do you                  23 have any questions? I do apologise.                  24 THE CHAIR: Mr Frank has a question.                  25 MS SCOLDING: It is the first day back and I'm slightly</p> <p style="text-align: center;">Page 169</p>	<p>1 rusty. I do apologise.                  2 Questions by THE PANEL                  3 MR FRANK: Just one matter, if you can help, and I well                  4 understand if you can't, because it is some time ago                  5 since you have perhaps seen this. If we can turn back                  6 to the letter of 14 September, ANQ000503_003. We looked                  7 at it, the letter was sent to you, I think.                  8 MS SCOLDING: I think it was copied. I think it was copied                  9 in to A4.                  10 MR FRANK: Indeed. I just wonder if you could help, because                  11 I don't know if you recall this letter at all, but on                  12 the second page of it, which is, I think, the reverse                  13 of --                  14 A. Can you blow it up a little bit?                  15 MR FRANK: At the very bottom of the page, below all the                  16 redactions, there appears to be an addendum in                  17 a different typescript, and I'm just wondering how that                  18 came to be on the letter, if you have any idea at all,                  19 whose addendum is it?                  20 MS SCOLDING: Is this the one that starts, "This is                  21 prosaic".                  22 MR FRANK: Indeed.                  23 MS SCOLDING: I don't think that's something that's on the                  24 original letter.                  25 A. I'm seeing that for the first time. That's not</p> <p style="text-align: center;">Page 170</p>
<p>1 something I have ever seen.                  2 MR FRANK: All right. I don't trouble you with it, but can                  3 I ask counsel --                  4 MS SCOLDING: We can find out. It definitely wasn't part of                  5 the original letter. I don't know how it has managed to                  6 appear on the original letter.                  7 MR FRANK: If you look at the last line of it, it is clear                  8 it is not the whole letter either.                  9 MS SCOLDING: I will double-check that for you, Mr Frank.                  10 A. I very much agree with it, though, that it is survivors                  11 who are having to drive change forward every inch, every                  12 inch of the way.                  13 MR FRANK: I'm very grateful, thank you.                  14 MS SCOLDING: If I can assist, I think it was part of a long                  15 email chain. I think the letter has been put in and                  16 then there has been something from the email chain. We                  17 will try to clarify this for you.                  18 MR FRANK: I'm very grateful.                  19 THE CHAIR: Thank you, there are no further questions, but                  20 on behalf of the panel, I would like to thank the                  21 witness very much for coming here today and telling us                  22 about his experiences, and we will take very seriously                  23 your reflections on the entire experience that you have                  24 had.                  25 A. Thank you, panel.</p> <p style="text-align: center;">Page 171</p>	<p>1 (The witness withdrew)                  2 MS SCOLDING: Chair, I think we just need to hear from                  3 Ms McCaffrey now, who is going to adduce a witness                  4 statement.                  5 MS McCAFFREY: Thank you, chair. There is one witness                  6 statement I would like to ask you to adduce in full                  7 today. This is a statement of Bishop Sarah Mullally,                  8 about whom we have just heard, dated 21 June 2019. As                  9 AN-A4 has told us, an independent review into the                  10 church's handling of his allegations was commissioned in                  11 2015. This review was conducted by Mr Ian Elliott.                  12 In March 2016, Bishop Mullally, as the then Bishop of                  13 Crediton, received the completed Elliott Report on                  14 behalf of the Church of England and her statement                  15 details her receipt of this report and its                  16 recommendations and explains her role in overseeing the                  17 implementation process.                  18 Chair, the URN for this statement is ACE027709.                  19 Thank you.                  20 THE CHAIR: Thank you, I will do that.                  21 MS SCOLDING: Chair, I think that ends the witnesses that we                  22 were due to hear today. Thank you very much.                  23 THE CHAIR: Thank you. That's the end of today's hearing.                  24 Thank you.                  25 (4.03 pm)</p> <p style="text-align: center;">Page 172</p>

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