

<p>1 Thursday, 4 July 2019</p> <p>2 (10.00 am)</p> <p>3 THE CHAIR: Good morning, everyone, and welcome to Day 4 of</p> <p>4 this public hearing. Ms Scolding?</p> <p>5 MS SCOLDING: Good morning, chair and panel. This morning,</p> <p>6 we will first hear from Canon Dr Rupert Bursell QC.</p> <p>7 CANON DR RUPERT BURSELL (sworn)</p> <p>8 Examination by MS SCOLDING</p> <p>9 MS SCOLDING: Thank you so much, Dr Bursell, for coming to</p> <p>10 speak to us again. We really do appreciate it.</p> <p>11 A few introductory issues: I understand you have</p> <p>12 somewhat of a cough, so if at any time the coughing</p> <p>13 overcomes you, please don't hesitate to stop, or if, for</p> <p>14 any other reason, you need a break, please do let us</p> <p>15 know. We can stop at any time. We will, in any event,</p> <p>16 be having a break at around 11.15 am.</p> <p>17 A. Thank you. I apologise.</p> <p>18 Q. Secondly, as you know, this isn't a test of memory.</p> <p>19 Please feel free to refer to any notes which you have</p> <p>20 brought into the box with you.</p> <p>21 A. I didn't know I could bring any.</p> <p>22 Q. Thirdly, there is a bundle of written documents in front</p> <p>23 of you -- there are two bundles in front of you -- and</p> <p>24 also documents will come up on the screen next to you,</p> <p>25 and we can enlarge the documents as much as you need</p> <p style="text-align: center;">Page 1</p>	<p>1 them.</p> <p>2 Dr Bursell, we have three witness statements from</p> <p>3 you. For the record, they are ACE025279, ACE027523 and</p> <p>4 ACE027554.</p> <p>5 Chair and panel, the two that you are going to need</p> <p>6 to be looking at are behind tabs A2 and A11. That's the</p> <p>7 second and third witness statements of Canon Dr Bursell.</p> <p>8 Dr Bursell, we heard quite a lot about your</p> <p>9 background when you gave evidence last year, so I am</p> <p>10 only going to recap it briefly.</p> <p>11 A. I'm sorry to interrupt, could I correct two things in</p> <p>12 the second witness statement?</p> <p>13 Q. Yes, of course you can.</p> <p>14 A. Is that convenient now?</p> <p>15 Q. Yes, it would be convenient to do so now. If we could</p> <p>16 turn behind -- it is ACE027523, and I believe it is</p> <p>17 footnote 50 you would like to clarify?</p> <p>18 A. It is. It should refer to the next paragraph.</p> <p>19 I apologise. That's bad editing on my behalf.</p> <p>20 Q. So that's page 9 of the document at the bottom.</p> <p>21 50 should refer to the noted text at footnote 51. Thank</p> <p>22 you very much.</p> <p>23 A. And then paragraph 61 --</p> <p>24 Q. Just hold on a minute and we will get Ralph to get it</p> <p>25 up. That's 025 of ACE027523, Ralph.</p> <p style="text-align: center;">Page 2</p>
<p>1 A. The way I have written it suggests that I am resistant</p> <p>2 to the need for safeguarding training. That's not what</p> <p>3 I meant. I hope I'm not resistant to it. I was</p> <p>4 referring to some of the other clergy of my age.</p> <p>5 Q. Thank you very much for those corrections, Dr Bursell.</p> <p>6 So, just a little bit about your background. You</p> <p>7 were a senior Criminal Circuit judge and are also</p> <p>8 Queen's Counsel. You were ordained and have been so, as</p> <p>9 I understand it, for 51 years and have a doctorate in</p> <p>10 Canon law.</p> <p>11 A. Well, technically, it is a Doctor of Philosophy, but the</p> <p>12 thesis was in Canon law.</p> <p>13 Q. You ran your careers in parallel: one at the criminal</p> <p>14 Bar and one as a cleric?</p> <p>15 A. Well, no.</p> <p>16 Q. No?</p> <p>17 A. I specialised in civil law, although I did both criminal</p> <p>18 and civil law. I particularly specialised in medical</p> <p>19 negligence.</p> <p>20 Q. You've been a chancellor or a Canon lawyer of some sort</p> <p>21 in five different dioceses, and so, therefore, you have</p> <p>22 provided advise on ecclesiastical law for a lengthy</p> <p>23 period of time. And you are a member of the Legal</p> <p>24 Advisory Commission of the General Synod since 1990 and</p> <p>25 have been its chair since 2007. You have also</p> <p style="text-align: center;">Page 3</p>	<p>1 contributed to the major text on ecclesiastical law and</p> <p>2 written a large number of articles, and you have also</p> <p>3 provided training for those aspiring to become members</p> <p>4 of the clergy.</p> <p>5 Last, but by no means least, you were one of</p> <p>6 the commissaries appointed by the then Archbishop of</p> <p>7 Canterbury, Lord Williams, to the Diocese of Chichester</p> <p>8 to carry out a visitation, and it was to that end that</p> <p>9 we heard evidence from you during the course of</p> <p>10 the Diocese of Chichester hearing?</p> <p>11 A. That's right.</p> <p>12 Q. Having heard all this, I think your expertise in</p> <p>13 ecclesiastical law probably goes without saying. We</p> <p>14 have asked you in particular to speak to us today about</p> <p>15 the seal of the confessional and safeguarding, as this</p> <p>16 is a subject which you have written about extensively,</p> <p>17 and also carefully considered.</p> <p>18 What I think we probably need to do, first of all,</p> <p>19 particularly because we are a public inquiry and</p> <p>20 therefore we are dealing with members of the public who</p> <p>21 will be less familiar with the doctrine and rights of</p> <p>22 the Church of England and its ecclesiastical law than</p> <p>23 obviously you are and most of the people in this room</p> <p>24 will be, so could you just identify what your</p> <p>25 understanding of confession is?</p> <p style="text-align: center;">Page 4</p>

<p>1 A. Confession is admitting your sins before God.</p> <p>2 Q. But when we talk about the seal of the confessional and</p> <p>3 the use of confession, we are talking about something</p> <p>4 quite specific, aren't we, within the context of</p> <p>5 the Church of England, something which I think we're</p> <p>6 going to come on and talk about. Now, Bishop Hind, in</p> <p>7 his evidence to us last year, identified -- in fact,</p> <p>8 I think he called it a minority practice. But, as</p> <p>9 I understand it, in your witness statement you say there</p> <p>10 are no statistics or data as to how frequently</p> <p>11 confession is in fact used within the Church of England</p> <p>12 and how often people do things which could be called,</p> <p>13 technically, confession. Is that right?</p> <p>14 A. I'm hesitating because there are two types of</p> <p>15 confession. One is a general confession, which you do</p> <p>16 in the form of service. The other is what may be called</p> <p>17 auricular confession, which is a private confession,</p> <p>18 with which I think you're primarily concerned.</p> <p>19 Q. Yes. So could you identify, what do you think the</p> <p>20 difference between the two is; between what could be</p> <p>21 called an open or public confession and a discussion</p> <p>22 with a priest that an individual might have outside of</p> <p>23 what you call auricular confession and what you think</p> <p>24 auricular confession is or consists of?</p> <p>25 A. I'm not sure that I'm following the question, but, yes,</p> <p style="text-align: center;">Page 5</p>	<p>1 of course there can be pastoral conversations in which</p> <p>2 people admit to their sins and are asking for advice and</p> <p>3 guidance as to what they should do. But then there is,</p> <p>4 within auricular confession, where a person may go along</p> <p>5 specifically to confess those sins, and it is within</p> <p>6 that context that the question arises of a seal of</p> <p>7 the confessional.</p> <p>8 But, as you know, there's a problem because there's</p> <p>9 no definition of what an auricular confession is, and,</p> <p>10 therefore, what the boundary between a pastoral</p> <p>11 conversation -- where one ends and the other begins, is</p> <p>12 entirely unclear.</p> <p>13 Q. So one of the points that you make in your witness</p> <p>14 statement is, in order for the church to decide or</p> <p>15 determine whether or not the seal of the confessional</p> <p>16 should be set aside, they need to grapple with the</p> <p>17 central question, which you say is unanswered by</p> <p>18 anything currently within doctrine, which is, what</p> <p>19 a confession is, what an auricular confession is, in the</p> <p>20 context of the Church of England?</p> <p>21 A. I don't think it should be set aside.</p> <p>22 Q. No.</p> <p>23 A. Though I do believe that there should be a mandate that</p> <p>24 anything which leads to noise or reasonable suspicion of</p> <p>25 abuse, particularly sexual abuse, should be outside the</p> <p style="text-align: center;">Page 6</p>
<p>1 seal of the confessional, because the seal of</p> <p>2 the confessional suggests that nothing can ever be</p> <p>3 divulged as to what has been said in front of the priest</p> <p>4 during that auricular confession.</p> <p>5 And I say "in front of the priest" because the</p> <p>6 auricular confession is seen between the penitent and</p> <p>7 God himself, rather than a conversation, as it were,</p> <p>8 between the priest and the penitent.</p> <p>9 Q. You have told us about the process of auricular</p> <p>10 confession. At the moment, the church has something</p> <p>11 called the seal of the confessional, which you have just</p> <p>12 identified?</p> <p>13 A. I'm sorry to hesitate, but this is one of the problems,</p> <p>14 because, if there is a seal of the confessional, there's</p> <p>15 a matter of doctrine, but there is also a matter of law.</p> <p>16 As far as the matter of law is concerned, I believe</p> <p>17 there is a very strong argument for the seal of</p> <p>18 the confessional, if you can define what the auricular</p> <p>19 confession is. Within the civil lawyers, nonchurch</p> <p>20 lawyers, I think there would be almost complete</p> <p>21 disbelief that it exists, and this is one of</p> <p>22 the problems.</p> <p>23 Q. So can you just explain to us a little bit, you have</p> <p>24 said, in the context of church law, at least some people</p> <p>25 think there is something called the seal of</p> <p style="text-align: center;">Page 7</p>	<p>1 the confessional?</p> <p>2 A. Yes.</p> <p>3 Q. But within civil law, you say lawyers wouldn't believe</p> <p>4 that it still exists. Can you firstly tell us what</p> <p>5 those who consider that there is such a thing as the</p> <p>6 seal of the confessional mean by that? Roughly, what is</p> <p>7 it?</p> <p>8 A. They mean that within -- whatever is said within the</p> <p>9 confession, however that is defined, whatever is said</p> <p>10 can never be divulged. I say "never" because the</p> <p>11 proviso to Canon 113, which I will explain if you ask me</p> <p>12 to, says that it should never be divulged. I think</p> <p>13 there is an argument that that could be -- could be --</p> <p>14 interpreted as whilst the penitent is still alive. It</p> <p>15 is certainly not interpreted in that way generally, and</p> <p>16 that I have always accepted.</p> <p>17 Q. Maybe you can explain to us, the individuals who believe</p> <p>18 that the seal of the confessional exists do so, as you</p> <p>19 have identified, from Canon 113, which in fact --</p> <p>20 A. Well, no, not "from". I'm sorry to be pedantic --</p> <p>21 Q. No, no?</p> <p>22 A. -- but, as a legal matter, it is important to be</p> <p>23 pedantic, as I'm sure you understand. It is -- I almost</p> <p>24 said "enshrined", but that's not right either. The</p> <p>25 proviso to Canon 113 still applies, but that was</p> <p style="text-align: center;">Page 8</p>

<p>1 a reflection of the pre-Reformation Canon law, which 2 certainly mandated the seal of the confessional within 3 the law of England. 4 Q. Just to sort of help everybody, the relevant portion of 5 Canon 113, which dates from 1603, and the exception to 6 which is still in existence in the Church of England 7 Canon, is set out at ACE027207_026, please, Ralph. 8 Chair and panel, for your assistance, it is B2, page 24 9 internally, 3.3.7. 10 So the bit in between, if you could get 3.3.7 -- in 11 fact, actually, why don't we get up 3.3.5. So this is 12 the bit that goes before the proviso, so to speak? 13 A. I'm sorry, I'm not following where you're taking me. 14 Q. Okay. 15 A. Ah, that's better, yes, I can manage that. 16 Q. This is Canon 113 from 1603. So this is the first bit, 17 and it is all about "ministers may present", and let's 18 note it's all written in obviously King James I 19 language. In effect, what is this Canon 113 trying to 20 tell us about generally? 21 A. The church courts applied with its jurisdiction over 22 everybody in the country, both clergy and lay. The 23 church wanted any breaches of church law, which was much 24 wider than it is now, to be reported to the church 25 courts.</p> <p style="text-align: center;">Page 9</p>	<p>1 Q. Yes. 2 A. But people didn't like telling on their friends, if 3 I could put it like that; very human. Churchwardens, 4 and officers of the court, sidesmen, questmen, all 5 church officers, were therefore given a duty to report 6 matters to the church officials. But they found that 7 they weren't going to report their friends either. So 8 they then included the clergy, the parish clergy, within 9 those who were under a duty to report it to the church 10 courts. 11 Q. If we could just go -- Ralph, would you mind -- to the 12 top of the second page of 026, please. So that's the 13 second half of paragraph 3 and that's the bit which 14 says: 15 "The parson and vicar, and whenever else they think 16 it meet, all such crimes as they have in charge or 17 otherwise as by them being the person that should have 18 chief care for the suppressing of sin and impiety of 19 their parishes shall be thought to acquire due 20 reformation." 21 As you have already identified, church law applied 22 to everyone in those days and there wasn't a police 23 force, and whilst there were magistrates and the 24 assizes, the church would have had a much wider power in 25 terms of regulating people's behaviour and conduct, both</p> <p style="text-align: center;">Page 10</p>
<p>1 moral but also criminal behaviour, what we would now 2 call, you know, something which would be an offence 3 would be something that the church would have regulated 4 in those days? 5 A. Well, one of them is adultery, which, as a lawyer, you 6 will know, is sometimes called "criminal conversations", 7 and that is because, in church law, it was a crime. 8 Q. If we can now turn to 3.3.7 -- so this was done to say, 9 "Right, everyone needs to tell -- so the churchwardens, 10 you have all got to rat on your friends, it doesn't 11 matter". And I would imagine in 1603/1604 there would 12 have been lots of ratting about "Are you about to blow 13 the Houses of Parliament up?" or, "Is something going 14 on?" or "Do you go to church every week?", because that 15 would have been something which was obligatory or at 16 least frowned upon if you didn't go, at that time. So, 17 because of that, the proviso had to be introduced, which 18 we see at 3.3.7, which again in characteristically in 19 Elizabethan Jamesian language says: 20 "Provided always that if any man confess his secret 21 and hidden sins to the minister ..." 22 Does it matter that it says "minister" rather than 23 "priest"? 24 A. I doubt it. But if you looked at the whole of Canon 113 25 again, it does refer to ministers, and that could have</p> <p style="text-align: center;">Page 11</p>	<p>1 included deacons. But I am virtually certain that, 2 because this must be referring to the seal of 3 the confessional, which was already part of the law, 4 this is actually meaning "priest" here rather than 5 "minister", because only a priest could doctrinally, and 6 therefore legally, hear the auricular confession. 7 Q. So: 8 "... may confess his secret and hidden sins to the 9 minister for the unburdening of his conscience and to 10 receive spiritual consolation and ease of mind from him, 11 we do not in any way bind the said minister by this, our 12 said constitution, but do strictly charge and admonish 13 him that he do not at any time reveal and make known to 14 any person whatsoever any crime or offence so committed 15 to his trust and secrecy ..." 16 This is what people say is the seal of 17 the confessional. But what it says here in brackets is: 18 "... (except they be such crimes as, by the laws of 19 this realm, his own life may be called into question for 20 concealing the same)." 21 So there has always been an exception -- well, there 22 is an exception set out -- 23 A. This exception was new in 1603. 24 Q. Right. What is meant by that? Is that treason, in 25 effect?</p> <p style="text-align: center;">Page 12</p>

1 **A. In all truth, we don't know. It's usually assumed that**
 2 **it refers to treason. In fact, the authoritative text**
 3 **of the Canon is in Latin and not in English --**
 4 Q. Of course. As would have been the case in those days.
 5 **A. -- and the Latin isn't necessarily entirely accurately**
 6 **translated into English.**
 7 Q. Right.
 8 **A. Therefore, there is some doubt. Although I think it's**
 9 **primarily concerned with treason. In all honesty, we**
 10 **don't know.**
 11 Q. What I suppose this does demonstrate is, even in 1603,
 12 there were viewed to be some things that were so serious
 13 and important that the seal of the confessional should
 14 not apply?
 15 **A. Yes.**
 16 Q. The Canon 113, as I understand, was repealed at some
 17 point, I think, either in the 1950s or the -- in the
 18 1950s. The rest of Canon 113 was abolished?
 19 **A. I think it was a decade later --**
 20 Q. The '60s?
 21 **A. -- but thereabouts.**
 22 Q. Canon lawyers are shouting at me, behind me, "It was the
 23 '60s". So the rest of it was abolished by the '60s, but
 24 the proviso was kept. So this bit at 3.3.7 is still
 25 part of English Church of England Canon law?

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1 lawyer say about that?
 2 **A. One of the difficulties is that the textbooks tend to**
 3 **assume that when one talks about the seal of**
 4 **the confessional, one is talking about the Roman**
 5 **Catholic Church, and the Roman Catholic Canon law is**
 6 **a foreign law, whereas, as I have just said, English**
 7 **Canon law is part of the general law of England. For**
 8 **example, if you would look at Rupert Cross's book on**
 9 **evidence -- I think it is now Tanner & Cross --**
 10 **originally, it just referred to the Roman Catholic Canon**
 11 **law and just said it is not part and parcel.**
 12 **But I think, generally, now, civil lawyers will tend**
 13 **to say: well, if it is a privilege, because the law of**
 14 **evidence only came into existence in the 18th century,**
 15 **that was after the date of the seal of the confessional,**
 16 **and, therefore, it can't be part of the law of evidence,**
 17 **whereas the canon lawyers will argue it is not a matter**
 18 **of evidence, it is a matter of substantive law, which**
 19 **the law of evidence must try and take into effect.**
 20 Q. So, in other words, a Canon is not quite the same as
 21 a statute, but it has, in other words, you would say --
 22 because this Canon still exists, the fact that, in
 23 evidence terms, what happens -- and I'm paraphrasing for
 24 the nonlawyers out there -- there are very many
 25 situations where there are confidential matters, the

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1 **A. It is.**
 2 Q. Why wasn't it got rid of at the same time as the rest of
 3 Canon -- I'm assuming there was a wholesale reformation
 4 of a lot of Canon law at that time --
 5 **A. Yes.**
 6 Q. -- and this was part and parcel of it?
 7 **A. The 1603 Canons were completely out of date --**
 8 Q. Well, one can imagine.
 9 **A. -- because, for example, a priest had to wear a black**
 10 **nightgown and a black nightcap, and that seems a little**
 11 **out of date in the 1960s, and so there was an overall**
 12 **looking at the Canons again.**
 13 Q. Yes.
 14 **A. Those who did it drafted a Canon in relation to the seal**
 15 **of the confessional --**
 16 Q. Right.
 17 **A. -- in fact, embodying it. But the Church of England was**
 18 **told that if they pursued that, it was unlikely to get**
 19 **through parliament because of the divergence within**
 20 **civil lawyers as to whether the seal of the confessional**
 21 **actually existed within English law, church law being**
 22 **part of the general law of England.**
 23 Q. Can you just tell us, what would civil lawyers say about
 24 whether the seal of the confessional exists as something
 25 special which can never be broken? What could a civil

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1 obvious one would be between doctor and patient?
 2 **A. Yes.**
 3 Q. Or between myself and my client?
 4 **A. Yes.**
 5 Q. Everything I say is confidential. However, in all those
 6 situations, if there is a crime going to be committed --
 7 so if, for example, my client comes to tell me that he
 8 is going to murder someone tomorrow, I am under a duty
 9 to go and tell the police, and/or if I am asked --
 10 certainly for the doctor/patient relationship, the court
 11 quite commonly will set aside any confidential
 12 relationship in order to get to the truth of the matter,
 13 whether that's in the context of a criminal trial or
 14 a civil case, by, for example, ordering the therapy
 15 notes or ordering the various medical notes to see
 16 whether or not somebody has in fact suffered the injury
 17 they have had. That's right, isn't it? I mean, it is
 18 probably not right.
 19 **A. I'm only hesitant because I was slightly surprised that**
 20 **you gave the exception in relation to the lawyer/client**
 21 **exception and it is not one I've heard before. You may**
 22 **be right. You're certainly right about the doctor and**
 23 **patient.**
 24 Q. Well, that's my understanding. I may well be wrong and
 25 therefore have reported lots of people for their

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1 possible acts of murder to the police when I shouldn't
 2 have done.
 3 **A. Well, good for you, perhaps.**
 4 Q. So that's the kind of difference of view. Whereas you
 5 would say --
 6 **A. I'm sorry to interrupt you again, very sorry --**
 7 Q. No, no.
 8 **A. -- but the argument for the seal of the confessional**
 9 **does not stand or fall by the proviso.**
 10 Q. Right.
 11 **A. It stands or falls because it's part of the law of**
 12 **England prior to the Reformation and then continued**
 13 **after the Reformation and has not been altered as the**
 14 **proviso demonstrates, which is slightly different.**
 15 Q. No, it is different. Because, just to sort of come back
 16 on that -- now, we all know that there was the
 17 Reformation, and, therefore, as I understood it, all
 18 pre-Reformation laws -- it is a bit like Brexit, really,
 19 isn't it: they all continued unless the king found them
 20 repugnant, because it was the king, obviously, who was
 21 making the laws, certainly at that time. So there is
 22 nothing within -- during that period of time, when
 23 I understand there was quite a long debate about whether
 24 confession should still exist in the Church of England
 25 and various different theological perspectives. There

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1 **A. Yes.**
 2 Q. Can I just also identify, and this really is for the
 3 general public, unlike in the Roman Catholic Church,
 4 confession is not a sacrament?
 5 **A. That depends on your definition of "sacrament".**
 6 Q. Okay. Please explain to me what the definition of
 7 "sacrament", as far as you're concerned, is?
 8 **A. As far as the Anglican Church is concerned, there are**
 9 **only two sacraments; that is baptism and marriage. But**
 10 **then, if you were to look at the catechisms, certainly**
 11 **in the Book of Common Prayer, they say there are five**
 12 **more which are sort of sacraments --**
 13 Q. Right.
 14 **A. -- and which is why people talk about the sacrament of**
 15 **confession.**
 16 Q. So they say they're sort of sacraments?
 17 **A. Well, they're sacramental, but that's, in one sense,**
 18 **playing with words.**
 19 Q. Yes. So some people -- so the doctrine of the church
 20 does say they are sacramental, if not sacraments?
 21 **A. Yes. A sacrament, as far as the Anglican Church is**
 22 **concerned, is because they were -- "authorised" is the**
 23 **wrong word, but it is the one that's coming to my mind,**
 24 **because Christ was baptised himself and because he was**
 25 **present at the marriage of Cana. So those two are the**

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1 isn't any law which says, "You shouldn't do this
 2 anymore"?
 3 **A. Again, I don't entirely accept your history. At the**
 4 **Reformation, Henry VIII wanted completely to cut the**
 5 **English ties with the Roman Catholic Church, and one of**
 6 **the things that Henry VIII was wanting to look at was**
 7 **church law, and there was an Act going through**
 8 **parliament, maybe pushed by the king, but it was**
 9 **parliament who made the law, which was, in effect,**
 10 **saying, "We are abolishing the church law and we are**
 11 **going to appoint 36 commissioners to write some new laws**
 12 **for my, Henry VIII's, new church". Whilst it was going**
 13 **through parliament, the Bishop of Lincoln said, "Hang on**
 14 **a moment. What happens to the law in the time between**
 15 **now and the time that the commissioners report?". And,**
 16 **therefore, they put in this thing that, unless it is**
 17 **contrary or repugnant to the laws and customs of**
 18 **the realm or the prerogatives of the Crown, it shall**
 19 **continue.**
 20 **Of course, as one can guess, the 36 commissioners**
 21 **never reported and, therefore, this provision continued**
 22 **the pre-Reformation Canon law after the Reformation.**
 23 **I'm sorry it is so complicated, but that's history.**
 24 Q. That's fine. So that's how we have got to where we have
 25 got to?

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1 **sacraments as far as the Anglican Church is concerned.**
 2 **But there are the other five which are extremely**
 3 **important doctrinally and, therefore, people say**
 4 **sacramental.**
 5 Q. So, as a result of concerns which had been raised both
 6 in this country and in Australia and by certain members
 7 of the clergy and lay people about whether or not the
 8 seal of the confessional should still exist or whether
 9 or not -- well, whether or not it should still --
 10 whether or not it could be set aside, whether an
 11 exception could be created, to the confidentiality
 12 enshrined within the seal of the confessional if
 13 somebody confessed abuse, child sexual abuse or physical
 14 abuse or emotional abuse to a child, in the context of
 15 the confession. So, as a result of that, a Working
 16 Party, of which part of the report we have already seen,
 17 produced a report in March 2018, which, in true Anglican
 18 fashion, decided that it couldn't agree and therefore
 19 there needed to be some more thinking doing, so to
 20 speak.
 21 So what I really wanted to do now is turn to the
 22 differences between your views and the views of
 23 the Working Party. Now, the Working Party goes through
 24 in some detail the advantages and disadvantages, shall
 25 we say, of keeping the seal of the confession or getting

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<p>1 rid of it or creating an exception, rather -- "getting 2 rid of it is wrong"; or creating an exception. 3 One of the issues you have is you say, if there is 4 no definition, which you say there isn't a definition of 5 what the sacrament of confession -- the sacrament of 6 penitence, I think, actually, it probably would be -- 7 the sacrament of penitence would be, that there is no 8 point trying to do anything else until you have decided 9 what the definition should be. Is that right? 10 A. The Working Party points out, in my view quite 11 correctly, that there's a difference between a pastoral 12 conversation, even if it's one in which you're seeking 13 guidance from a priest, and the auricular confession 14 where, if it exists, the seal of the confession would 15 apply. 16 If there is a distinction, then you've got to define 17 either what pastoral guidance is or what auricular 18 confession is. The difficulty is that there is no 19 definition of the latter, and that is recognised by the 20 Working Party itself, I think at paragraph 3.46. It 21 says it again at 3.48. 22 Q. So you would say that the Working Party has lost an 23 opportunity to, at the very least, create 24 a definition -- 25 A. My guess is, they couldn't agree. But I don't know,</p> <p style="text-align: center;">Page 21</p>	<p>1 because I wasn't part of the Working Party. 2 Q. I mean, you identify -- I don't think I need to take you 3 to it, but within your witness statement you identify at 4 paragraph 48 what you think the conditions of 5 a confession -- what you think the sort of summary of 6 the requirements should be for a formal confession, and 7 I know that not every Canon lawyer may necessarily agree 8 with you about what those requirements are. 9 A. That may be, but, as my statement has been embargoed 10 until today, other canon lawyers haven't seen what 11 I have said. So, frankly, no good lawyer is going to 12 reach a conclusion until they have read the arguments, 13 it seems to me. 14 Q. For the sake of completeness, would you mind looking at 15 ACE027523_021. This is the summary of your 16 requirements. Prior to your summary, you identify in 17 some detail why you have reached the decisions that you 18 have. Chair and panel, behind tab A2, page 21 of 19 the internal pagination. 20 I don't know whether the banging is a voice from 21 above? 22 A. It might be from below. 23 Q. Page 21, please, Ralph. Could you blow up 48, please. 24 Just for the sake of completeness, this is what you say 25 the summary of requirements are.</p> <p style="text-align: center;">Page 22</p>
<p>1 A. Well, it's my stab at it, having looked at the various 2 texts, because the only references within the Book of 3 Common Prayer are the ones where one can look, it seems 4 to me, for what the doctrine is. And, therefore, having 5 analysed that in detail, for which I attempted to 6 apologise, but it seemed to me important, I then tried 7 to say, "Well, having looked at that, what are the 8 requisites?" 9 For example, the baptised person. That actually 10 comes from Canon B 28, which is the Canon about 11 confession. And to a priest -- I think everybody would 12 accept certainly the latter, and they should accept the 13 former because it is in the Canons. 14 The next thing about "language, or in a manner 15 comprehensible to the priest" comes about because of 16 the multinational dimension of English society, but also 17 of the Church of England. We now have services in 18 Syriac, as I understand it, certainly a sort of Syrian 19 branch within the Church of England, and in Urdu, and it 20 seemed to me that there is the question of whether you 21 can hear a confession if you don't understand it, and it 22 has been dealt with in two dioceses in South Africa -- 23 Mashonaland and Matabeleland -- because it has been 24 a problem there. So it seemed to me, because it is 25 a problem, I will put it in.</p> <p style="text-align: center;">Page 23</p>	<p>1 Q. Then you've got: 2 "The person making the confession has real 3 contrition." 4 A. "Has real contrition", yes. 5 Q. What does that mean? 6 A. They're really sorry. Having said that, you may have 7 a weak contrition, but it still may be real. 8 Q. So: 9 "The person making the confession actually seeks 10 absolution for his or her sins. This includes the 11 necessity that the confession is unfeigned." 12 A. Yes. 13 Q. By which I suppose you mean somebody hasn't gone 14 deliberately into the confession seeking to play 15 mischief or -- 16 A. As I understand it, Cardinal Newman is about to be 17 canonised by the Roman Catholic Church. As I understand 18 it, his conversion from the Anglican Church to the Roman 19 Catholic Church came about after he'd gone in to make 20 a joke confession in the Anglican Church. I don't know 21 if that history is right, but that is what I understand. 22 And so a joke confession, well, it's clearly not coming 23 out of real contrition. 24 Q. No: 25 "In appropriate cases, the person making the</p> <p style="text-align: center;">Page 24</p>

1 confession makes restitution (or reparation) for those
 2 sins."
 3 Can you explain in layman's language when you have
 4 a confession, when an auricular confession takes place,
 5 what would a priest do? Would he absolve you of your
 6 sins in some way or another or identify the reparation
 7 that needed to be made in some way?
 8 **A. Well, the priest, he or she --**
 9 Q. Yes, he or she?
 10 **A. -- should be concerned about the reparation, the putting**
 11 **right of that which has -- the damage caused by the sin**
 12 **which is being confessed.**
 13 Q. So a priest would say -- in the context of child sexual
 14 abuse, a priest would say, "I am not going to give you
 15 absolution unless you go to the police, or unless
 16 you" --
 17 **A. Or social workers, and, indeed, that is what the House**
 18 **of Bishops' guidance says.**
 19 Q. Then:
 20 "In appropriate cases, the person making the
 21 confession makes satisfaction for those sins."
 22 You don't have to just promise to do it, you
 23 actually have to do it?
 24 **A. You have to go and do it.**
 25 Q. And:

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1 **actual absolution doesn't matter. I think that's**
 2 **a logical non-sequitur. I don't see how the one follows**
 3 **from the other. But certainly many priests -- many**
 4 **Canon lawyers maybe -- would not agree, which is why**
 5 **I've put "arguably".**
 6 Q. Because I know that obviously the Working Party said,
 7 basically, once you step into the confessional, it
 8 applies?
 9 **A. They didn't put it quite like that. Some priests would**
 10 **say, "The minute I put on my stole, then the confession**
 11 **begins". Now, that can't be right, because it cuts out**
 12 **the joke and the sham and all the rest. So you have got**
 13 **to have some definition of it.**
 14 **I have very carefully not looked at the**
 15 **Roman Catholic Canon law, partly because I'm not**
 16 **a specialist in it, but I note that the Australian abuse**
 17 **inquiry, in their summary, referred to evidence given by**
 18 **one of the Catholic archbishops in Australia asked to**
 19 **define what the requisite elements are to confession,**
 20 **and the fourth one is absolution, and, therefore, it**
 21 **seemed to me the argument -- the question is there, not**
 22 **the argument, the question is there, hence "arguably".**
 23 Q. So the Working Party evaluated whether or not there
 24 needed to be a change. They do this at chapter 5.
 25 Ralph, would you mind getting up ACE027207_050. Chair

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1 "... (arguably) the penitent receives absolution."
 2 **A. Yes.**
 3 Q. Which means you are cleansed of your sins-ish?
 4 **A. The priest is mediating the sins forgiven by God. The**
 5 **forgiveness is not given by the priest.**
 6 Q. Thank you.
 7 **A. The priest is only a mediator there.**
 8 Q. So turning to the Working Party, the Working Party went
 9 through all the factors which we have just gone through
 10 and then evaluated the arguments for changing or
 11 abolishing, in effect, the exception, or creating an
 12 exception, in respect of child sexual abuse so that the
 13 priest would be under a duty to report in those
 14 circumstances. So at chapter 5 --
 15 **A. I'm sorry to interrupt you, I wonder if I ought to**
 16 **explain the "arguably"?**
 17 Q. Yes. If you feel --
 18 **A. I think it is important.**
 19 Q. Well, then, please do.
 20 **A. Because I think probably the majority of priests would**
 21 **say, within the Anglican Church, that it's still**
 22 **a confession even though absolution has not been given.**
 23 **The Working Party argues that because, looking at**
 24 **the proviso to 113, the penitent must have an intention**
 25 **to be seeking absolution, therefore, they say, the**

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1 and panel, behind B2 of the second volume, page 48 of
 2 the internal pagination. It is chapter 5, "Evaluating
 3 arguments for change in the current position".
 4 They summarise the changes at 5.1.2 in four
 5 headings: responsibility for preventing grave harm;
 6 securing justice; the proper exercise of priestly
 7 ministry; breaking patterns of abuse. It is page 48 of
 8 the internal pagination. So those four. Those are the
 9 four reasons which they give. Then they go through,
 10 within chapter 5, to discuss why those matters are
 11 important.
 12 But they then go on at paragraph 5.6, page 53 --
 13 ACE027207_055, please, Ralph, to say that these are the
 14 responses to the argument. Fundamentally, what they are
 15 saying is, one, it is important because it is
 16 distinctive. Secondly, it is because it's always
 17 happened. That seems to me to be what they're saying.
 18 Thirdly, it's important that people should have a place
 19 where they can confess their sins, to come to hear -- to
 20 come into God's grace again, or to start the process, so
 21 to speak; and also that it might not help secure
 22 justice, whereas, in fact, hearing it in confession, you
 23 can help -- a priest can help somebody secure justice by
 24 letting them see the way. Rather than saying to them,
 25 "Well, I'm going to have to report you to the police",

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<p>1 try and guide them to reporting themselves to the 2 police, which they won't do because they're not going to 3 come to confession if they know that somebody is then 4 going to report them to the police as a result of it? 5 A. Can I just say something about the distinctiveness? 6 Q. Yes. 7 A. Because I do believe that the seal of 8 the confessional -- I'm sorry, the auricular confession 9 does have a particular distinctiveness which is 10 important. I happen to think that the damage done by 11 sexual abuse is far more distinctive and, therefore, far 12 more important. 13 Q. What they say at 5.6.11 at page 56 -- sorry, that's me 14 sort of casually summarising what is a long and nuanced 15 argument, and I don't in any way mean to undermine the 16 very careful thought that's gone into it, but we only 17 have a certain amount of time. But at 5.6.11, at 18 page 56 -- Ralph, 058 -- they say: 19 "Arguably, all the points raised in the section on 20 'breaking the pattern of abuse' can be met by formation 21 and education and do not require abolition or 22 qualification of the 'seal'. Accessing the sacramental 23 ministry ... in order to assuage feelings of guilt 24 without any resolution is an absolute corruption of 25 the use of the confessional. Those who hear confessions</p> <p style="text-align: center;">Page 29</p>	<p>1 may need to reflect on the ways in which this ministry 2 can be corrupted by abusers. However, the fact that 3 a valued practice can be manipulated in devious and 4 wicked ways cannot of itself be an argument for 5 discontinuing it." 6 A. Why not? I'm afraid that is my immediate response. 7 Q. Secondly, and then they go on to say at 5.6.13 and 8 5.6.14 -- 059, Ralph: 9 "Responsibility for preventing grave harm, we think 10 this is the most difficult to evaluate. The sacramental 11 ministry ..." 12 Then there is a lot of discussion about murderous 13 thoughts and what would be the consequence of penitents 14 knowing that, under certain circumstances, what they 15 might say might be reported. What they in effect say 16 is, they therefore won't speak to anyone, and that's 17 wrong because there have been a number of occasions upon 18 which people have, in confession, confessed their own 19 sins of shame and guilt, and that's helped them and the 20 society around them, by them, for example, handing 21 themselves in to the police. I mean, that's a very 22 simplistic summary of that argument -- 23 A. I think they would argue that it has helped even if they 24 have not handed themselves in, because it's a step on 25 the way, hopefully, to repentance and changing life.</p> <p style="text-align: center;">Page 30</p>
<p>1 Q. Do you think that any of those arguments are sufficient 2 to outweigh your view that the evil of child sexual 3 abuse means that there should be a carve-out, so to 4 speak, in the cases of reporting child sexual abuse? 5 A. I'm afraid I don't. But, as the Commission knows, I was 6 the victim of sexual abuse as a child. And, therefore, 7 I know, myself, the damage it has caused me. I'm sure 8 others have been much more damaged, but at least I'm 9 able to articulate it. 10 Those people who have not actually suffered from it, 11 those who have not been really close to those who have 12 been abused, must find it difficult actually to embrace 13 what -- the effect of that evil. Therefore, a mere 14 academic discussion of it, as far as this point, ceases, 15 as far as I'm concerned, because I am personally 16 involved and see what damage it does, and I just don't 17 think those who argue against the relaxation of the seal 18 in relation to children understand the evil and the 19 effects of it or the possible continuing effects of it. 20 Lawyers like arguments from the absurd. But what 21 about the man -- it is usually a man -- who on his death 22 bed says, "I was the one that raped that 4-year-old 23 child" -- as a judge, I dealt with a case of a man who 24 allegedly raped a 4-year-old child -- and he says, 25 "I did it", and he then dies. But there is a man who</p> <p style="text-align: center;">Page 31</p>	<p>1 has been in prison for the last 10, 17 years, whatever 2 it may be, and will continue to be in prison for that 3 offence because the conviction was actually wrong. Is 4 the priest just going to sit there and say, "This person 5 who is in prison, whose own soul is being affected by 6 being sent to prison when he is innocent, his family and 7 his children, but I am going to say nothing?", I find 8 that morally reprehensible. I feel terribly strongly 9 about that, quite apart from the legal arguments. 10 Q. But of course, the church is a place of morality and, 11 therefore, any moral arguments are as important as any 12 lawyer's casuistry when it comes to such matters? 13 A. There are also doctrinal arguments which are perhaps 14 different. Because the Doctrine Commission for the 15 Australian Church of England raises the question whether 16 the seal of the confessional is a matter of doctrine or 17 not, and they raise the question of, once you have the 18 exception in the proviso, it may suggest -- and 19 I emphasise "may suggest" -- that the rest of the seal 20 is not doctrinal. 21 Q. What difference does it make? Sorry, this is me being 22 a hopelessly ignorant layperson. What difference does 23 it make if it is doctrinal or if it isn't doctrinal? 24 A. Views of doctrine change, and they have changed recently 25 in the Church of England. It used to be the church's</p> <p style="text-align: center;">Page 32</p>

1 teaching that a child who died unbaptised was damned,
 2 and, indeed, that is the -- reflected in the Book of
 3 Common Prayer. I'm delighted to say the
 4 Church of England has changed its doctrine and it says,
 5 for example, in common worship, emergency baptism, the
 6 parents of a child who has died should be assured this
 7 does not affect the child's salvation. So it jolly well
 8 should. And, indeed, the Canons have recently been
 9 changed about the burial of suicides, excommunicants and
 10 the unbaptised. So doctrine can change.

11 But it is more difficult to change doctrine than
 12 human argument, at least in theory.

13 Q. But there is nothing, as far as you're aware, that would
 14 prevent the church being able to legislate or introduce
 15 an amending Canon? There is no sort of jurisdictional
 16 issues or issues that it would be impossible if it
 17 wished to do so to introduce an amending Canon to say,
 18 "There is a duty to report in cases of child sexual
 19 abuse"?

20 **A. I don't believe there is.**

21 Q. The church itself seems to suggest that it isn't
 22 impossible to do so in chapter 6 -- well, the Working
 23 Party suggests, sorry, not the church. The Working
 24 Party suggests that that is the case. If I look at
 25 chapter 6, ACE027207_060 through to 063, paragraph 6.1.

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1 abuse. It also includes anything that I suppose we
 2 would consider to be a serious criminal offence --
 3 murder, terrorism, matters of that nature. So that's
 4 what they have done, and they have introduced that into
 5 a Canon. But it has to be seen that that's also in the
 6 context of the fact that, certainly in some States in
 7 Australia, there is mandatory reporting.

8 **A. Yes.**

9 Q. So what the church is doing has to be looked at also in
 10 the context of what the Australian State is doing, and
 11 it is in a slightly different position, because
 12 obviously the church -- the Anglican Church in Australia
 13 isn't the established church, as I understand it, as
 14 well?

15 **A. That's right. Your mention of terrorism I'm afraid
 16 raises the other thing. The Terrorism Act, which
 17 applies to everybody, certainly creates duties, or at
 18 least possibilities, of reporting certain acts of
 19 terrorism. The Legal Advisory Commission's opinion
 20 suggests, argues, states, that that applies within the
 21 Church of England. Now, in one of these statements --
 22 at the moment, I forget who it is -- it suggests, well,
 23 in two of those sections there are let-out clauses.**

24 Q. Yes. I think the church -- the response of Bishop Selby
 25 in an annex says, "These are the things we do not agree

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1 Ralph, could you get up 6.2? It identifies three
 2 possible options: to retain the duty of absolute
 3 confidentiality; to enact the legislation that qualifies
 4 the duty in respect of certain specified types of
 5 misconduct -- and that's what is happened in Australia,
 6 I think, in terms of the amending canons --

7 **A. Well, that's what they tried. Whether it's worked,
 8 I rather doubt.**

9 Q. And then to enact legislation which removes the duty
 10 entirely. So you keep it as it is; you introduce
 11 a qualification; or you get rid of it, in effect?

12 **A. I think that's logically right.**

13 Q. In Australia, they have done (b). Now, within the
 14 appendix to this Working Party, which I don't think
 15 I need to take you to, there are some discussions about
 16 whether the Australian changes are successful, aren't
 17 successful, have worked, haven't worked. Do you have
 18 any particular view about -- because what's happened in
 19 Australia, just for everybody that doesn't know, is they
 20 have introduced an amending Canon which basically says,
 21 "If there are various forms of misconduct" -- and it
 22 then identifies serious crimes, and it relies upon the
 23 Australian Criminal Codes or the Criminal Codes of
 24 the State and federally -- "then there shall be a duty
 25 to report". So it is wider than simply child sexual

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1 with Dr Bursell about", and one of those says, in
 2 effect, there are get-out clauses under the Terrorism
 3 Act, so a vicar possibly wouldn't have to report,
 4 because it is only report if it is reasonably required,
 5 or something like that. There is some sort of --

6 **A. But those who say, yes, there is a seal of
 7 the confessional, would say that would get them out --
 8 would allow them out through the get-out clause. Now,
 9 whether a court would agree, I very much doubt, but that
 10 would be their argument. And once the priest says
 11 that's the argument, the danger is that the priest goes
 12 along with that, right or wrong. And, therefore, the
 13 act of terrorism goes ahead or the sexual abuse goes
 14 ahead, if that is the qualification that goes on.**

15 Let-out clauses are very dangerous because it
 16 depends on who interprets them, and one of the problems
 17 with the Australian Canons is that it leaves the priest
 18 saying, "Oh, well, I think this is significant harm, but
 19 is it?", and a court would necessarily ask, "Well, what
 20 was the harm?", and then people argue, well, then the
 21 seal of the confession is broken.

22 Q. So you wouldn't advocate the Australian model because
 23 the approach it's taken is to say --

24 **A. It is far too complicated.**

25 Q. -- "In cases of significant harm, you should report".

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1 I'm assuming you might think that's too subjective
 2 a test?
 3 **A. I think it is too complicated and I think that it leaves**
 4 **far too much to the individual who finds other reasons**
 5 **for not reporting, which is why I think that there**
 6 **should be a mandatory reporting, if the priest or**
 7 **anybody knows -- has knowledge of or has reasonable**
 8 **suspicion of sexual abuse. Now, immediately one says**
 9 **"reasonable suspicion", it of course brings in**
 10 **a subjective term. But it is well known within English**
 11 **law and it seems to me, therefore, is acceptable.**
 12 Q. What the Working Group seems to say, and, as we identify
 13 at -- as they identify at 6.4 through to 6.5, 6.6, so
 14 that's the bottom of 060, and could you get up, Ralph,
 15 the first half of 061 as well.
 16 What they basically say is the point you have made
 17 about what's happened in Australia is -- again, this is
 18 a wild simplification of what's quite a nuanced
 19 document, but, at heart, what it's really trying to say
 20 is, it's really hard to define what serious harm is, and
 21 it's really hard to define how you would define an
 22 exception and, therefore, it shouldn't be done. I mean,
 23 that's, in effect, what they're saying?
 24 **A. I just think the Australian Canon is unworkable. But**
 25 **I'm not an Australian lawyer. But I certainly wouldn't**

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1 "We believe that reaching agreement on the terms of
 2 any guidance would be no easy matter."
 3 Is what they say?
 4 **A. I'm sure it is not an easy matter, but if you then**
 5 **insist there's got to be training -- what is the use of**
 6 **the training if you can't decide when it applies and**
 7 **when it doesn't? It seems to me fundamental.**
 8 Q. So what would your solution be? We have obviously heard
 9 you advocate strongly for the fact that there needs to
 10 be a duty to report in these circumstances?
 11 **A. I believe so. But that is different -- separate from my**
 12 **arguments about the existence of the seal of**
 13 **the confessional.**
 14 Q. The church has obviously indicated here they can't reach
 15 agreement --
 16 **A. No, the Working Party can't.**
 17 Q. The Working Party, sorry. The Working Party said they
 18 can't reach agreement and therefore they need to sort of
 19 think about it some more, but there certainly doesn't
 20 appear to be any kind of view that there will be any
 21 immediate recommendations other than that to undertake
 22 some training. So what do you think needs to happen in
 23 order to overcome what you think is an obvious lacuna?
 24 **A. I am pausing because I know the Church of England is**
 25 **taking the need for training very seriously.**

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1 **want to see it in those sort of terms in England.**
 2 **May I also add that the Church of England Faith and**
 3 **Doctrine Commission also says there is no definition of**
 4 **what auricular confession is. It is not just me. So if**
 5 **the Working Party and the Faith and Doctrine Commission**
 6 **says there's no definition, how can you draw the**
 7 **boundary as to where it starts and where it ends? It**
 8 **seems to me perfectly fundamental.**
 9 Q. What seems to happen here is, the Working Party go
 10 through the idea of introducing the concept of serious
 11 harm or very grave sins or various matters like that,
 12 and what they say is, it's going to be too hard for
 13 clerics to administer, because it involves them having
 14 to exercise their judgment as to what is serious harm
 15 and what isn't. I have to say, I think I probably have
 16 slightly more faith in the clergy to know when it is
 17 serious harm and when it isn't than the Working Party do
 18 themselves?
 19 **A. Then I think you have more faith than I do. I'm sure it**
 20 **is true of some. There are good lawyers and bad**
 21 **lawyers, there are good priests and bad priests -- or**
 22 **not-so-good priests, if I can put it that way.**
 23 Q. Fundamentally, what they say is, it's very difficult,
 24 it's very complicated and, therefore, they can't reach
 25 any agreement, is what they say at 6.20:

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1 Q. Yes.
 2 **A. So it should. But I still underline -- I'm sorry to**
 3 **keep stressing it -- unless that training defines what**
 4 **auricular confession is, it undermines the whole of**
 5 **the training, and, indeed, as the Working Party points**
 6 **out, in the past, training in the theological colleges**
 7 **about auricular confession has been woefully inadequate.**
 8 **I know from my own Anglo-Catholic theological college**
 9 **that training has changed between who is giving it and**
 10 **who is not. That's always the problem about training,**
 11 **and, therefore, the Church of England needs to say,**
 12 **"This is what the situation is", and if it doesn't,**
 13 **people will put their own nuances in and, frankly,**
 14 **although the situation will be better, it is not as it**
 15 **should be. That's one side, and now I've forgotten the**
 16 **rest of your question and I apologise.**
 17 Q. That's fine. Just to identify for everyone, what the
 18 Working Party does recommend is the introduction of
 19 guidelines for training at chapter 7 of their report,
 20 and they go through in some detail, really agreeing with
 21 you that, at the moment, training is sort of patchy and
 22 variable and people don't know what a confession is.
 23 **A. Yes.**
 24 Q. Your point is, this is all well and good, but unless you
 25 define what auricular confession is, you are still going

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1 to have the same problems?
 2 **A. You put it better than I do.**
 3 Q. Thank you. If the church doesn't legislate, do you
 4 think the state should?
 5 **A. I don't believe the church will, because I think that --**
 6 **there are just too many internal problems about doing it**
 7 **and reaching a conclusion. Therefore, if children are**
 8 **to be protected, I think that the parliament has to**
 9 **intervene.**
 10 Q. Because you don't think that there would be impetus,
 11 or -- you say it will be too difficult. Is that because
 12 there would be too much internal infighting?
 13 **A. I have already pointed out the Australian question about**
 14 **whether the seal is doctrinal or not. The Working Party**
 15 **says it's doctrinal. I think the Faith and Doctrine**
 16 **Commission says the same, from memory, and certainly**
 17 **that's arguable. I accept that. But immediately you**
 18 **say it's doctrinal, there are real legislation hurdles.**
 19 Q. Why are there real legislation hurdles?
 20 **A. Because change of doctrine shouldn't happen willy-nilly**
 21 **because it is so basic to the church's beliefs, and,**
 22 **therefore, it would have to go through these hurdles**
 23 **because it is General Synod who now decides what**
 24 **doctrine is out, not the House of Bishops, which may**
 25 **sound odd but that is what the situation is. Therefore,**

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1 relies upon individuals who, shall we say, are more
 2 mature in age than maybe many other institutions do for
 3 its parishioners, but also for those who provide
 4 services and for those who are involved in voluntary
 5 offices in particular. So it's very important. Do you
 6 have any views as to what could be done to try and
 7 encourage those individuals to have a more --
 8 a different understanding of safeguarding rather than
 9 thinking of it as not their problem?
 10 **A. I'm sure that the new clergy and the ordinands take**
 11 **safeguarding immensely seriously, and I go and talk to**
 12 **theological colleges about Canon law. I have got no**
 13 **doubt about that.**
 14 **But my generation didn't regard what we now see as**
 15 **child sex abuse as that important. I remember when**
 16 **I was first at the Bar -- when I was a young man at the**
 17 **Bar, as people always say, somebody who abused a young**
 18 **child was given probation. Now, the perception of**
 19 **the damage and evil of the child abuse -- society has**
 20 **woken up to it; not enough, but it's partly because of**
 21 **Jimmy Savile and Chichester and all the rest, and**
 22 **Ireland and America. People are waking up.**
 23 **But, nonetheless, the older you are, it's more**
 24 **difficult to change. That's the fact of the matter,**
 25 **I think. The church is making an enormous effort,**

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1 **it's got to be agreed at certain levels by House of**
 2 **Clergy, House of Bishops, House of Laity, and I think**
 3 **particularly with -- bearing in mind the difficulties**
 4 **there were about women being ordained to the priesthood**
 5 **and then ordained to the episcopate, those ultimately**
 6 **went through, but it, what, took 20, 30, longer, years.**
 7 **The church recognises through its own documentation**
 8 **that this is a problem in relation to child sex abuse.**
 9 **Once it has recognised it has to deal with it -- in my**
 10 **view, right away, because every child's soul is unique**
 11 **and precious in the sight of God, and therefore it**
 12 **should do something. But I think it will become -- I'm**
 13 **cynical. It may come with being a lawyer or because of**
 14 **age, I don't know, but I'm cynical, and I just don't**
 15 **think it will go through. Therefore, I think parliament**
 16 **has to intervene. Though that would take time too.**
 17 Q. Well, in the context of this particular parliament, yes.
 18 In terms of cultural change more generally, you have
 19 already identified right at the beginning what you say
 20 at paragraph 61, which is clerics who are, shall we say,
 21 more mature in age may have more issues managing
 22 safeguarding. What do you think could be done to try
 23 and get them on board, so to speak? Do you think there
 24 is any practical things that can be done to try and
 25 assist, because, I mean, look, the Church of England

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1 **I know, to change its culture through training and**
 2 **everything else, but it needs to be just woven into the**
 3 **whole web of the church's thinking and behaviour and not**
 4 **a tack-on in safeguarding. They are working on that,**
 5 **I know they are, but it will take some time.**
 6 Q. You also identify in your witness statement that the
 7 theology of safeguarding needs to be woven into the
 8 church?
 9 **A. The same thing, yes.**
 10 Q. So that's the same thing. Can I ask you whether you've
 11 got any views about whether or not safeguarding is
 12 something which should be done at a diocesan level or at
 13 a national level?
 14 **A. I've got absolutely no doubt that the rolling out of**
 15 **safeguarding has to be done at diocesan level.**
 16 **I equally have no doubt that the principles, the**
 17 **training manuals, whatever you want to call it, must be**
 18 **done at national level, because I'm aware, within the**
 19 **last ten years, of a Diocesan Safeguarding Officer**
 20 **saying, "I don't agree with what the national churches**
 21 **say. Therefore, I am going to give different training".**
 22 **That's not good enough, because an individual does not**
 23 **know better than the whole, certainly in this regard**
 24 **when it has been properly rolled out. I accept that**
 25 **a lot of the guidance is a little opaque sometimes.**

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<p>1 Q. It's written in the language of the safeguarding 2 professional --</p> <p>3 A. Of course it is, just as lawyers write in legalese. We 4 are all guilty of this. But it is a question then -- 5 all right, the safeguarders understand it. It may be 6 that the senior end of the church understand it, though 7 not always. I refer in my witness statement to a bishop 8 who didn't understand "have due regard to". That was 9 Bishop Alan Wilson who gave evidence to you two days 10 ago. In his book, which I read before -- I talked to 11 him and he's changed it, and I hope he now understands 12 it. But having due regard doesn't really work in this 13 way because it gives a let-out to those who don't want 14 to listen.</p> <p>15 Q. In fact, one of the recommendations that we made, was 16 that --</p> <p>17 A. I know. The rumour is that the church is taking that 18 seriously. I very much hope that it is. This is the 19 problem, really.</p> <p>20 So I'm sure that, at national level, the principles 21 and everything else have to be settled and then insisted 22 on further down.</p> <p>23 The problem often is within the parishes themselves, 24 where, as you have rightly said, it may be the more 25 mature in age who are doing the congregation, they are</p> <p style="text-align: center;">Page 45</p>	<p>1 doing it in a voluntary capacity. They don't have the 2 time to read a lot, so the manuals have got to be -- 3 "simplified" sounds patronising. It's got to be easily 4 taken on board, if only because of the amount of time, 5 and even sometimes the lack of education, in some 6 people, who have got to apply it. Now, that's not easy 7 for an institution. But the Church of England is taking 8 that seriously. I've got no doubt about that. It will 9 take a little time.</p> <p>10 Q. Can I ask, following on from the need to enforce the 11 training and make sure that people do things, just to 12 ask your views about the Clergy Discipline Measure. 13 Now, Bishop Alan Wilson gave us evidence a couple of 14 days ago, and what he said is, "I'm not very happy", and 15 we have also had in evidence a House of Bishops report 16 in which they identified some unease in the role that 17 they currently play within the Clergy Discipline 18 Measure. They say, "I don't really want to be judge and 19 prosecutor", and Bishop Alan Wilson said to us "Well, 20 ah-hah, actually, before 2003, when it was the 21 Ecclesiastical Jurisdiction Measure, you, Dr Bursell, 22 were the Chancellor of the Diocese and, therefore, you 23 were the individual who had responsibility", and the 24 responsibility was delegated by the bishop, in effect, 25 to you, you were the bishop's officer --</p> <p style="text-align: center;">Page 46</p>
<p>1 A. I was his ordinary, to use the legal term, which meant 2 that I was acting as the bishop when exercising that 3 jurisdiction. And the bishop couldn't influence me one 4 way or another because he'd divested that obligation to 5 me. And, indeed, I dealt with two, if not three, cases 6 actually in open court in relation to these matters. 7 One went to the Court of Human Rights, and the Court of 8 Human Rights said, yes, that way of dealing with it is 9 acceptable within the law.</p> <p>10 So, yes, it can be delegated, and, as Bishop Alan 11 said, I think on Wednesday, why can't it be done in the 12 same way now? And, indeed, I think Adrian Iles, in his 13 second witness statement, points out that, under the 14 Clergy Discipline Measure, the tribunal is acting in the 15 capacity of -- that's not the words that he used -- the 16 bishop, on behalf of the bishop. So there is no reason 17 why it shouldn't be done in that way --</p> <p>18 Q. From the beginning?</p> <p>19 A. From the beginning.</p> <p>20 Q. Sort of ab initio?</p> <p>21 A. And leaving the bishops to deal with the pastoral side, 22 which they are trained to do, experienced in doing. 23 They are certainly not experienced to act judicially, as 24 they accept.</p> <p>25 Q. Adrian Iles identifies, however, in his witness</p> <p style="text-align: center;">Page 47</p>	<p>1 statement, ACE026967_008, at paragraph 20, a possible 2 issue as to whether or not the transfer from a diocesan 3 bishop to somebody else may be a breach of article 9, 4 given that it may well interact with Canon 18 and 5 therefore with doctrine, and therefore there might be an 6 issue there. Ralph, can I help you at all? It is 7 ACE026967_008. I think I may well be being slightly 8 unfair to the way that Adrian Iles writes, which, again, 9 is more nuanced than my somewhat clumsy attempts.</p> <p>10 I don't think we necessarily need to get it up, but 11 he certainly raises an issue about what in respect of 12 the Canons and whether or not Canon 18 means that it 13 still needs to be retained as the diocesan bishop or the 14 diocesan bishop to be responsible for the administering 15 of discipline amongst his clergy?</p> <p>16 A. I only read his statement last night. I only received 17 it yesterday. And my understanding is different. But 18 you may well be right. But I think he's arguing against 19 the parliament interfering and saying, "This is what you 20 must do", because that would be an interference with 21 doctrine and, therefore, contrary to religious freedom. 22 I think it is within that context that he is arguing, 23 rather than within the context of bishops divesting 24 themselves of their duty of discipline over the clergy, 25 because, indeed, he then does point out that, under the</p> <p style="text-align: center;">Page 48</p>

<p>1 Ecclesiastical Jurisdiction Measure, and indeed under 2 the Clergy Discipline Measure, they do divest themselves 3 at certain stages. 4 Q. But can I just clarify with you, even if the state were 5 to intervene in certain ways, and it were to impact upon 6 doctrine, obviously article 9 -- just to say, article 9 7 is article 9 of the European Convention on Human Rights 8 which is the right to manifest one's religious beliefs, 9 that is a qualified right in that there are various 10 circumstances in which the state is permitted to 11 intervene, particularly if it is in the interests of 12 national security or the health and welfare of other 13 individuals. So there might be circumstances in which, 14 if it came and was to do with child protection, in 15 which, whatever the manifestations of one's religious 16 beliefs, article 9.2 would mean that it would be 17 a qualified right and therefore it wouldn't be an 18 interference, so to speak, or that interference would be 19 justified. Is that right? 20 A. I am not an international lawyer, and, indeed, 21 I received some training, of course I did, once I was 22 a judge. But my understanding is that you are right. 23 To be fair to Adrian Iles, I think he is only saying 24 it is arguable. I think he would say he was just 25 putting up a marker rather than being difficult.</p> <p style="text-align: center;">Page 49</p>	<p>1 MS SCOLDING: I have no further questions. Chair and panel, 2 do you have any questions for Dr Bursell? 3 THE CHAIR: Yes. First, Ms Sharpling. 4 Questions by THE PANEL 5 MS SHARPLING: Thank you, Dr Bursell. I am slightly 6 hesitant to ask a question in case I have misunderstood 7 the arguments that have been presented today, but I want 8 to make sure I understand your view correctly about 9 mandatory reporting. 10 A. Yes. 11 MS SHARPLING: In your view, if parliament were to intervene 12 and legislate for mandatory reporting, which -- there 13 are many versions of this, but in your context, it would 14 require a priest to report to, for example, the 15 statutory authorities matters relating to child sexual 16 abuse that were to his knowledge or he had a reasonable 17 suspicion. In those circumstances, that overall piece 18 of legislation would mean that the issue around 19 definition, how the priest came about that information, 20 would fall away. 21 A. It would. 22 MS SHARPLING: Thank you. 23 A. I hadn't thought of it in that way, but I'm sure it 24 would. It must be right. 25 MS SHARPLING: Thank you.</p> <p style="text-align: center;">Page 50</p>
<p>1 THE CHAIR: Sir Malcolm? 2 PROF SIR MALCOLM EVANS: Thank you. If we may go back just 3 very briefly to the points you were making relating to 4 auricular confession, could you just let me know whether 5 you think there is a distinction to be drawn, as I know 6 some people do try to draw a distinction, between 7 situations in which the person who confesses is, in 8 effect, confessing to themselves having been an abuser 9 whilst under the seal and situations in which a person 10 reveals during a confession that they have been a victim 11 of a particular person, who is then known, but they wish 12 that to remain confidential? 13 A. I have never heard somebody's confession where the 14 person -- the penitent has said that they have been the 15 subject of sexual abuse. So that came as a slight 16 surprise to me -- it shouldn't have done -- when I first 17 read about it. You will know, I know personally, that 18 if somebody has been abused, the person who has been 19 abused feels guilty. They -- I'm generalising, but I do 20 believe it is true. They think it is their fault. They 21 should have done something about it. They are the one 22 at fault. Therefore, I can see an enormous benefit from 23 the fact that they can go and talk to somebody where 24 they feel they can relax without it having to go any 25 further, because that step of saying, "I have been</p> <p style="text-align: center;">Page 51</p>	<p>1 abused", is a difficult one. 2 I wouldn't want that taken away. But as, I think 3 Bishop Warner -- but any priest or bishop will say, "The 4 fact that you have been abused is not something that you 5 should be feeling guilty about". That's a matter of 6 special guidance. 7 Now, it may be that it is within that particular 8 context they are able to let loose and say it, and that 9 is marvellous if it gives them that space, but, 10 nonetheless, it's important they know that it's not 11 their fault. I'm not sure if that answers your 12 question. I have tried. If I haven't, let me try 13 again. 14 PROF SIR MALCOLM EVANS: You have gone a long way to 15 answering it, but it is just, within that latter 16 context, some would have therefore argued -- and 17 therefore I would be interested in your view on this -- 18 that in that, when they are doing it precisely for the 19 reason that you give, that under those circumstances 20 there ought to be confidentiality associated with it 21 rather than then that matter being reported on, it being 22 a very different situation, it is said, from that when 23 a person is letting someone know that they themselves 24 have been responsible for the abuse. 25 A. Yes, I'm sorry, I didn't answer your question. That is</p> <p style="text-align: center;">Page 52</p>

1 part of the distinctiveness of the auricular confession.
 2 And, yes, that therefore does have some real importance.
 3 I nonetheless think that the general evil consequence of
 4 sexual abuse is such that that is not distinctive
 5 enough. It is something to be weighed in the balance.
 6 Now, how you do that weight is an individual decision,
 7 of course it is. I just don't think that is enough.
 8 The church, if it is concerned about that particular
 9 concept, as it should be, then the church must be not
 10 only trained to give the advice, but give the advice to
 11 people more clearly: the person who is the victim, the
 12 survivor, call them what you will, is not the one at
 13 fault. And that should help break down that barrier,
 14 which is the one really that we are talking about.
 15 PROF SIR MALCOLM EVANS: Thank you very much.
 16 THE CHAIR: Mr Frank?
 17 MR FRANK: Just one matter, really. You've spoken of your
 18 concern that the current discussion within the church of
 19 how to resolve these issues has not been particularly
 20 swift, and it may be as tardy as the one in relation to
 21 ordination of women, and so forth. Is this, do you
 22 understand, a matter that needs to be dealt with with
 23 some urgency?
 24 **A. I remember my son reporting sexual abuse within his**
 25 **school -- it was a choir school -- to the -- he told me,**

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1 (A short break) punish
 2 (11.45 am)
 3 MS SCOLDING: Thank you very much. We will now hear from
 4 Bishop Mark Sowerby.
 5 BISHOP MARK SOWERBY (sworn)
 6 Examination by MS SCOLDING
 7 MS SCOLDING: Good morning. I understand you wish to be
 8 known as Bishop Mark for these purposes. Is that right?
 9 **A. That's fine, thank you.**
 10 Q. Thank you very much for coming back to give evidence to
 11 us again. Obviously, we did hear from you during the
 12 course of the Chichester hearings. Just a few
 13 preliminary matters. Firstly, this isn't a test of
 14 memory. If you've got notes with you, please feel free
 15 to refer to them?
 16 **A. Thank you.**
 17 Q. Secondly, we can have a break as often as you wish and
 18 for any reason whatsoever.
 19 Thirdly, there are three bundles of documents next
 20 to you but, as you will have already seen, Ralph also
 21 brings the relevant documents up on the screen. So
 22 whichever way you think is appropriate.
 23 **A. Thank you.**
 24 Q. Now, we have a witness statement from you, so I am going
 25 to be asking you to wear a number of different hats

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1 I told the headmaster. The headmaster said to me, "What
 2 should I do?", and I said, "Well, the dean is away.
 3 Should you be waiting for him to come back and make
 4 a decision?", and the headmaster said, "If any other
 5 child is abused once I know, I am guilty". Absolutely
 6 right. He went straight to the police. I believe the
 7 dean wasn't very pleased, but that's a different matter.
 8 It perhaps shows the change of attitude of the senior
 9 clergy now -- I hope it does.
 10 I just think that anything that will help to stop
 11 abuse is a matter of urgency. It really is as simple as
 12 that. If one person is saved, in my view, that is
 13 enough.
 14 MR FRANK: Thank you very much.
 15 THE CHAIR: Thank you. We have no further questions. Thank
 16 you very much, Dr Bursell. We are grateful for your
 17 insights into these complex matters.
 18 **A. Thank you.**
 19 **(The witness withdrew)**
 20 MS SCOLDING: Chair, I know we have run slightly over time,
 21 so I don't know what time you would like to return after
 22 the short break.
 23 THE CHAIR: We will return at 11.45 am.
 24 MS SCOLDING: Thank you very much, chair.
 25 (11.27 am)

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1 today. If I can just identify, to begin with, I am
 2 going to be asking you about the seal of
 3 the confessional and the Working Party; and I am also
 4 going to be asking you about the Past Cases Review No 2,
 5 because you are involved in that; and I am also going to
 6 be asking you your views more generally about cultural
 7 change within the church, with your hat on as deputy
 8 head of safeguarding in the Church of England.
 9 So the first thing I am going to deal with, and,
 10 chairman, the relevant witness statement, because we
 11 have got more than one from Bishop Mark, is behind
 12 tab A3 of your bundle. This is described as a corporate
 13 witness statement of the seal of the confessional.
 14 Bishop Mark, can you identify, in what ways were you
 15 involved with the Working Party on the seal of
 16 the confessional?
 17 **A. I was a member of the Working Party, and though it**
 18 **didn't involve me in a great deal of work, I was**
 19 **technically its vice chair.**
 20 Q. Thank you very much. What was the purpose of -- we have
 21 had an opportunity, but I think it might be sensible at
 22 this stage -- the report of the seal of the confessional
 23 Working Party -- Ralph, you got this up earlier today,
 24 but ACE027207_001, behind tab B2, chair and panel, of
 25 your bundle. What was the purpose of the Working Group

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1 and what were its aims and objectives, if there were
 2 any?
 3 **A. The purpose was to re-examine the whole issue of**
 4 **the seal of the confessional in the light of the**
 5 **failures of the church generally in its safeguarding; in**
 6 **particular, in consequence of the report on the**
 7 **Waddington case by Judge Sally Cahill.**
 8 Q. If I can just clarify for everybody, in the Waddington
 9 case, Robert Waddington was an individual against whom
 10 allegations of abuse were alleged. He died, I think, if
 11 I remember rightly, before he could be brought to
 12 justice. But what had happened is, one of his victims
 13 had said, as I understand it, and please correct me if
 14 I am wrong, that Robert Waddington had said to him, "You
 15 can't say anything about it because this is all part and
 16 parcel of the seal of the confessional". Am I right?
 17 **A. As I understand it, that's correct, and if he did say**
 18 **that to the person concerned, then he was lying, because**
 19 **the seal of the confessional applies to the person**
 20 **hearing the confession, it does not apply to the person**
 21 **making the confession. So if that's what Waddington**
 22 **said to the person who'd experienced abuse, then it was**
 23 **untrue.**
 24 Q. But I also understand, from what the Working Group have
 25 published in their report, that there is, I think,

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1 **it is the compromise that allows us to hold together**
 2 **this variety of opinion.**
 3 Q. I think this is probably not the first time the word
 4 "compromise" will be mentioned in the context of this
 5 evidence.
 6 **A. I suspect you're right.**
 7 Q. Can we just identify: how widely practised -- how widely
 8 is confession used, by which I mean the sacrament of
 9 confession or the sacrament of penitence, ie, what
 10 Dr Bursell called auricular confession. How widely is
 11 that used, do we know?
 12 **A. It is impossible to quantify with precision. It is not**
 13 **as widely practised in the Church of England as it is in**
 14 **some of our sister churches, the Roman Catholic and**
 15 **Orthodox churches in particular. I think it was**
 16 **Archbishop Michael Ramsey that said that, of Anglicans,**
 17 **none must avail themselves of it, some should, but**
 18 **everybody might, everybody may.**
 19 Q. Right.
 20 **A. There are a number of times when it might be used by**
 21 **Anglicans. It might come after a particular moment of**
 22 **realisation of a past sin. It might come after gaining**
 23 **some fresh insight into their behaviour and come as**
 24 **a consequence of seeking to deal with that. It might**
 25 **come as a response to an especially grave or troubling**

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1 agreement that there was widespread confusion about what
 2 a confession is, what it means, what's a pastoral
 3 conversation and what's confession. Is that right?
 4 **A. I think that there is widespread misunderstanding among**
 5 **many people, and among some clergy, and we certainly, in**
 6 **our discussions, realised that there needed to be**
 7 **a greater clarity.**
 8 Q. I understand that confession is -- do you agree with
 9 what Dr Bursell says, that it is not a sacrament, but it
 10 is sacramental?
 11 **A. I think that is the official position of**
 12 **the Church of England. The Church of England's doctrine**
 13 **and self-understanding is a bit like an old church: it's**
 14 **been constructed over many years and has the influence**
 15 **of different ages within it. The teaching that there**
 16 **are just two sacraments necessary to salvation, that**
 17 **being highlighted, belongs to the Reformation era.**
 18 **There are many people within the Church of England who**
 19 **would want to acknowledge another five sacraments. But**
 20 **there is some variety of opinion, and the**
 21 **Church of England's formula has allowed for that variety**
 22 **of opinion.**
 23 Q. So it is something some people would see as a sacrament,
 24 other people would see as sacramental?
 25 **A. That's correct, and the way in which you have expressed**

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1 **sin or circumstance, for example, adultery. It might**
 2 **come prior to beginning a new phase of life, a wiping**
 3 **clear in preparation for a new start, for example, at**
 4 **confirmation, marriage or ordination, and it might be**
 5 **part of a regular discipline, perhaps monthly, quarterly**
 6 **or annually, for some people.**
 7 Q. So it is used in a lot of different ways. Are you,
 8 yourself, a cleric who has administered confession?
 9 **A. I am.**
 10 Q. And have done so regularly, or is it -- was it
 11 a central -- obviously as a bishop, I suspect you don't
 12 do it very often. But when you were a cleric, was it
 13 something that was a regular part of --
 14 **A. It has varied at different times of my ministry in**
 15 **different contexts, and you quite correctly identify**
 16 **that it is a rarity now because, on principle, I would**
 17 **not hear the confessions of those for whom I have some**
 18 **oversight.**
 19 Q. I don't think I need to take you through the Reformation
 20 and the Lateran Council?
 21 **A. I'm grateful for that.**
 22 Q. That's fine. I think we have done that. Everybody now
 23 knows about that. What I would like to do, really, is
 24 to take you through the conclusions that were reached by
 25 the Working Party and why they were reached in the way

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<p>1 that they were.</p> <p>2 If I could take you straight to chapter 5, which is</p> <p>3 about evaluating the arguments for change: Ralph,</p> <p>4 ACE027207_050; chair and panel, B2, page 48.</p> <p>5 Again, could you just explain to us what you were</p> <p>6 trying to do in respect of chapter 5, and why you</p> <p>7 alighted upon the view that there was, I suppose,</p> <p>8 a degree of equivocation as to whether or not those four</p> <p>9 factors there -- responsibility for preventing grave</p> <p>10 harm; securing justice; the proper exercise of priestly</p> <p>11 ministry; and breaking patterns of abuse -- why none of</p> <p>12 those matters were absolutely magnetic in deciding that</p> <p>13 the seal should either be abolished absolutely or there</p> <p>14 should be some sort of exception to the seal of</p> <p>15 the confessional introduced?</p> <p>16 A. Oh, they were taken very seriously in our</p> <p>17 considerations. When somebody makes a confession in the</p> <p>18 context of what we are calling today sacramental</p> <p>19 confession, it is the responsibility of the priest</p> <p>20 hearing confessions to have all of those things in mind,</p> <p>21 so that absolution would not be granted, would not be</p> <p>22 said, over somebody who had confessed to sexual abuse so</p> <p>23 that there would be a seeking to bring those people to</p> <p>24 the point of confession, not only to them, but to the</p> <p>25 police, so the police were made aware. There would be</p> <p style="text-align: center;">Page 61</p>	<p>1 conversation about their responsibility for all of those</p> <p>2 things, for breaking their own pattern of abuse and the</p> <p>3 issues of justice. The church does not teach that</p> <p>4 people can simply come forward and have cheap grace.</p> <p>5 There are consequences to their seeking to put things</p> <p>6 right, to making their confession, and it is the person</p> <p>7 hearing a confession's responsibility to try and make</p> <p>8 sure that that happens.</p> <p>9 Q. You may or may not have heard Dr Bursell give his</p> <p>10 evidence. He, in effect, says the most important thing</p> <p>11 is to prevent harm to children, and that has to override</p> <p>12 any views about the fact that the sacrament of</p> <p>13 confession is important and can be of use to those who</p> <p>14 have sinned?</p> <p>15 A. Yes, but it's not as simple -- it is not quite as simple</p> <p>16 as that. Confession is used not simply by people</p> <p>17 confessing sins, but by people who come unburdening</p> <p>18 things that are troubling them for which they have</p> <p>19 a sense of guilt, and that includes people who have been</p> <p>20 sinned against. So people who are victims or survivors</p> <p>21 of abuse will use the sacrament of confession and,</p> <p>22 within that confession, may give information that would</p> <p>23 help us to make sure that all of those are addressed, so</p> <p>24 as we can begin to secure justice, prevent further harm</p> <p>25 and break patterns of abuse in whoever has been abusing</p> <p style="text-align: center;">Page 62</p>
<p>1 them. Such a person is able to take that information</p> <p>2 outside of the confessional and begin to act upon it.</p> <p>3 The seal is there to assist those people, rather</p> <p>4 than to protect somebody from the consequences of their</p> <p>5 own crime.</p> <p>6 Q. But isn't the difficulty that it has been used and it</p> <p>7 has been manipulated -- certainly there was research</p> <p>8 from Ireland and there was also some evidence from</p> <p>9 Australia that it has been used, particularly in the</p> <p>10 context of the Roman Catholic Church, by Roman Catholic</p> <p>11 priests who then felt that their sins were absolved and</p> <p>12 so they could carry on abusing children in that context?</p> <p>13 A. There appears to be evidence from outside of</p> <p>14 the Church of England that that has happened, and that</p> <p>15 I would find difficult to comment on the details of what</p> <p>16 happened. I simply don't know. Can you just give me</p> <p>17 the question again?</p> <p>18 Q. No, that's absolutely fine. I mean, surely -- you have</p> <p>19 talked about the value it has for those who have been</p> <p>20 the subject of abusive behaviour.</p> <p>21 A. Yes.</p> <p>22 Q. But surely one of the arguments which militates against</p> <p>23 continuing to have the seal of the confessional is the</p> <p>24 fact that we have some research material which</p> <p>25 identifies that it has been used by abusers as a cloak</p> <p style="text-align: center;">Page 63</p>	<p>1 which they can hide behind?</p> <p>2 A. There is reported evidence of that happening outside of</p> <p>3 our immediate experience, but we do have immediate</p> <p>4 experience of people for whom it has been the</p> <p>5 opportunity or the enabling factor for them to disclose.</p> <p>6 They are the two sides of the consequence of</p> <p>7 the seal.</p> <p>8 Q. Do you think that if there was a rule introduced that</p> <p>9 a priest had an obligation to report sexual abuse, that</p> <p>10 that would stop those who were feeling misplaced guilt</p> <p>11 and shame over the fact that they had been abused, that</p> <p>12 they would stop coming? Was this material or evidence</p> <p>13 that the Working Party heard?</p> <p>14 A. I think we have had evidence -- there is evidence of</p> <p>15 that. I know that one victim or survivor has written in</p> <p>16 terms pleading not to remove the seal because it was the</p> <p>17 absolute nature of the confidentiality that enabled them</p> <p>18 to come forward. I mean, there would clearly be some</p> <p>19 variety, depending on individuals, but there is evidence</p> <p>20 that there are some people who find the absolute</p> <p>21 confidentiality that release which enables them to speak</p> <p>22 of very painful things that they have not been able to</p> <p>23 speak about in other contexts.</p> <p>24 Q. But, of course, if one were to have the qualification or</p> <p>25 the exception, that wouldn't stop people coming to speak</p> <p style="text-align: center;">Page 64</p>

<p>1 about their abuse; all it would mean is that, if they 2 named an offender by name, that that priest would have 3 an obligation to report that named offender to the 4 relevant statutory authorities? 5 A. Nothing prevents them from coming forward, but the 6 absolute confidentiality provides the safety for them to 7 come forward. 8 Q. But isn't that absolute confidentiality -- I mean, there 9 are lots of other circumstances in which people confide 10 their deepest thoughts. I'm thinking about -- the 11 closest equivalent that isn't religious is the 12 therapist/client. People confess all sorts of very 13 personal things in the context of therapy, recognising 14 that there is, at the very least, a possibility that, in 15 certain circumstances, that information will come to 16 light. Doctor/patient relationships, lawyer/client 17 relationships I'm not going to go down because there are 18 some complexities there. But if I think about the 19 closest equivalent, in terms of people unburdening 20 themselves about personal problems in their lives, you 21 have got other circumstances, and it doesn't stop people 22 going to therapists and telling them about all sorts of 23 things? 24 A. Clearly, there are other contexts in which people will 25 talk to professionals, and you have given the example of</p> <p style="text-align: center;">Page 65</p>	<p>1 a therapist. We could have doctors, and so on. That's 2 undoubtedly the case. 3 But there is evidence to suggest that the absolute 4 nature of the seal provides a still greater security for 5 people to come and talk about those things, and part of 6 the difference is that clergy are not there as 7 therapists or in a similar way. They are there, in 8 a sense, overhearing a conversation -- or overhearing 9 somebody talking to God. People aren't primarily 10 talking to the priest, they are disclosing the disquiet 11 of their own sin to God, which is, I think, materially 12 different. 13 Q. I suppose the question, really, that people would have 14 is, surely God would want those who have behaved 15 sinfully to be appropriately punished and, therefore, no 16 matter what sort of comfort it may give certain people, 17 the moral and theological -- the moral, ethical -- the 18 moral and ethical imperatives to do no harm, in fact to 19 actively promote compassion and love in the terms that 20 you would identify by way of God's love and grace 21 towards all of us, surely that is much more important 22 than what you have just identified. I mean, ultimately. 23 I mean, if one has to sort of weigh everything in the 24 balance about what's more important, keeping something 25 sacred or protecting children, surely --</p> <p style="text-align: center;">Page 66</p>
<p>1 A. There is nothing more -- I'm not suggesting that 2 protecting children isn't sacred. 3 Q. No. 4 A. It is. But the point I'm trying to make is that the 5 seal which some are -- well, the seal which might 6 protect somebody who has committed the grave sin of 7 child abuse is the same thing which enables others to 8 disclose information, which similarly can lead to the 9 protection of other people. 10 Q. Now, what Dr Bursell would say was that everybody on the 11 Working Party was very well meaning. However, they 12 hadn't been -- or we don't know that they had been 13 subject to child sexual abuse and, therefore, maybe 14 don't understand the damage that that does. Do you have 15 anything you'd like to say about that? 16 A. I cannot pretend to have experienced personally the kind 17 of abuse that he alludes to. I have spent some 18 considerable time with people who have experienced that 19 abuse, and I am in no doubt whatsoever of the very 20 profound and painful experience they have had, not just 21 at the time, but throughout their lives. 22 I think it is impossible to spend time with somebody 23 who has experienced that kind of thing without it 24 leaving a mark. They're not the kind of conversations 25 that one would ever forget.</p> <p style="text-align: center;">Page 67</p>	<p>1 But they were not entirely unrepresented by the 2 Working Party -- on the Working Party. There was lived 3 experience of abuse represented on the Working Party. 4 Q. Can I take you now to chapter 6, which are the 5 legislative options that were discussed. I think at 6 6.2 -- ACE027207_060. We came up to this with 7 Dr Bursell. If we could get 6.2 up, please, Ralph. 8 So there are three options. One is the status quo. 9 The second one is to qualify the duty of absolute 10 confidentiality. And the third is to remove the duty of 11 absolute confidentiality. 12 So let's ignore the first, which is keeping the 13 status quo, and focus on the second and the third. My 14 reading of the passages at 6.5 through to 6.19, which 15 really is a discussion about option (b), which is really 16 about qualification rather than absolute abolition, is 17 that it would be very difficult to frame any 18 qualification in legislatively sufficient terms. Is 19 that right? 20 A. Yes. 21 Q. Can I take you to paragraph 6.6, which is what is said 22 about Australia. An alternative approach. It says at 23 6.5: 24 "One possible way of doing so is to employ the 25 concept of 'serious harm' ..."</p> <p style="text-align: center;">Page 68</p>

1 Then they identify, what do you mean by serious
 2 harm? What sort of ranges of behaviour? Would that be
 3 too woolly, too vague as to not be a term? Then it
 4 says:
 5 "An alternative approach would be that taken in
 6 Australia, under which the confessor ..."
 7 If one or more specified criminal offences:
 8 "But, as our earlier analysis of the Australian
 9 legislation demonstrates, that approach also presents
 10 considerable difficulties, from the point of view of:
 11 "Selecting the offences in question ... and
 12 "The confessor having to form a view on whether what
 13 has been disclosed in confession ..."
 14 Now, I think as far as the first point is concerned,
 15 that can't be that difficult, can it? I mean, in terms
 16 of selecting the offences in questions, if one was
 17 solely looking at what one might call serious criminal
 18 offences, so offences of violence against the person,
 19 ranging from, you know, serious injury through to death,
 20 and including all forms of sexual offending, wouldn't
 21 that be a way in which there could be a description of
 22 such without very many difficulties?
 23 **A. Well, we were advised that it was actually quite**
 24 **difficult. I'm not a lawyer, but those who are were**
 25 **saying it was more difficult than we might imagine.**

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1 **obtain that clarity, and that was the way we were**
 2 **advised by the lawyers. Trying to cut out a particular**
 3 **area was difficult. And, at the end of the day, it**
 4 **breaks the seal, and the thing about a seal is it is**
 5 **absolute for its positive and negative consequences.**
 6 **But it would certainly be the responsibility of**
 7 **anybody hearing such a confession to do everything**
 8 **humanly possible to make sure that the person making**
 9 **a confession of so serious a crime divulged that**
 10 **information to the police or other appropriate statutory**
 11 **authorities, and absolution would be withheld until that**
 12 **happened.**
 13 Q. Do you think that absolution being withheld is important
 14 enough so that it would compel people to do something?
 15 I mean, this is mainly -- obviously for people who
 16 aren't religious, the idea of a priest saying, "I'm not
 17 going to absolve you of your sins", people would say,
 18 well, so what, that isn't going to make anybody --
 19 **A. Yes, but this is the context of a religious rite.**
 20 **People do not habitually come and confess to things that**
 21 **will put them in prison if they haven't already reckoned**
 22 **on that possibility. So I think that we have to reckon**
 23 **that they are people with religious convictions that**
 24 **come to make their confession in the first place.**
 25 Q. But it is interesting what you just said, that somebody

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1 **Also, I think we have to remember that a priest**
 2 **hearing a confession is not there as a lawyer, and does**
 3 **not have the necessary ability to decide necessarily**
 4 **whether something is a sin -- is a crime or not, issues**
 5 **of whether there is intent, and so on. So they are not**
 6 **there as judge and jury as to whether a crime has been**
 7 **committed.**
 8 Q. I suppose, on the one hand, I can see that; on the other
 9 hand, I think it's always possible to -- it's always
 10 possible, albeit it might be a struggle, to entertain
 11 a definition which is clear and which isn't subject --
 12 I completely agree. I think there is something like
 13 10,000 criminal offences in the statute book.
 14 **A. So I understand.**
 15 Q. So I don't think anyone who is a lawyer even fully knows
 16 of all of them, particularly the more obscure. But
 17 what's really going on here, and I think what we can
 18 probably all recognise, discussing pragmatically, the
 19 Church of England being a fundamentally pragmatic beast,
 20 is there are some offences which are so repugnant to
 21 anyone that they should be reported, and by which I'm
 22 thinking sexual abuse of a child, murder, serious
 23 violence against a person?
 24 **A. Where it was absolutely clear, I suppose there might be**
 25 **a case. But I think it's still quite difficult to**

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1 is unlikely to come to confession unless they have
 2 already recognised that what they have done is wrong and
 3 they are ready to reckon with God, with themselves and
 4 God -- well, with God -- themselves may be second. So
 5 in that circumstance, surely that's more of an
 6 imperative for a report to take place, because the
 7 people who are going to come and see you will be people
 8 who are already taking those steps, and therefore --
 9 I don't know. I mean, surely -- could that be seen in
 10 a kind of weirdly illogical way, I suspect, as something
 11 which would encourage the abolition of the seal of
 12 the confessional?
 13 **A. I haven't followed your argument there, but it seems to**
 14 **me that if somebody has decided that they are going to**
 15 **put things right, and that involves making their**
 16 **confession, then they are likely to have given serious**
 17 **consideration to the whole thing. But it would**
 18 **certainly be the responsibility of a priest to make sure**
 19 **that the person making their confession went on and did**
 20 **that, and that they should not hold -- should not give**
 21 **absolution until that was fulfilled.**
 22 Q. The other factor that the Working Party looked at is
 23 what guidance could be given to clerics in this
 24 situation if a partial exemption were to be introduced,
 25 and what it really said is, it would be really difficult

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<p>1 to give the appropriate guidance, given the complexity</p> <p>2 of the situation, and that it would be too subjective,</p> <p>3 in effect.</p> <p>4 A. Yes.</p> <p>5 Q. Is that right?</p> <p>6 A. As I understand it, yes.</p> <p>7 Q. But was this a view which was -- I note that the</p> <p>8 conclusions of the report are, there wasn't a common</p> <p>9 view one way or the other. I'm not actually asking you</p> <p>10 to divulge what may or may not have been said by</p> <p>11 different members of the Working Group, but I'm assuming</p> <p>12 there were some members of the Working Group who felt</p> <p>13 that these arguments weren't convincing enough not to</p> <p>14 introduce a qualification to the seal of</p> <p>15 the confessional?</p> <p>16 A. From my recollection, nobody wanted to qualify it.</p> <p>17 I think that we said that it either had to be upheld or</p> <p>18 abolished. The kind of half-broken seal was not</p> <p>19 a workable compromise.</p> <p>20 Q. The half-broken seal, the very useful term you have</p> <p>21 used, is in fact what they have done in Australia, and</p> <p>22 you looked at what had been done in Australia.</p> <p>23 A. Yes.</p> <p>24 Q. Why weren't you keen to adopt the Australian canonical</p> <p>25 provisions or something which looked like that?</p> <p style="text-align: center;">Page 73</p>	<p>1 A. We were advised that the move in Australia had actually</p> <p>2 not been entirely satisfactory, that it was presenting</p> <p>3 problems and there was further discussion going on.</p> <p>4 There had already had to be some amendments.</p> <p>5 We were also advised that the legal structures there</p> <p>6 were different. But it still involved a breaking of</p> <p>7 the seal which reduced its effectiveness as a guarantee</p> <p>8 of absolute confidentiality that people could speak</p> <p>9 before God with absolute honesty.</p> <p>10 Q. So the conclusion reached was that you either keep it or</p> <p>11 you abolish it?</p> <p>12 A. That's right.</p> <p>13 Q. But what does need to happen is much better training</p> <p>14 than happens at the moment.</p> <p>15 A. Yes.</p> <p>16 Q. In chapter 7 of the Working Party, you identify what</p> <p>17 that training should be. This is ACE027207_064.</p> <p>18 Chapter 7, chair and panel, internal pagination 62.</p> <p>19 This is quite a lengthy chapter. So can I take everyone</p> <p>20 to 7.3.7, which is ACE027207_069, which is the</p> <p>21 recommendations:</p> <p>22 "We therefore recommend to ..."</p> <p>23 What are the current problems with the education on</p> <p>24 the seal of -- well, the sacrament of confession, or the</p> <p>25 sacramental nature of confession, depending upon your</p> <p style="text-align: center;">Page 74</p>
<p>1 view of it?</p> <p>2 A. Yes.</p> <p>3 Q. What are the current problems that exist in terms of</p> <p>4 clerical and lay people's understanding of it?</p> <p>5 A. There are a number. The education of ordinands, those</p> <p>6 preparing for ordination as deacons and priests, is</p> <p>7 inconsistent. Some theological training institutions</p> <p>8 will pay particular attention to it; others, far less</p> <p>9 so. So we need some consistency about that.</p> <p>10 One of the areas to be addressed -- I think it's</p> <p>11 been referred to by Dr Bursell -- also is the business</p> <p>12 of when the seal applies and when it doesn't. There</p> <p>13 needs to be clarity both for clergy and laity about the</p> <p>14 precise nature of where the seal operates. There needs</p> <p>15 to be enhanced understanding of safeguarding and how we</p> <p>16 engage with somebody in confession to make sure that we</p> <p>17 get them to the point of talking to the police or other</p> <p>18 statutory authority.</p> <p>19 Q. Certainly as far as the knowing what confession is,</p> <p>20 I think we had some examples of that within your own</p> <p>21 diocese, where individuals -- there was some issue about</p> <p>22 whether or not what was said was under confession or</p> <p>23 wasn't under confession, when various disclosures of</p> <p>24 abuse were made, if I remember rightly.</p> <p>25 A. I don't recall that.</p> <p style="text-align: center;">Page 75</p>	<p>1 Q. So what is the proposal that's going to be implemented,</p> <p>2 then?</p> <p>3 A. In terms of the training?</p> <p>4 Q. Yes, in terms of the training.</p> <p>5 A. The training is to be a specialist module which should</p> <p>6 be undertaken by all the ordained in what we're calling</p> <p>7 IME, initial ministerial education, phase 2. So shortly</p> <p>8 after they have been ordained, within the supervised</p> <p>9 ministry of a curate, they will do a specialist module</p> <p>10 on that. That module should also be mandatory for all</p> <p>11 those people who exercise the ministry of</p> <p>12 reconciliation, the -- who hear confessions.</p> <p>13 Q. Can I identify, what are you going to do about priests</p> <p>14 who aren't in IME 2? Will there be any compulsory</p> <p>15 training on that for those already in practice? I'm</p> <p>16 thinking of people who may well encounter this more</p> <p>17 often, for example, prison chaplains, hospital</p> <p>18 chaplains, where it's a particularly acute issue?</p> <p>19 A. Yes, the training should apply to all people who have</p> <p>20 the bishop's authorisation to hear confessions. Now, at</p> <p>21 the moment, that would apply to virtually all clergy.</p> <p>22 Q. Yes.</p> <p>23 A. And if that is the way the House of Bishops continue to</p> <p>24 authorise people, then it will have to be that</p> <p>25 widespread. However, I believe the House of Bishops are</p> <p style="text-align: center;">Page 76</p>

<p>1 currently considering the possibility of what is being</p> <p>2 described as a faculty system, which would regulate</p> <p>3 further those clergy who are allowed to hear</p> <p>4 confessions.</p> <p>5 Q. In other words, it would turn into a licensing system?</p> <p>6 A. Effectively.</p> <p>7 Q. So you would only be allowed to hear confession if you</p> <p>8 had an appropriate licence?</p> <p>9 A. Effectively.</p> <p>10 Q. Would a prerequisite of that licence, I'm assuming, be</p> <p>11 having undergone appropriate training?</p> <p>12 A. Yes.</p> <p>13 Q. So you understood what you were doing?</p> <p>14 A. Yes.</p> <p>15 Q. Is that something which is likely to be the subject of</p> <p>16 opposition within the context of the church? Is that</p> <p>17 something which some people would find difficult to</p> <p>18 submit to?</p> <p>19 A. I think there will be no opposition from among those who</p> <p>20 exercise the ministry. I think there might be some</p> <p>21 opposition from those who do not, on principle, exercise</p> <p>22 that ministry. Because if the requirement is that they</p> <p>23 have to undergo training for something that they will</p> <p>24 never exercise, there may be a kind of frustration about</p> <p>25 that. But that is something that the House of Bishops</p> <p style="text-align: center;">Page 77</p>	<p>1 will decide upon and there will be a mandatory nature to</p> <p>2 this training.</p> <p>3 Q. When is that likely to be introduced? In fact, I will</p> <p>4 come on to -- as a result of the Working Party, an</p> <p>5 interim statement was issued by the secretary to the</p> <p>6 House of Bishops, William Nye. This is behind B3, chair</p> <p>7 and panel. ACE027206_001. This is a three-page</p> <p>8 document. Would you mind getting up 002? When it says</p> <p>9 "Two situations in particular have been a focus for</p> <p>10 attention". Could we have the next paragraph:</p> <p>11 "... commissioned a Working Party", then:</p> <p>12 "At present, the 'seal of the confessional' is</p> <p>13 upheld ..."</p> <p>14 Others feel strongly. Then, in effect:</p> <p>15 "Some ... feel ... that the ministry of confession</p> <p>16 is an integral part of the church's life ... and that</p> <p>17 its proper practice is inseparable from the unqualified</p> <p>18 observance of the seal. Some observe ... that the Seal</p> <p>19 of the Confessional can provide comfort to survivors of</p> <p>20 abuse ..."</p> <p>21 Which is exactly the point that you raised:</p> <p>22 "Others feel very strongly that the church cannot</p> <p>23 continue with any aspect of its practice that stops</p> <p>24 information being passed on ... The House of Bishops has</p> <p>25 been giving these issues very careful consideration."</p> <p style="text-align: center;">Page 78</p>
<p>1 Then, if we can go to the next page:</p> <p>2 "The Working Party was, however, unanimous in its</p> <p>3 recommendations in a number of key areas. One was for</p> <p>4 improvements to training ... Another was for the</p> <p>5 appointment of an advisor on the ministry of</p> <p>6 reconciliation ..."</p> <p>7 Now, the training we have heard about, what is an</p> <p>8 advisor on the ministry of reconciliation?</p> <p>9 A. It's somebody who would be able to advise the bishop and</p> <p>10 the clergy about the exercise of this ministry. It is</p> <p>11 somebody who would have to be able to work alongside the</p> <p>12 Diocesan Safeguarding Advisor to provide effective</p> <p>13 training so that safeguarding and the exercise of</p> <p>14 ministry were held together. It is somebody to whom</p> <p>15 confessors can refer with particular issues. They</p> <p>16 should be somebody recognised to have wisdom and</p> <p>17 experience, they should be somebody who hears</p> <p>18 confessions and makes their confession.</p> <p>19 Q. Who decides who has wisdom and experience? Who is</p> <p>20 responsible for that? Would that be a diocesan bishop</p> <p>21 who would make that decision?</p> <p>22 A. Ultimately, it would be a diocesan bishop, after taking</p> <p>23 counsel.</p> <p>24 Q. Because I'm assuming, because there is a significant</p> <p>25 divergence of practice, shall we say, in this area, some</p> <p style="text-align: center;">Page 79</p>	<p>1 diocesan bishops, for example, maybe like your own</p> <p>2 diocesan bishop, will be very familiar with this</p> <p>3 practice, other diocesan bishops may well not have ever</p> <p>4 performed it themselves. Is that right?</p> <p>5 A. That I think is right, yes.</p> <p>6 Q. But can I identify, just for clarity, there is nothing</p> <p>7 that the Working Party says which says you couldn't</p> <p>8 abolish the seal of the confessional. It might be</p> <p>9 difficult, it might be problematic, people might fall</p> <p>10 out about it, but it is not impossible to do so?</p> <p>11 A. I presume that, in law, parliament can do what it wills.</p> <p>12 The consequences would be very significant, in all sorts</p> <p>13 of ways, but I think that --</p> <p>14 Q. When you say "the consequences would be significant, in</p> <p>15 all sorts of ways", it is always sensible to try and see</p> <p>16 what the consequences of actions would be?</p> <p>17 A. Well, the --</p> <p>18 Q. From your perspective, or from the perspective speaking</p> <p>19 as the corporate witness statement from the seal of</p> <p>20 the --</p> <p>21 A. There would be -- it would impinge upon our ecumenical</p> <p>22 relationships because the seal of the confessional,</p> <p>23 although the Church of England has it within its Canons,</p> <p>24 is something that doesn't belong simply to us, but to</p> <p>25 part of the wider church of which we are but a part.</p> <p style="text-align: center;">Page 80</p>

1 Q. Can I ask you to put another hat on now, please, which
 2 is the -- you are the chair of the Past Cases -- I'm so
 3 sorry, Mr Giffin has reminded me of something that
 4 I promised that I would ask you, which is, just before
 5 we leave this topic, can you tell me how confession, in
 6 fact, works in practice, just so that we have got a good
 7 understanding of it?
 8 **A. Well, it can work in a variety of different ways.**
 9 **Perhaps the majority are encounters arranged by**
 10 **appointment between somebody wishing to make their**
 11 **confession and an individual priest. Sometimes a priest**
 12 **will make themselves available for a fixed period, and**
 13 **all-comers may arrive. That is less common in the**
 14 **Church of England than it is in other parts of**
 15 **the church.**
 16 **When somebody is making their confession for the**
 17 **first time, then the priest needs to take especial care**
 18 **that the person doing so understands what they are**
 19 **about, what the boundaries of the confession are and,**
 20 **normally, this would take place in a parish church,**
 21 **perhaps in a side chapel with a kneeling desk and**
 22 **a chair alongside. Typically, among most of those who**
 23 **hear confessions, they would mark this by wearing**
 24 **a purple stole, a particular vesture, and I think -- and**
 25 **this begins to address one of Canon Bursell's points**

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1 **A. And that is why we need the training, so that those who**
 2 **exercise the ministry less frequently or in less formal**
 3 **circumstances, and they're likely to go together, have**
 4 **the clarity. We recognised among the Working Party that**
 5 **there needed, as we said earlier on, to be education and**
 6 **clarity about this, and this is part of what the**
 7 **education and training needs to deliver.**
 8 **But once the penitent has begun the rite and then**
 9 **made whatever confession they will, there may be**
 10 **a period of advice and counsel; there is then often**
 11 **a penance given, which is a token of somebody's**
 12 **repentance; before absolution is given and the**
 13 **dismissal. That can happen, as I say, in a parish**
 14 **church. It might happen in a cathedral or place where**
 15 **there are lots of visitors and, perhaps more often,**
 16 **a priest around. It could happen in a place of**
 17 **pilgrimage --**
 18 Q. Yes, so Walsingham or somewhere like that?
 19 **A. -- or it might happen on retreat. In most cases, the**
 20 **priest and penitent would be known to one another, but**
 21 **not always.**
 22 Q. Are there any requirements? Because, obviously, in
 23 Canon 113, the idea is that you would go and see your
 24 parish priest, and obviously he was responsible for
 25 rapping on you for every sort of sin or fault you might

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1 **about -- and he talks about "definition". I would**
 2 **prefer to talk about when the seal applies. And the**
 3 **person with -- a new penitent needs to be clear with**
 4 **them when the seal applies. And I think that I would**
 5 **argue that the seal applies from the moment at which the**
 6 **authorised rite, or the recommended rite, begins. It**
 7 **has a particular form of words. It begins with their**
 8 **beginning and it ends with their end.**
 9 Q. But, as I understand it, there isn't necessarily
 10 agreement between everybody about that. So some people
 11 would say it starts when the purple stole goes on, so to
 12 speak?
 13 **A. But you're talking about a second or two in that**
 14 **instance. The reality is that when somebody hears**
 15 **a confession, they put on their stole a moment or two**
 16 **before somebody -- before initiating the rite. Those**
 17 **two belong together.**
 18 Q. Is the understanding you have just explained commonly
 19 shared? I mean, I understand obviously you come from,
 20 I believe, an Anglo-Catholic tradition, and therefore
 21 that's maybe well understood within those parishes. But
 22 I'm just thinking about the more evangelical or, shall
 23 we say, the Free Church or fresh expressions where it's
 24 all slightly looser, shall we say, in terms of rites and
 25 ritual?

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1 have undertaken that previous week, but he couldn't, if
 2 it was the seal of the confessional. Are there any
 3 rules about who can take people's confession and who
 4 can't take people's confession?
 5 **A. The basic understanding is that the parish priest will**
 6 **come to hear the confessions of those who come to him in**
 7 **the parish, but people can seek to go to another parish**
 8 **priest. There are a number of people in religious**
 9 **communities who have a particular ministry of spiritual**
 10 **direction, which will often involve hearing people's**
 11 **confessions.**
 12 Q. They will be kind of general confessors, so to speak?
 13 **A. Yes.**
 14 Q. So they might go to a number of places to hear people's
 15 confessions?
 16 **A. No, I'm saying that a number of people will go to them.**
 17 **You might have a religious community living in**
 18 **a monastery, or perhaps, these days, a convent, where**
 19 **a number of people are spiritual directors and, as part**
 20 **of that work, will hear confessions.**
 21 Q. I see. Thank you. I think now let's move on to your
 22 Past Cases Management Review Board hat, from matters of
 23 high theology to matters of extreme practicality.
 24 Now, as I understand it, you are the chair of
 25 the Past Cases Review Management/Project Board, so we

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<p>1 have heard a little bit from Sir Roger Singleton about 2 what's going on in respect of the second Past Cases 3 Review. What's your role and what is the role of 4 the Management/Project Board within that? 5 A. I chair the board, and it's responsible for, 6 surprisingly, managing the project. 7 Q. Yes. 8 A. That means that we authorise the advice and the 9 protocols that will go out to the dioceses and to other 10 parts of the church, because we're seeking to take 11 a whole-church approach to it, and we will continue to 12 have a kind of quality control function across the 13 project as it moves forward, so that if, for example -- 14 and you will have read it in the paperwork -- a diocese 15 asks for some exemptions to be made that not all files 16 need to be read because they have already been reviewed, 17 it will be up to us to decide whether or not an 18 exemption is justified or whether we have to require 19 them to review those files. 20 Q. A protocol and practice guidance has been constructed. 21 A. Yes. 22 Q. Ralph, ACE027697 -- chair and panel, behind B32, 23 volume 3 of your bundles. Could we go to 001, if 24 possible. These are the objectives of the second Past 25 Cases Review. Would you mind getting them up? They are</p> <p style="text-align: center;">Page 85</p>	<p>1 in bold. Otherwise, I will have to get my reading 2 glasses out, which will be upsetting for everyone, in 3 particular to me: 4 "To identify all cases of concern relating to clergy 5 or church officers... 6 "To ensure that all identifiable safeguarding 7 concerns relating to living clergy or church officers... 8 "To ensure any allegation made since the original 9 PTR [has taken] place has been handled appropriately..." 10 I see here to do "all cases of concern relating to 11 clergy", and all cases of "concerns relating to living 12 clergy". Does that mean these files are only going to 13 be the files of people who are currently alive rather 14 than those who are deceased? 15 A. We are not focusing primarily on the deceased. Clearly, 16 if, during the PCR, new evidence comes to light or there 17 is a fresh disclosure in relation to somebody who has 18 died, then that will be pursued in the ordinary way. 19 But the reading of files, the review of files, 20 ordinarily will be of the living. That's our priority. 21 Q. If I could just identify, there are three categories 22 identified on page 2 of the protocol, if you wouldn't 23 mind getting up that, please, Ralph. Basically, you've 24 got A, B and C, handily. A and B have to look at -- 25 could you go to the bottom of the page, please, which is</p> <p style="text-align: center;">Page 86</p>
<p>1 "Dioceses in category A and B need to review". They 2 have to look at: 3 "All clergy blue files and the equivalent personal 4 files of diocesan staff, readers and other lay 5 ministers, and (where they exist) files of other church 6 officers ..." 7 Can I ask you just a couple of practical questions. 8 What files would you have on church officers? What sort 9 of people are we talking about? 10 A. We will have a variety of files, and given the 11 timescales, it will be inconsistent across the 12 Church of England. There would not necessarily be an 13 obligation to keep files on everybody, but wherever 14 there are files, they need to be checked in parishes and 15 for those to be -- any concerns to be raised with the 16 Diocesan Safeguarding Advisor. So they come forward for 17 the review. 18 But the independent reviewers are not expected to 19 visit every single parish, it is where there is 20 a concern that it's raised within the protocols. 21 Q. Okay, so it's -- 22 A. But others would be, for example, readers for whom 23 dioceses are more likely to have systematised files. 24 Q. So that's: 25 "All clergy blue files and the ... personal files of</p> <p style="text-align: center;">Page 87</p>	<p>1 ... staff, readers and ... lay ministers ... which were 2 not reviewed as part of the original PCR ..." 3 A. Yes. 4 Q. "... and where the individuals are required to have 5 direct contact with children ..." 6 A. Yes. 7 Q. So would that be current contact or would it include 8 past contact as well? 9 A. It would include past contact. 10 Q. Then: 11 "All clergy blue files ..." 12 Of which we have heard much: 13 "... and the equivalent personal files of staff, 14 readers and lay ministers ... where those individuals 15 are required to have direct contact with adults at risk 16 ... with a focus on identifying incidents of abuse 17 including domestic abuse." 18 So this is new? 19 A. Yes, what this is doing that the PCR 1 did not is to 20 deliberately take into consideration anything that 21 affects abuse of adults that would not have been brought 22 into a review on child protection failures. 23 Q. Then it says, "Particular attention must be paid to 24 identifying and reviewing", those who haven't been 25 considered under the original PCR or those where there</p> <p style="text-align: center;">Page 88</p>

1 has been a problem since the original PCR.
 2 So that's trying to deal with the problem that
 3 Sir Roger Singleton and his team identified, that even
 4 if the PCR was completely accurate and captured
 5 everyone, which, as we know, wasn't the case, there
 6 would otherwise be everyone from about 2008 through to
 7 the present day who nobody would have ever looked at
 8 their files?
 9 **A. That's right. It is to bring the review up to date and**
 10 **to take into account the focus on vulnerable adults as**
 11 **well as on children.**
 12 Q. If we can go to the next page, please, we have "Dioceses
 13 in category C". I'm putting these in the -- I'm calling
 14 these the "need to do it again" category. So these were
 15 the seven dioceses I talked to Sir Roger about on
 16 Tuesday. So these are people who have got to redo both
 17 everything that I have just identified and the original
 18 Past Cases Review?
 19 **A. Yes.**
 20 Q. So they have to look at all the files?
 21 **A. Yes.**
 22 Q. Will that include all the deceased clerics' files then?
 23 **A. I cannot answer that with confidence. I think that it**
 24 **would not, because I don't think that was part of**
 25 **the original PCR 1, but, as you have raised it, I would**

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1 **if it was manifestly done properly and recently.**
 2 Q. Can I just also identify, you, at page 10, talk about
 3 the involvement of victims, survivors and those with
 4 a lived experience of abuse, and give some notes of
 5 practice at page 11. It is the bottom of the page,
 6 Ralph, "The involvement of victims, survivors" -- yes.
 7 What are you intending to do in respect of engaging with
 8 victims and survivors and managing any concerns or if
 9 they want to come and tell you about things, what's
 10 going to happen?
 11 **A. Survivors can use the helpline, or they can be in touch**
 12 **with the DSA. It should be clear from diocesan**
 13 **websites, for example, that the review is going on, and**
 14 **that anybody wishing to be in touch with the Diocesan**
 15 **Safeguarding Advisor should be able to make contact and**
 16 **to be treated in the way that our policies require.**
 17 Q. Now, you have talked about having a specific helpline.
 18 Who is running this helpline?
 19 **A. I am not, at the moment, certain which of the groups has**
 20 **been engaged.**
 21 Q. I'm assuming it isn't kind of like, you know, my mum on
 22 the other end of a phone?
 23 **A. No. I'm confident of that.**
 24 Q. I think you'd be very glad to be confident of that as
 25 well. Can we maybe turn now to cultural change within

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1 **obviously double-check that.**
 2 Q. I suppose a point that the victims and survivors might
 3 raise is, given the high number of claims which are
 4 brought against clerics which are deceased -- we heard
 5 from the Ecclesiastical Insurance Office it is about
 6 25 per cent, roughly -- would it not be worthwhile at
 7 least considering whether or not deceased clergy files
 8 should be looked at?
 9 **A. I'm very happy to explore whether we are allowed to take**
 10 **that into our terms of reference, but I think the**
 11 **original PCR 1 did not look at deceased clergy.**
 12 Q. No, it didn't.
 13 **A. I think there was another review of deceased clergy, but**
 14 **it is not clear to me that that falls within our scope,**
 15 **but I'm perfectly happy to explore whether it should be.**
 16 Q. You have talked about people obtaining exemptions and
 17 that they have to go to your board to get exemptions.
 18 When, roughly, would you get an exemption from having to
 19 carry out this process?
 20 **A. If the diocese has, for whatever reason, done some**
 21 **review work since PCR 1, and that was competently done**
 22 **by a qualified person who, amongst other things, might**
 23 **be prepared to say, "I have reviewed this and I have**
 24 **reviewed these files not only in terms of children, but**
 25 **of vulnerable adults", then we might give an exemption**

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1 the church. You're obviously the deputy head of
 2 safeguarding in the church, and you gave us last year
 3 your views about cultural change. Can I ask you if you
 4 think that the church has changed over the past
 5 18 months or ways in which you can see cultural change
 6 happening within your part of the church since you last
 7 came to give us evidence?
 8 **A. Yes. I think that there has been an overall raising of**
 9 **awareness of safeguarding, for a number of reasons --**
 10 **partly publicity, partly through training and all the**
 11 **conversations that surround that. So I think that has**
 12 **been a major raising of the profile.**
 13 **My experience of working with parishes day by day is**
 14 **that it's very much part of the conversation in a way**
 15 **that it would not have been a few years ago. If I can**
 16 **give you one anecdote, I was recently confirming**
 17 **a number of candidates in a parish in the Diocese of**
 18 **Chichester and, at the end of the service, as is**
 19 **customary, families were taking photographs, and my**
 20 **chaplain was among them, took a photograph of me, which**
 21 **I would often have put on Facebook saying, "Did**
 22 **a confirmation at such and such a place last night".**
 23 **I was, shortly after that, challenged by the Diocesan**
 24 **Safeguarding -- the Parish Safeguarding Officer who**
 25 **said, "Can I have a word with you?", and I said "Yes",**

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<p>1 and she then proceeded to ask me if photographs had been 2 taken on my behalf, which I said they had; had I sought 3 the consent of the candidates or their parents, 4 particularly if they were going to be used on social 5 media. As it happens, I had. All the paperwork was 6 there and recognised I had conformed. I was further 7 asked whether my own camera had been used because the 8 parish had a policy of using one particular camera, and 9 could I give an assurance that the material would be 10 deleted once it had been finished with. I take that as 11 evidence that the parish concerned was absolutely on the 12 ball and, importantly, that there was not deference to 13 me because I was the bishop. That, I think, even as one 14 example, is evidence that things are beginning to move 15 and that bishops are being held to regular account in 16 that kind of a way. So I think that that is positive. 17 Training is now very widespread and compulsory for 18 a lot of people and that, I think, is moving things 19 along in the diocese quite considerably. I think the 20 appointment of an independent chair to the Safeguarding 21 Advisory Panel is shifting the culture. I think that 22 Meg Munn is going to -- or has begun to change the way 23 in which that panel meets, and we have begun to see 24 a holding to account of parts of the safeguarding 25 operation.</p> <p style="text-align: center;">Page 93</p>	<p>1 Q. You have just given a very good example of where 2 deference wasn't given to the bishop. Do you think 3 deference -- I mean, speaking as someone who is 4 a current holder of the office, do you think people are 5 excessively deferential to you still, in particular your 6 employees and those around you? 7 A. I think that people are still very courteous and 8 respectful, and there will be some way to go, but 9 I think that that single example is an indication that 10 the journey is being travelled and that people are 11 respectfully holding us to account. 12 Q. Now, one of the issues that this investigation has to 13 look at is how far, and if, there need to be changes in 14 the structure of safeguarding or in the practice of 15 safeguarding within the Church of England. Your 16 Diocesan Safeguarding Advisor, Mr Perkins, has provided 17 us with a paper. I'm just going to ask you a couple of 18 questions based on it. 19 Chair and panel, B49 of your bundle, which is 20 volume 3. And ANG000645. Could we go to page 4, which 21 identifies the suggested model. Could we go to the next 22 page, paragraph 4, "The suggested model". This is 23 Mr Perkins' suggestion, which I think, in fact, 24 elaborates on the oral evidence he gave us last year, 25 identifying that the Diocesan Safeguarding Advisor</p> <p style="text-align: center;">Page 94</p>
<p>1 should in fact become a Safeguarding Officer to create 2 a sort of firewall, is what he describes, around the 3 post of Diocesan Safeguarding Officer and, in effect, 4 the Diocesan Safeguarding Officer would be responsible 5 for everything he sets out at (b), which is from: 6 reporting safeguarding matters; suspending clergy; 7 instructing safeguarding investigations; ensuring that 8 appropriate support is given to complainants during 9 relevant criminal investigations; reporting matters to 10 the NST and to the Charity Commission; commissioning 11 case reviews. 12 Then if I can go on to the next page -- and then 13 would identify, in effect, kind of removing the ultimate 14 power and authority in safeguarding from the diocesan 15 bishop to a safeguarding professional. Do you have any 16 views about that? 17 A. I have very substantial agreement with Colin on this. 18 I don't differ from him. I think that it would be very 19 helpful to have some separation of responsibilities in 20 the way he describes. The thing I would want to 21 highlight, though, is I think it is difficult to take 22 safeguarding altogether away from the church because we 23 are the people that have to make sure that our operation 24 is safe day by day, and so on. But where things have 25 gone wrong and there needs to be care over the kind of</p> <p style="text-align: center;">Page 95</p>	<p>1 areas that Colin has listed, then I think that some 2 separation of responsibilities is helpful. 3 Q. So you would talk about ultimately, at the moment, the 4 Diocesan Safeguarding Advisor is just that, an advisor, 5 whereas in Colin's model, he would be the one who was 6 responsible and so he really wouldn't be answerable to 7 you, so to speak, but he would be answerable probably to 8 the National Safeguarding Team for any actions he took? 9 A. Yeah, I think, in actual fact, in the Diocese of 10 Chichester, where Colin works, he really does exercise 11 that authority. As we know, DSAs are -- do have the 12 decisions as to whether something is referred on, and 13 certainly, as a bishop in that diocese, I refer things 14 to Colin and take his advice as we go along. 15 Q. But as well, he isn't a member of the senior staff, 16 necessarily? 17 A. No, he -- 18 Q. He may well be in your context -- 19 A. No, he is not a member of the senior staff. He has 20 fairly ready access to us, and he reports to us with 21 frequency and to the Bishops' Council. But I am 22 substantially in agreement with Colin's proposal. 23 Q. What do you think, in particular, about removing the 24 area of clergy discipline from yourself as a bishop? 25 Now, obviously I had some discussion with Dr Bursell</p> <p style="text-align: center;">Page 96</p>

1 around this, around how comfortable -- I don't know
 2 whether or not you do, as an area bishop -- I can't
 3 remember whether you're a suffragan or an area --
 4 **A. I'm a suffragan now. I was an area when appointed. But**
 5 **in response to the Chichester report the area scheme was**
 6 **revoked.**
 7 Q. So you're a suffragan bishop. Does that mean you are
 8 responsible for exercising clergy discipline or does
 9 that simply lie with Bishop Martin --
 10 **A. I exercise it when it is delegated to me by the Bishop**
 11 **of Chichester on particular occasions and I'm accustomed**
 12 **to having used it during the vacancy.**
 13 Q. Do you agree that it is difficult being kind of pastor,
 14 prosecutor and judge, in the context of clerical
 15 discipline?
 16 **A. I think, in the Diocese of Chichester, we manage it**
 17 **reasonably well. But I think that some separation would**
 18 **not be unhelpful. I think it would be beneficial.**
 19 Q. What sort of separation? What would you envisage?
 20 **A. I think I would probably say it should be for those**
 21 **matters which have been identified as safeguarding.**
 22 **I don't think all matters need necessarily to be taken**
 23 **away from the diocesan bishop's authority. But I think,**
 24 **where there's a safeguarding element to it, it seems**
 25 **sensible that that is managed along a separate track,**

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1 majority of them, are capable of doing this with regard
 2 to safeguarding? The example you gave was a good one,
 3 and very much a bottom-up one, but it was relying on
 4 change from that level. How do you see change at the
 5 most senior level that was required?
 6 **A. I think I hear conversations about bishops' awareness**
 7 **far more frequently than I would previously have done.**
 8 **Occasionally, my own opinion or advice has been sought**
 9 **by people. I think -- I'm conscious of it being**
 10 **something about which the bishops are talking and**
 11 **acutely aware in the conversations I hold. I'm not**
 12 **quite sure where else you are looking for me to speak**
 13 **about.**
 14 THE CHAIR: It would be helpful if you were able to give us
 15 actual examples of change explicitly, and particularly
 16 about attitudes and responses.
 17 **A. I don't think that the -- the kind of things which**
 18 **I would hope to be seeing, particularly in the responses**
 19 **to abused people, those tend to happen discreetly, so**
 20 **that I don't have access to the ways in which individual**
 21 **bishops are meeting with victims of abuse. So, yes,**
 22 **I think those are happening in ways that are not visible**
 23 **to me.**
 24 THE CHAIR: Thank you. Sir Malcolm?
 25 PROF SIR MALCOLM EVANS: Thank you. Just one short

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1 **through the safeguarding officer.**
 2 Q. Is there anything else you would like to say to us?
 3 Otherwise, I think I've asked you all the relevant
 4 questions I wish to.
 5 **A. No, I think I would simply like to end by placing on**
 6 **record that the church has no desire whatever to provide**
 7 **inappropriate sanctuary to people who have caused harm**
 8 **to other people. What we want to do is to continue our**
 9 **ministry of reconciliation and, during that, to use**
 10 **whatever means we can to draw out what needs to be drawn**
 11 **out for the safety and prevention of harm of other**
 12 **people.**
 13 MS SCOLDING: Thank you. Chair and panel, I don't know
 14 whether you have any questions of this witness.
 15 THE CHAIR: Yes, we do.
 16 Questions by THE PANEL
 17 THE CHAIR: I would like to begin by asking you about the
 18 last issue about culture change, which, as we all know,
 19 is very difficult to achieve and doesn't happen
 20 overnight. But I think there is general agreement that
 21 one of the most important aspects cited is that senior
 22 people, in this case senior clergy, must model the
 23 appropriate attitudes, values and, indeed, actions which
 24 the entire organisation should demonstrate. Are you
 25 confident that the most senior clergy, or at least the

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1 question, going back to the issues concerning the seal
 2 of the confessional. I was rather struck with the way
 3 that you characterised it, that it was sort of keep it
 4 or abolish it, and a half-broken seal is not a workable
 5 compromise. I think we are well aware that in many
 6 other areas of life, shall we say, workable compromises
 7 have been able to be established in at least as complex
 8 areas, shall we say. Why do you feel that it is not
 9 possible to, shall we say, navigate the tensions here in
 10 a way that perhaps has been navigated in relation to
 11 other issues seen as equally intractable?
 12 **A. I think that the understanding around the seal of**
 13 **the confession culturally is that it is absolute and**
 14 **that that security to talk absolutely openly as near to**
 15 **without embarrassment as humanly possible has been**
 16 **enabled. I'm not sure that that has actually been**
 17 **achieved in any other context. And it seems to me that**
 18 **the seal needs to be established before a confession is**
 19 **heard, as a preliminary.**
 20 **Anything which effectively means the seal's effect**
 21 **is established retrospectively, in the light of what has**
 22 **been heard, I think diminishes its efficacy.**
 23 PROF SIR MALCOLM EVANS: Thank you.
 24 THE CHAIR: Mr Frank?
 25 MR FRANK: On the question of the seal, you were on the

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<p>1 Working Party, but you are not yourself an 2 ecclesiastical lawyer.</p> <p>3 A. No.</p> <p>4 MR FRANK: In terms of the impression that might be given 5 about the cultural change which you have been asked 6 about, I want to ask you about that in the context of 7 the Working Party's work. It was set up as a result, 8 I think, of a meeting, a bishops' meeting, 9 in September 2014, the Archbishops' Council. You first 10 met in 2015 and your report is dated 2019. So five 11 years elapsed, during which you came to no positive 12 conclusion and, in that five years, you met, I think, 13 a total of nine times, so approximately once every six 14 months.</p> <p>15 A. No. The period of our meeting was much shorter than the 16 timescale you're referring to. It happened early in 17 that.</p> <p>18 The House of Bishops took some considerable time to 19 look at and consider the report. I appreciate that may 20 seem a long time. Sometimes a long time is given simply 21 because of the seriousness with which it's being 22 treated.</p> <p>23 There have been particular considerations about the 24 training as well, which perhaps were being thought about 25 even before the report was published.</p> <p style="text-align: center;">Page 101</p>	<p>1 MR FRANK: Just to be clear, the outcome of the report was 2 a suggestion that it might be possible, if you had come 3 to a conclusion, to put it into effect in accordance 4 with a timetable that would amount to something like two 5 years, which is, I think, appended as annex 4 to the 6 report. Can we just put that on the screen, please? It 7 is ACE026778_001. If it assists you, I think it came 8 from --</p> <p>9 MS SCOLDING: It is tab B34.</p> <p>10 MR FRANK: Tab 37, I think, actually.</p> <p>11 MS SCOLDING: Tab 37, sorry.</p> <p>12 MR FRANK: We see what was suggested in the 2019 report was 13 that, if you were to achieve some amendment, it would 14 begin by a business committee meeting in March 15 or April 2019, that's this year. March and April have 16 been and gone. Can you help us, did that meeting take 17 place?</p> <p>18 A. I'm afraid I can't. I'm not actually a member of 19 the House of Bishops, as a suffragan.</p> <p>20 MR FRANK: All right. Do you know whether the subsequent 21 item on that, which was the Appointments Committee 22 in May 2019, does that happen?</p> <p>23 A. I'm not a member of that either, so I can't ...</p> <p>24 MR FRANK: Anything about the supposed first consideration 25 by the General Synod in July 2019. Has that happened?</p> <p style="text-align: center;">Page 102</p>
<p>1 A. I believe not, but these are questions that you would 2 have to ask of another witness.</p> <p>3 MR FRANK: I understand. In any event, can you help us as 4 to whether any part of the proposed measures to amend 5 has actually taken place?</p> <p>6 A. As I understand it, the bishops -- the House of Bishops 7 has given serious consideration to the report. There 8 have been discussions. But I don't believe anything has 9 been initiated to change a Canon.</p> <p>10 MR FRANK: To be clear about this, this was to achieve the 11 possible outcome by early 2021. That was what was 12 imagined by this schedule to the report. Clearly, 13 that's not going to happen.</p> <p>14 A. It seems unlikely.</p> <p>15 MR FRANK: No. So by the time anything does happen -- well, 16 certainly seven years will have elapsed before anything 17 can realistically be expected to be achieved by this 18 Working Party's report.</p> <p>19 A. That may be so.</p> <p>20 MR FRANK: Thank you. That's all I ask.</p> <p>21 MS SCOLDING: May I just clarify one thing which arises from 22 what Mr Frank identified: my understanding, which may 23 well be imperfect, is that there was no proposal to 24 amend a Canon coming out of the Working Party.</p> <p>25 A. No, the Working Party didn't propose to amend anything,</p> <p style="text-align: center;">Page 103</p>	<p>1 but, at the end of its deliberations, it decided that -- 2 that was its decision, not to make a recommendation to 3 change.</p> <p>4 Q. Obviously, the House of Bishops, in and of itself, could 5 ignore your Working Party --</p> <p>6 A. It could.</p> <p>7 Q. -- and say, "Right, we are going to introduce an 8 amending Canon" either -- in any of the forms that we 9 have identified this morning?</p> <p>10 A. Yes.</p> <p>11 MS SCOLDING: Thank you.</p> <p>12 MR FRANK: Thank you very much. There is one further matter 13 I wanted to clarify from your witness statement. As 14 I understand it, your Working Party had no part to play 15 in any consideration of the position of 16 the Church in Wales, because it is outside your 17 jurisdiction.</p> <p>18 A. That's correct.</p> <p>19 MR FRANK: So, as I understand it, the Church in Wales has 20 a very different position, which no doubt Mr Powell, in 21 due course, might be able to assist us with. Thank you 22 very much.</p> <p>23 THE CHAIR: Thank you. We have no further questions. Thank 24 you very much.</p> <p>25 A. Thank you.</p> <p style="text-align: center;">Page 104</p>

1 **(The witness withdrew)**
 2 MS SCOLDING: Thank you very much, chair and panel. This
 3 concludes the evidence for this morning. I don't know
 4 when would be appropriate for us to return.
 5 THE CHAIR: 2.00 pm.
 6 MS SCOLDING: Thank you very much.
 7 (1.03 pm)
 8 (The short adjournment)
 9 (2.00 pm)
 10 MS McNEILL: Good afternoon, chair and panel. Our first
 11 witness this afternoon is Mr Alistair Oatey.
 12 MR ALISTAIR OATEY (sworn)
 13 Examination by MS MCNEILL
 14 MS McNEILL: Can I confirm that you are Mr Alistair Oatey?
 15 **A. Yes.**
 16 Q. You are giving evidence today on behalf of the Cambridge
 17 Theological Federation?
 18 **A. Yes.**
 19 Q. Can you explain briefly what your role is in that
 20 Federation?
 21 **A. I am the chief operating officer of the Federation.**
 22 Q. Before we get into the detail, you have prepared
 23 a witness statement for this inquiry, which has the
 24 reference CTF000010. Chair and panel, it's behind
 25 tab A1 of your bundle. Please do, Mr Oatey, feel free

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1 **academic and formational training, so those**
 2 **establishments, those three, which we call houses for**
 3 **short, are responsible for the formational side of**
 4 **training, and we're responsible for arranging the**
 5 **academic side of training.**
 6 Q. Thank you, Mr Oatey. It is enormously hypocritical for
 7 me, of all people, to say that you speak quite quickly,
 8 and a note is being taken as quickly as it can be of
 9 what you are saying, but try to bear it in mind, as
 10 do I.
 11 To give you context, and everybody else who is
 12 listening to your evidence, this inquiry heard from,
 13 last year, Archbishop Justin Welby, and has also heard
 14 this year, from others, that the Church of England is
 15 focused at the moment on making sure they are recruiting
 16 the right people. Amongst the characteristics,
 17 Archbishop Justin said, is people who "get
 18 safeguarding", or have the ability or potential to get
 19 safeguarding. Yesterday's evidence was from Bishop
 20 Mark Tanner about the diocesan recommendation for
 21 ordination stage of that process. Is it right that once
 22 they are with the sponsoring bishop and they start their
 23 theological training, that's when they move to the TEIs
 24 that are part of the Cambridge Theological Federation?
 25 **A. Yes.**

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1 to refer to it at any time. This isn't a test of
 2 memory.
 3 Can I confirm at the outset that when you signed
 4 this witness statement which is endorsed with
 5 a statement of truth, you confirmed that it was true, to
 6 the best of your knowledge and belief?
 7 **A. Yes.**
 8 Q. I appreciate that not all of the matters in this witness
 9 statement are from your own experience, but it is
 10 a corporate statement, for want of a better word, on
 11 behalf of the Cambridge Theological Federation?
 12 **A. Yes.**
 13 Q. Can you tell us, in brief terms, who are the Cambridge
 14 Theological Federation and what do they do?
 15 **A. So the Cambridge Theological Federation is one of**
 16 **the TEIs, theological education institutes, that is**
 17 **registered to give degrees through Anglia Ruskin**
 18 **University, Durham University and the University of**
 19 **Cambridge. For the purposes of this, three of the 11**
 20 **member institutions from the Federation sponsor Anglican**
 21 **ordinands or train them for ordination, which are**
 22 **Ridley Hall, Westcott House and the Eastern Region**
 23 **Ministry Course.**
 24 **If you think of each of those as independent,**
 25 **educational establishments who are responsible for the**

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1 Q. In terms of putting it within the timeline, that's where
 2 you pick up with ordinands?
 3 **A. That's right, yes.**
 4 Q. We heard plenty of evidence yesterday about the
 5 recruitment process within the diocese before somebody
 6 is recommended for the theological training. Before
 7 they come to a TEI, is there any additional procedures
 8 or requirements set by the TEI to ensure the people they
 9 are recruiting are the right sort of people?
 10 **A. We interview each candidate that's presented to us,**
 11 **partly for academic reasons, to make sure they're on the**
 12 **appropriate course for them, and partly for community**
 13 **fit criteria. So, yes. We receive them direct from the**
 14 **dioceses, so we don't -- for ordination candidates, we**
 15 **don't go out and recruit them through other routes.**
 16 Q. For ordination candidates, you don't do any additional
 17 examination of their character or suitability; you would
 18 defer to what the diocese has already done?
 19 **A. That's right, yes.**
 20 Q. In addition, you wouldn't seek, independently of that,
 21 to ensure that DBS checks, psychometric testing,
 22 et cetera, was in place. That's something that would be
 23 done at the diocesan stage?
 24 **A. They're responsible for it. We would check it had been**
 25 **done.**

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1 Q. I just want to display a page of your witness statement,
 2 CTF000010_003. We have table 2 at the bottom, a list of
 3 the courses that the theological -- I'm just going to
 4 call you "the Federation", that's going to be easier for
 5 me -- that the Federation offer. Can you tell us which
 6 of those are available to ordinands of
 7 the Church of England?
 8 **A. The first one, the Bachelor of Theology for Ministry**
 9 **with the University of Cambridge. Then each of**
 10 **the seven ones listed from the University of Durham.**
 11 **Now, there are other ordinands within our houses who go**
 12 **on an undergraduate degree, Tripos, with the University**
 13 **of Cambridge, but they don't come through the Federation**
 14 **as such.**
 15 Q. I know you will pull me up on this, but I'm going to use
 16 the word "curriculum" just for the moment, for those
 17 watching. In terms of the curriculum for study during
 18 the theological education training phase, is it right
 19 that the Federation does not set that curriculum?
 20 **A. That's right.**
 21 Q. Can we please bring up the witness statement of
 22 Mike Higton from Durham University, ANG000386. Can we
 23 look, please, at paragraph 2. Durham University is
 24 separate to your Federation; is that right?
 25 **A. Yes.**

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1 **example -- meets their curriculum, their quality, and we**
 2 **teach to both of those programmes.**
 3 Q. So you provide theological training. An individual
 4 sponsored by the Church of England will do the common
 5 awards scheme?
 6 **A. Not necessarily. They could do Cambridge.**
 7 Q. They could do the other, but if they do the common
 8 awards scheme, the responsibilities set out there are
 9 from Durham University, and if they don't --
 10 **A. For setting the curriculum. We then do the teaching and**
 11 **which modules within it we teach.**
 12 Q. Thank you. Can we go over to page 2 of Mike Higton's
 13 statement and look at paragraph 6. For these
 14 theological training courses for which Durham University
 15 is involved, he sets out here for us a division of
 16 responsibilities, in short:
 17 "The Archbishops' Council (through its Ministry
 18 Division) is responsible, in consultation with the TEIs,
 19 for the development of the common awards curriculum and
 20 for submitting it for approval by the university.
 21 "Durham University is responsible for upholding the
 22 academic quality and standards of the common awards
 23 programmes; for the granting of credit and awards to
 24 students who have completed the programmes; and for
 25 approving and reviewing the offering and delivery of the

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1 Q. Their role within the organisation of theological
 2 training is different from yours; is that right?
 3 **A. Correct, yes.**
 4 Q. What he says, in terms of the responsibilities, is:
 5 "Durham University's responsibility is for setting
 6 the academic standards and monitoring the quality of
 7 the academic programmes delivered by the TEIs.
 8 Safeguarding training specifically in those institutions
 9 is delivered alongside, rather than as a component of,
 10 those academic programmes, as part of the wider training
 11 that enables ordinands to meet the criteria for
 12 ordination set by the church and monitored by the
 13 Ministry Division ... second, in the scheme, the
 14 university plays no direct role in admitting or teaching
 15 students ..."
 16 Would you agree with that summary?
 17 **A. That is true for all of the common awards programmes,**
 18 **yes, not for the others.**
 19 Q. We are not going to spend a great deal of time on the
 20 others, but just for completeness, can you tell us what
 21 the difference is between the common award schemes and
 22 other courses for theological training?
 23 **A. The common award schemes are the ones sponsored by the**
 24 **Church of England and paid for. Other education**
 25 **institutions -- so the University of Cambridge, for**

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1 programmes by the TEIs."
 2 Then at the bottom, that would be your Federation:
 3 "Individual TEIs are responsible for the delivery of
 4 the approved programmes and for the students who are
 5 registered on the programmes."
 6 Would you agree with that division of
 7 responsibility?
 8 **A. Yes, I would, yes.**
 9 Q. Thank you. We can take that down now. In terms of --
 10 and I know we are using the word "curriculum" in a broad
 11 term. In terms of setting the curriculum or the
 12 training that will occur during theological training, is
 13 it right that the formation criteria set by the church
 14 are really at the heart of that?
 15 **A. Yes, that's right. So there's the academic side, as we**
 16 **have just been through. The other half of the training**
 17 **is formational training and that's through those**
 18 **criteria, so that we can report back, to the sponsoring**
 19 **bishops at the end of the process, how each candidate**
 20 **has performed against those criteria.**
 21 Q. So I'm going to take a look at the formation criteria
 22 that are currently in force. Ralph is looking at me
 23 because I have gone off pitch a little bit. It is
 24 ACE025143_011. You have a copy of these with you,
 25 I understand.

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1 **A. Yes.**
 2 Q. This is just one section of the relationships, and
 3 that's the one we are going to look at in some detail.
 4 Would it be an accurate summary to say that the role of
 5 the theological training institution is to build the
 6 course around the formation criteria, to get the
 7 ordinand to a place where they are fulfilling those
 8 criteria, and then to report, at the end of it, as to
 9 their suitability for ordination based on those
 10 criteria?
 11 **A. Yes, that's my understanding.**
 12 Q. Again, as they currently stand, page 11 is
 13 relationships, we looked at these with Bishop Tanner.
 14 There is no stand-alone formation criteria for
 15 safeguarding, is there?
 16 **A. No, there isn't.**
 17 Q. I think this is really the closest that we get to it
 18 within the existing ones. Is that true?
 19 **A. Yes.**
 20 Q. Can you tell us, looking at this formation criteria,
 21 what aspects of this would help you, as an institution,
 22 and your teachers, to be making sure that the training
 23 addresses safeguarding and that the candidate, at the
 24 end of it, is suitable to be fulfilling safeguarding
 25 responsibilities?

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1 **A. That's right.**
 2 Q. And you say it only is one aspect that appears in one of
 3 the formation criteria. It is the very bottom box,
 4 second from the left, "Understanding policies and best
 5 practice in safeguarding"?
 6 **A. That's right.**
 7 Q. Is there, within the academic training, a stand-alone
 8 safeguarding module?
 9 **A. No, there isn't.**
 10 Q. Is there any guidance received by the Federation from
 11 the Church of England to help you build safeguarding
 12 into your theological training?
 13 **A. There are the programmes that I have just referred to.**
 14 Q. Let's talk about those. You identify in your witness
 15 statement -- chair, it is paragraph 39 at page 6, if
 16 that assists -- that ordinands have to complete the
 17 basic safeguarding course before they begin their
 18 theological training. Is that C0?
 19 **A. It is, yes.**
 20 Q. Do they complete any of the other safeguarding courses
 21 during their theological training?
 22 **A. Yes. They need to complete the C1 training, which is**
 23 **the foundation one, in their first year, and they need**
 24 **to get to C2, which is required for ordination. So**
 25 **that's taught in the last year.**

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1 **A. Under the current criteria?**
 2 Q. Yes. This is what you have got at the moment?
 3 **A. It is, yes. So from this we have to demonstrate that**
 4 **the candidates have an understanding of the policies and**
 5 **best practice in safeguarding which we will fulfil by**
 6 **teaching the churches various programmes, which are the**
 7 **C0, C1, C2 programmes, and so the content of**
 8 **the training comes through that.**
 9 Q. We will look at the specifics of the training. I think
 10 the question I was driving at, and I didn't put it
 11 clearly: do you think that this formation criterion has
 12 a sufficient focus on safeguarding to help you fulfil
 13 your role in preparing an ordinand for their
 14 safeguarding responsibilities?
 15 **A. No. I think this is not quite a tick box, but**
 16 **understanding the policies is very different to having**
 17 **demonstrated the importance of them and how they work**
 18 **out in practice. So it seems rather hidden away in just**
 19 **one aspect when actually it could be a strand that goes**
 20 **through the whole -- all of the criteria.**
 21 Q. You say it is one aspect. If we have the document as
 22 a whole -- I don't want to bring it up, but there are
 23 seven formation criteria. Is that right?
 24 **A. Yes.**
 25 Q. Safeguarding is not a freestanding formation criteria?

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1 Q. Is there an aspect of the theological training that
 2 involves what we would call placements, for want of
 3 a better phrase?
 4 **A. Yes. We call them placements too, yes.**
 5 Q. What level of safeguarding training is required before
 6 an ordinand is allowed to do a placement?
 7 **A. They would -- I don't know entirely the answer. They**
 8 **definitely will have done the C0. They ought to have**
 9 **done the C1. I don't know if it is totally prohibited**
 10 **if they haven't. There is an induction into the**
 11 **placements. Safeguarding policies and procedures is**
 12 **a necessary part of it.**
 13 Q. I think, from looking at your statement, is it fair to
 14 say you are not sure if there is an absolute rule they
 15 have to have completed C1, but the way the course is
 16 structured means in reality they have done?
 17 **A. They would have done, yes.**
 18 Q. In terms of the C1 and C2 training, where does an
 19 ordinand receive that from?
 20 **A. C1 training is available online. C2 training is**
 21 **delivered by specialists from the Diocesan Safeguarding**
 22 **Team.**
 23 Q. Being in Cambridge, that's the Diocese of Ely?
 24 **A. Correct.**
 25 Q. So you don't have an in-house safeguarding trainer or

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1 safeguarding advisor?
 2 **A. Not specifically. We have safeguarding leads, but not**
 3 **as a specialised training area.**
 4 Q. Your safeguarding lead is responding to safeguarding
 5 incidents within the institution?
 6 **A. Correct.**
 7 Q. In terms of the training, you're reliant on your local
 8 diocese?
 9 **A. Yes, that's right.**
 10 Q. Why is it that you rely on the local diocese to provide
 11 the safeguarding training?
 12 **A. Because they're the experts in the area. They're**
 13 **keeping up to date with where the church is at the**
 14 **latest position, they're drawing experience from their**
 15 **training across the diocese. So I think, for**
 16 **specialised knowledge like this, it makes sense to go to**
 17 **the most experienced people.**
 18 Q. The chair and panel have heard a lot of evidence about
 19 the Diocesan Safeguarding Advisors and the huge amount
 20 of work that they have to do. Have you had any
 21 difficulties in arranging the training necessary?
 22 **A. For want of time, not for want of wanting to do it.**
 23 **Yes, there are time constraints that make it difficult**
 24 **for them to fit with our curriculum teaching**
 25 **constraints.**

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1 C2 training?
 2 **A. Yes.**
 3 Q. If we can skip down to -- before we skip down, sorry, in
 4 paragraph 51, in terms of that gap, so the need to teach
 5 ordinands about the pastoral care of survivors of abuse,
 6 do you think that's best done by the training provided
 7 by the diocese, which is developed by the church, or
 8 during the training that's provided at the theological
 9 educational institution?
 10 **A. I think it needs to be both, and so there needs to be an**
 11 **integrated approach to this, bringing on the skills of**
 12 **those who teach the theological side and those who teach**
 13 **the practical side and bring them together to make sure**
 14 **there's a consistent message. So they should run in**
 15 **parallel or hand in hand, whichever way.**
 16 Q. I think linked to this is what you're saying at
 17 paragraph 54. You say:
 18 "We note that those with expertise in teaching good
 19 practice and policy in safeguarding ..."
 20 By that, I'm assuming you mean the Diocesan
 21 Safeguarding Advisors?
 22 **A. Yes.**
 23 Q. "... may not be confident and competent in delivering
 24 theological and pastoral training and education which is
 25 necessary if theological issues are to be included in

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1 Q. They're a bit busy, essentially?
 2 **A. Yes.**
 3 Q. Broadly speaking, do you -- by "you", I mean the
 4 Federation -- have any views about the adequacy of
 5 the content of the safeguarding training that's being
 6 delivered?
 7 **A. It's good insofar as it goes. It's very process driven.**
 8 **It's what to do, how to respond, who to talk to, what**
 9 **forms to fill in, what records to keep. It doesn't go**
 10 **beyond that, so far as I'm aware, having not gone**
 11 **through the training myself, into the pastoral side and**
 12 **the support and care that a minister would need to give**
 13 **in these kind of situations.**
 14 Q. I think it might help here to bring up a page of your
 15 witness statement where you have gone into a bit of
 16 detail about your thoughts on the training. If we can,
 17 it is paragraph 51 on page 8 of the witness's statement,
 18 Ralph. We are going to go through that whole page
 19 slowly but surely.
 20 We see at the top you said:
 21 "The Anglican Houses have identified a gap in
 22 provision in relation to the pastoral care of survivors
 23 of abuse and of managing the care of survivors and
 24 perpetrators of abuse."
 25 When you say the "gap", do you mean in the C0, C1,

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1 training modules. We consider it is important that an
 2 understanding of the theology of safeguarding is part of
 3 an ordinand's training."
 4 **A. That's what I was trying to say.**
 5 Q. We heard evidence about the theology of safeguarding,
 6 and Archbishop Justin Welby came along and told us about
 7 it. Is the theology of safeguarding covered within the
 8 theological part of the training that the Federation
 9 provides?
 10 **A. In the formational side, yes.**
 11 Q. But it is not a whole module?
 12 **A. It is not a module, no. No.**
 13 Q. But it's encapsulated within other modules?
 14 **A. It will be covered in the works -- yes, the teaching**
 15 **that we do that covers each of these criteria will**
 16 **include information about that.**
 17 Q. In order to address the concern that you have raised at
 18 paragraph 54, which I would summarise as embedding
 19 safeguarding within the theological training, as well as
 20 ensuring that those providing the practical training
 21 understand the theology of it themselves, does that
 22 require, therefore, a change in who delivers the
 23 training or the qualifications of those who are giving
 24 the training?
 25 **A. Possibly the latter, although, if there's a joint**

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<p>1 approach, then whichever way around it was. It could be 2 joint delivery is actually the way to achieve it, with 3 the possibility, I guess, of some training the trainer 4 type things to keep skills and knowledge updated. 5 Q. So your theological teachers, for want of a better word, 6 professors, perhaps, should have a better understanding 7 of safeguarding and the theology of safeguarding; yes? 8 A. Yes. Well, a full understanding, yes. I don't want to 9 say they don't have it at the moment. 10 Q. And, on the flip-side, those providing the practical 11 training should understand how that is embedded within 12 theology itself? 13 A. Correct, yes. 14 Q. In terms of paragraph 55, you say specifically: 15 "We recommend that the Church of England considers 16 providing additional teaching materials in the areas of 17 survivors of abuse, domestic abuse and spiritual abuse, 18 especially from the perspectives of pastoral care and 19 power dynamics. These areas need to be taught by people 20 who both understand policy and good practice around 21 safeguarding and have expertise in teaching ... pastoral 22 ministry." 23 Can you explain that paragraph for me, please, and 24 indicate who you think should be giving that additional 25 training?</p> <p style="text-align: center;">Page 121</p>	<p>1 A. I think we are asking for the church to provide training 2 materials so that we can train in a consistent manner 3 across TEIs so that all ordinands get this deeper level 4 of understanding that isn't just process based, but 5 there is a consistency informed by best practice, and 6 I think that needs to come from the experts. 7 Q. So you want to be better at teaching this? 8 A. Yes. 9 Q. And, in order to be better at teaching it, you'd like 10 some more help from the church to do so? 11 A. That's right. But I think we also want the expectation 12 of the church to have a deeper understanding of 13 safeguarding as well. 14 Q. Your experience is that the individuals within the 15 church you're dealing with themselves need to develop 16 their understanding around these topics? 17 A. I think that's fair to say. 18 Q. Paragraph 58 now, please, at the bottom of the page. At 19 the end of the theological training, I have said that 20 one of the things that you do is ultimately make 21 a recommendation for ordination. In order to do that, 22 do you believe that some form of assessment of an 23 individual's safeguarding potential or safeguarding 24 knowledge is appropriate? 25 A. Yes -- well, essential.</p> <p style="text-align: center;">Page 122</p>
<p>1 Q. What you say about that at paragraph 58 is, and I'm 2 paraphrasing, but you sound like you're having some 3 concerns about how you would go about assessing that. 4 What are the concerns about how you assess somebody's 5 safeguarding understanding? 6 A. I think the understanding is the easier bit, and that 7 can relate back to the C training through discussion and 8 talking through that with a tutor. The putting into 9 practice bit is the bit we can't assess unless an 10 incident has occurred during an individual's time. So 11 having a single way that every ordinand can be assessed 12 on what they do in a safeguarding situation would either 13 have to be manufactured, which we say here that we are 14 not comfortable with doing that, or else it can only be 15 explored as a concept, which is the way it's done now. 16 Q. I understand what you are saying, in that it's very 17 difficult for us to say how good somebody will be at 18 responding to a safeguarding incident unless we see them 19 do it. What I'm less clear on is why you would be 20 concerned about dealing in a hypothetical situation. If 21 you think about other professions -- teachers, doctors, 22 lawyers -- they're taught quite often in hypothetical 23 scenarios, in case studies. What's the specific 24 concern, if you are able to answer, that the Federation 25 has?</p> <p style="text-align: center;">Page 123</p>	<p>1 A. I think the concern -- I speak on behalf of my academic 2 colleagues who deliver this formational training -- is 3 more about putting people through practice situations, 4 and role playing it. I think the organisations you talk 5 about have support mechanisms for people going through 6 those kinds of training, and the effect on them, and 7 I don't think -- I don't think -- that's the bit that we 8 haven't got in place, which would make this a risky 9 activity to do. 10 Q. Moving back to your other responsibility, which is to 11 reach an ultimate conclusion about whether or not to 12 recommend somebody for ministry, how do the institutions 13 measure somebody's fitness for office throughout their 14 time within a theological educational institution, 15 specifically focusing on safeguarding? 16 A. On safeguarding. There are annual reviews between each 17 student and their tutor, and that's against 18 the formational criteria, and so the safeguarding will 19 come into that. It will be a small part of it, and 20 there may be nothing to report other than training 21 received. And then, at the end of their time, that's 22 formalised into a letter from the principal of 23 the college to the bishop reporting against those 24 criteria. 25 Q. How do your teachers record or note attitudinal concerns</p> <p style="text-align: center;">Page 124</p>

<p>1 that might be relevant to somebody's safeguarding role?</p> <p>2 A. That's a good question, to which I don't know the</p> <p>3 answer.</p> <p>4 Q. Okay. The corollary of that, which you might be able to</p> <p>5 help us with: do you think that the formation criteria</p> <p>6 we looked at, which are the foundation for your</p> <p>7 teaching, do you think they sufficiently focus the minds</p> <p>8 of those providing theological training to be watching</p> <p>9 out for those sort of attitudinal concerns?</p> <p>10 A. I think it could be better. I think it -- as we said</p> <p>11 before, it focused it in one area and you deal on it</p> <p>12 within the other areas. I personally would like to see</p> <p>13 safeguarding run through the whole thing, like words</p> <p>14 through rock. It should be there under pretty much</p> <p>15 every of the criteria and, therefore, commented on and</p> <p>16 part of the conversation about the whole development of</p> <p>17 the individual.</p> <p>18 Q. Can we take a look at the proposed new framework that</p> <p>19 was raised yesterday with us by Bishop Mark. It is</p> <p>20 ACE026772_004. This table was presented as the new</p> <p>21 proposed formation criteria. I don't propose to go</p> <p>22 through it all. It was gone through yesterday in some</p> <p>23 detail. Suffice to say, it doesn't expressly mention</p> <p>24 safeguarding, as far as I can see, and the simple</p> <p>25 question is, do you think this proposed framework</p> <p style="text-align: center;">Page 125</p>	<p>1 addresses the concerns you have raised today?</p> <p>2 A. No. I don't think it does. As you say, it doesn't</p> <p>3 mention it. It actually mentions that they want risk</p> <p>4 takers, so it goes slightly against it. I think it</p> <p>5 should be a whole separate seventh quality that goes</p> <p>6 across the whole thing.</p> <p>7 Q. Do you think, on behalf of the Federation, that, bearing</p> <p>8 in mind this document is supposed to inform all of your</p> <p>9 teachings and all of your assessments, do you think it</p> <p>10 would be helpful?</p> <p>11 A. Bearing in mind I don't have to teach to it, it feels</p> <p>12 like a step backwards from the proposal, which actually</p> <p>13 sets out more clearly what the expectations are. This</p> <p>14 seems, to me, to simplify things slightly to a point</p> <p>15 beyond understanding.</p> <p>16 Q. Attitudinal concerns are, I appreciate, a difficult</p> <p>17 thing to discern throughout somebody's training. Can</p> <p>18 you tell me, what are the processes in place if</p> <p>19 a specific safeguarding concern arises during the course</p> <p>20 of an ordinand's theological training?</p> <p>21 A. That would be referred to the houses' safeguarding lead,</p> <p>22 who would then refer up to the Diocesan Safeguarding</p> <p>23 Team, who would take it over from them, the exception</p> <p>24 being if they are on placement, it would fall within</p> <p>25 that institution's safeguarding process.</p> <p style="text-align: center;">Page 126</p>
<p>1 Q. If we look at page 6 of your witness statement, you have</p> <p>2 expressed some concern at paragraph 34 about your</p> <p>3 experiences in trying to do just that, and what you have</p> <p>4 said is that sometimes the advice received has been</p> <p>5 conflicting:</p> <p>6 "Sometimes it seems that an incident is treated as</p> <p>7 a safeguarding concern because there is no other</p> <p>8 nationally established process for investigating</p> <p>9 concerns about ordinands' dispositions and behaviours</p> <p>10 which, in the case of someone already ordained, would</p> <p>11 take place through the Clergy Discipline Measure."</p> <p>12 Can you help us understand a little bit what you're</p> <p>13 saying in this paragraph?</p> <p>14 A. Actually, there's I think a few things packed into here,</p> <p>15 some of which is not explicit, and it's emerged since</p> <p>16 writing this. I think what we're saying there is, if an</p> <p>17 issue arises -- which has, in our case, in</p> <p>18 paragraph 36 -- that feels like it is safeguarding</p> <p>19 related but isn't actually to do with children or</p> <p>20 vulnerable adults, but it has an impact on it --</p> <p>21 Q. I'm going to interrupt you for one second. When you say</p> <p>22 "an incident", inappropriate behaviour, or something</p> <p>23 similar?</p> <p>24 A. Correct, yes.</p> <p>25 Q. Thank you. Please carry on.</p> <p style="text-align: center;">Page 127</p>	<p>1 A. Where do we take that? How is that dealt with formally</p> <p>2 within the structures? One of the consequences is that</p> <p>3 things have had to go down a safeguarding channel</p> <p>4 because that's the only place to take it, and that may</p> <p>5 be the wrong place, and it shouldn't -- it might not get</p> <p>6 dealt with appropriately, because it's knocked out for</p> <p>7 being not a safeguarding concern. So the structures</p> <p>8 that are in place for clergy allow those issues to be</p> <p>9 dealt with formally. The ordinands are in a bit of an</p> <p>10 in-between land, where there isn't a clear way of</p> <p>11 dealing with them, which disadvantages us and the</p> <p>12 ordinands, actually.</p> <p>13 Q. So is it fair to summarise it that, if an individual</p> <p>14 does something inappropriate that might otherwise be the</p> <p>15 subject of a disciplinary investigation or hearing, you</p> <p>16 are forced to refer it through the safeguarding channels</p> <p>17 in the diocese, and because it is not, strictly</p> <p>18 speaking, a safeguarding concern, it might just fall to</p> <p>19 the wayside as opposed to actually being addressed?</p> <p>20 A. I think that's a danger, yes.</p> <p>21 Q. Moving through the process towards the end of somebody's</p> <p>22 theological training, your role as a theological</p> <p>23 education provider is to produce a bishop's letter at</p> <p>24 the end. Can you tell us what that is?</p> <p>25 A. That is the formal report from the TEI to the sponsoring</p> <p style="text-align: center;">Page 128</p>

<p>1 bishop on each individual confirming the formational 2 side of their training. Obviously, the academic side is 3 a matter of fact with the certificate they get from the 4 university. So this goes back to the formational 5 criteria. It is a report from the principal in 6 consultation with the tutorial team, shared with the 7 student, and this is the basis on which the bishop then 8 can make a decision on whether to put -- for the 9 candidate to go forward for ordination. 10 Q. So that would be assessed against the formation criteria 11 set out? 12 A. Yes. 13 Q. I don't want to labour the point. All the points we 14 have already made about safeguarding not having 15 a sufficient focus within them, is that present in the 16 bishop's letter as well, do you think? 17 A. I believe it is, yes, in the same way as a subsection of 18 that formational criteria. 19 Q. So the effect of that is that a bishop's letter, which 20 is the ultimate recommendation for ordination from the 21 TEI, may not have a whole section addressing 22 safeguarding specifically? 23 A. That's right, yes. 24 Q. There's no requirement, as far as you're aware, for the 25 TEI to specifically comment on an individual's</p> <p style="text-align: center;">Page 129</p>	<p>1 safeguarding ability or potential when reporting back to 2 the bishop about their suitability? 3 A. Not as far as I'm aware. The obligation here is to -- 4 that they understand the policies and procedures. 5 Q. Not their ability -- 6 A. No. 7 Q. -- or potential to put it into effect? 8 A. That's right. 9 Q. It is a small point, and you might or might not be able 10 to help me with it. It is right, isn't it, that the 11 bishop's letter is supposed to be confidential to the 12 bishop and the Diocesan Director of Ordinands? 13 A. Most of the letter is, yes. 14 Q. We heard -- it was a witness during the Chichester 15 investigation, Archdeacon Philip Jones, who said that in 16 his view they shouldn't be confidential because 17 sometimes those letters express a reservation or 18 a comment on what has been observed during their 19 training, and that they would be helpful during the 20 course of their career. Do you think they need to be 21 confidential? 22 A. Meaning to the student themselves, the ordinand 23 themselves? 24 Q. Yes. Do you think a bishop's letter about candidate A 25 needs to be confidential, so only seen by the bishop and</p> <p style="text-align: center;">Page 130</p>
<p>1 the DDO? 2 A. I can't think of a reason why the ordinand shouldn't see 3 it themselves. 4 Q. Is there a reason why it can't just go on their blue 5 file? 6 A. No, not as far as I know. It's evidence of training 7 given and the abilities to do the job at that point. 8 Q. I'm coming to the very end of my questions. Just for 9 completeness, in terms of the oversight over TEIs, how 10 does the Church of England exercise any oversight about 11 the work that's carried out by TEIs? 12 A. The periodic external review is the formal process 13 through which all TEIs are inspected every six years. 14 In between that, there's a self-evaluation process by 15 which we all report on what we do. 16 Q. How much of those reviews focus on safeguarding? 17 A. The review is about how the TEI -- has the TEI got 18 safeguarding policies and procedures in place and are 19 they followed? It is not about safeguarding training. 20 Where the assessors will have a view will be on the 21 review of the formational training, of which, as we have 22 said, safeguarding is a subsection of a subsection. 23 Q. So when they come in, do they assess generally the 24 quality of the teaching within a TEI? 25 A. The academic teaching is assessed by the Durham part of</p> <p style="text-align: center;">Page 131</p>	<p>1 the team. The other side, by the Ministry Division side 2 of the team. But, again, it is a snapshot of what they 3 see at the time they're there. 4 Q. Do either of them specifically look at the quality of 5 the safeguarding teaching? 6 A. I don't know. 7 Q. My penultimate question, if I can, do you have any 8 thoughts -- in terms of your role as shaping the future 9 ordinands and the future priests, what is your 10 experience, or the Federation's experience, of 11 the developing safeguarding culture within the 12 Church of England? 13 A. Most of our students, especially in the two houses, 14 Ridley and Westcott, are residential communities and, 15 within that, a teaching -- a living out of safeguarding, 16 as such. So that becomes part of the culture rather 17 than just a component of the course that they're doing. 18 So that's building into the culture, and I see it as 19 part of our job to make safeguarding as important to an 20 ordinand as prayer is, and if we can embed that during 21 their three years with us, then that should go with them 22 for the rest of their career within the church, for want 23 of a better term. 24 We are getting people in to assist who are -- 25 I mean, everyone is open to safeguarding and receiving</p> <p style="text-align: center;">Page 132</p>

1 the training. There is -- by embedding it, by living
 2 it, it takes it through, and then, coming out the other
 3 side, obviously, it's then out of our hands where it
 4 goes.
 5 I see, in terms of the culture, it's about the
 6 deepening of safeguarding away from just being about law
 7 and away from being -- not away, but building on being
 8 about complying with the law, about dignity, and human
 9 rights, but actually taking it to the theological level
 10 of it. If someone believes that how they treat others
 11 is an expression of their relationship with God, then
 12 that should affect the way they deal with individuals,
 13 and thinking that way means it should be
 14 a survivor-centric system, putting them right at the
 15 middle and working out everything from that. That's
 16 culture change. There's a way to go on it. I think
 17 there is probably a willingness and building on the work
 18 that's happening, but I think that's a cultural thing
 19 that will, with time, need to come through the whole
 20 system.
 21 Q. Finally, in terms of the questions I want to ask, we
 22 heard from Bishop Mark Tanner about all the work that's
 23 being done before an individual reaches theological
 24 education to make sure they're the right kind of people.
 25 You're telling us you're working very hard to teach them

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1 criteria will actually give the foundation for all the
 2 training and development that's given. So making that
 3 explicit as a separate, essential item will give us the
 4 hook on which we can actually build the programme
 5 around. Adding on to that, it is slightly tangential,
 6 but we are coming up against problems of conflicting
 7 advice, which you mentioned earlier. I don't think
 8 I probably need to go into details, but there have been
 9 several -- no, two occasions, of which I can think, in
 10 which we have asked the NST for advice and others have
 11 given different advice and there is no arbitrator to get
 12 to the right decision.
 13 Q. Who is the "others", just so we are clear?
 14 A. In one case, it was about Ministry Division and NST
 15 asking about which DBS check from where is needed, and
 16 they both had different views. We now don't know what
 17 to do because there is no-one to say which view to take.
 18 So at a practical level, we're stuck.
 19 Q. As an institution that's separate to the church but very
 20 much reliant on it for guidance, is your concern that,
 21 if the church can't be consistent with one another, we
 22 don't really know what to do?
 23 A. Absolutely, yes. I think the other is a more serious
 24 one for us, in which an incident which is referred to in
 25 here, whichever paragraph it is -- 36. Again, there

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1 correctly. Rather hearteningly, when Justin Humphreys
 2 was here yesterday, he said his experience of providing
 3 safeguarding training to clerics is that those coming
 4 through now, and leaving education now, are very
 5 positive, very enthusiastic about safeguarding. I think
 6 he called them "energised".
 7 Is it your experience that the sort of people the
 8 diocese are sending through now to start their
 9 theological training are the kind of people that are
 10 receptive to safeguarding?
 11 A. Yes. Yes, I think the "fine mesh" approach which he
 12 spoke about is working. It is not a catch-all, and I do
 13 slightly worry that that's a filter used at the
 14 beginning, whereas it needs to be embedded throughout
 15 the processes. But to answer your question, yes, the
 16 people coming through are, almost without exception,
 17 open to safeguarding and all that it contains.
 18 Q. Is there anything in particular that you want to raise
 19 from your perspective, or that of the Federation, about
 20 theological training that would assist the chair and
 21 panel in considering that topic for their inquiry?
 22 A. About ...?
 23 Q. Theological training. Anything I have not touched on,
 24 essentially.
 25 A. All of it. No. I think embedding it through the

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1 were differing views from two dioceses on whether an
 2 incident was or was not a safeguarding concern.
 3 A meeting convened by NST with two dioceses in the room
 4 got to stalemate because no-one has resolved that
 5 situation. I think that's just -- that's a frustration
 6 that we have, that the house ended up having to pay for
 7 legal advice to get their own advice on that because the
 8 church couldn't give it within that. I think there's
 9 a whole load of mixed messages in there about how the
 10 church deals with it, but where you go and where the
 11 ultimate authority is to make a decision on this and
 12 therefore give the guidance. I think clarity would help
 13 everybody.
 14 Q. So a moment ago, we talked about inconsistency in terms
 15 of guidance received on process, and for those who don't
 16 have paragraph 36 of your witness statement in front of
 17 them, this is about, once you have a potential
 18 safeguarding incident and you refer the issue to the
 19 diocese for help, again, the advice you get back on the
 20 response to a potential safeguarding incident is of
 21 itself not consistent?
 22 A. That's right.
 23 MS McNEILL: Chair and panel, that concludes my questions
 24 for this witness. Do you have any questions for this
 25 witness?

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1 THE CHAIR: No, we have no questions. Thank you very much,
 2 Mr Oatey.
 3 (The witness withdrew)
 4 MS McNEILL: We now start our final witness for the day, so
 5 I will hand over to Ms Scolding.
 6 MS SCOLDING: Good afternoon, chair and panel. We are now
 7 about to hear evidence from the Reverend
 8 Rosemary Lain-Priestley.
 9 ARCHDEACON ROSEMARY LAIN-PRIESTLEY (sworn)
 10 Examination by MS SCOLDING
 11 MS SCOLDING: Thank you very much. I understand, for these
 12 purposes you would like to be known as
 13 Ms Lain-Priestley; is that correct?
 14 **A. That's correct.**
 15 Q. Just a few preliminary matters, Ms Lain-Priestley. This
 16 isn't a test of memory, so please feel free to refer to
 17 any notes you have made in advance. Please don't
 18 hesitate at any point if you need a break. We are quite
 19 happy to have a break at any point, for any reason.
 20 Next, there is a screen to one side of you where
 21 there will be a few documents coming up on screen, but
 22 you should also have a witness bundle in front of you
 23 and those documents are also included in that bundle.
 24 I will make references to bundle numbers as well as
 25 making reference, as you may well have seen if you have

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1 **women relate to each other.**
 2 Q. That sounds like quite a difficult and challenging role.
 3 **A. It's interesting.**
 4 Q. Before that point in time, and you identify at
 5 paragraphs 6 to 10 of your witness statement, which
 6 I don't think we need to get up, your career history and
 7 in particular your training in safeguarding. You were
 8 ordained in 1996 and became a priest in 1997, moving to
 9 the Diocese of London in 1998 and serving as an
 10 assistant priest and then associate vicar until 2006.
 11 Is that right?
 12 **A. That's correct.**
 13 Q. Then from 2006 to 2016, you engaged in a variety of work
 14 on a part-time basis, as the Dean of Women's Ministry in
 15 the Diocese of London, as chair of governors of
 16 a Church of England school and Chair of the National
 17 Association of Diocesan Advisors in Women's Ministry.
 18 During that point in time, did you have to undertake any
 19 safeguarding training?
 20 **A. I undertook safeguarding training as chair of governors**
 21 **of a secondary school, and that was organised by the**
 22 **Southwark Diocese as it was a Church of England school.**
 23 Q. But the church didn't provide you with, or offer, any
 24 training for you in respect of safeguarding?
 25 **A. I don't recall any safeguarding training when I was Dean**

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1 watched the evidence, to a rather lengthy number which
 2 then comes up on screen.
 3 Behind tab A1 of your bundle is your witness
 4 statement. Now, your signature is, in fact, illegible
 5 for Data Protection Act reasons, but can I just
 6 identify, have you had an opportunity to read that
 7 witness statement recently?
 8 **A. I have.**
 9 Q. Is it true, to the best of your knowledge and belief?
 10 **A. It is.**
 11 Q. Now, that witness statement at some point will be put up
 12 on the Independent Inquiry into Child Sexual Abuse
 13 website.
 14 Ms Lain-Priestley, you are currently an advisor to
 15 the diocesan bishop in the Diocese of London; is that
 16 right?
 17 **A. Yes, that's right.**
 18 Q. What does that mean you do?
 19 **A. It is a part-time role, advising the Bishop of London,**
 20 **Sarah Mullally, on three particular areas of diocesan**
 21 **life, which are: female clergy; the well-being of clergy**
 22 **and their spouses and civil partners and families; and**
 23 **also something called the five guiding principles, which**
 24 **is all of the issues around how those priests and**
 25 **churches who do, and do not, accept the ordination of**

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1 **of Women's Ministry, but I couldn't put my hand on my**
 2 **heart and say I definitely didn't. What I know is I did**
 3 **once I was in the role further on.**
 4 Q. So from January 2016 until November 2017, you were
 5 what's known as the Archdeacon for the Two Cities. Do
 6 I assume that's the City of Westminster and the City of
 7 London?
 8 **A. It is.**
 9 Q. And the Bishop's Lead for Safeguarding. Could you
 10 explain to us what the Bishop's Lead for Safeguarding is
 11 and what it involved?
 12 **A. I kept the Bishop of London aware of key issues that**
 13 **were happening in safeguarding at the time in the**
 14 **diocese. I worked alongside the Diocesan Safeguarding**
 15 **Team and helped them to navigate the organisation and**
 16 **understand the church. I chaired Diocesan Safeguarding**
 17 **Team meetings. I was a member of the Diocesan**
 18 **Safeguarding Steering Group. And I had a particular**
 19 **interest, in my role as an archdeacon, and in the**
 20 **safeguarding role, of trying to encourage clergy to**
 21 **understand safeguarding as being what I would call an**
 22 **issue of the gospel and not just a tick-box exercise.**
 23 Q. Would you be responsible for making decisions about
 24 child protection, or would you simply be in your own
 25 right as a cleric, or would that be something you would

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1 refer to the bishop for him to make a decision about?

2 **A. I would always expect decisions about safeguarding to be**

3 **made by the safeguarding professionals in the Diocesan**

4 **Safeguarding Team. I didn't consider myself to be**

5 **a safeguarding professional. I was somebody who**

6 **interpreted the organisation for them and gave them my**

7 **perspective as a member of clergy who understood that**

8 **organisation. And I certainly, on issues of**

9 **safeguarding, would expect that the final accountability**

10 **would always lie with the bishop.**

11 Q. Do you think that it's a useful role? Because I don't

12 think it is a role that takes place in every diocese.

13 Do you think it was a useful role in terms of being an

14 interpreter or a facilitator between the safeguarding

15 professionals and the diocesan bishop?

16 **A. Well, they seemed to think so. I think the Diocesan**

17 **Safeguarding Team seemed to appreciate my input into**

18 **their meetings, and the bishop appreciated having**

19 **somebody who was at senior staff level who was engaging**

20 **with the safeguarding team and safeguarding issues.**

21 Q. What safeguarding training did you undertake for your

22 role, or during your role, as the Lead for Safeguarding

23 on behalf of the Bishop of London?

24 **A. I want to correct something I said a moment ago, because**

25 **I think that I did do safeguarding training during the**

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1 Q. We have asked you to come here today to talk to you

2 about the diocesan response to the Tim Storey case and

3 the responsibilities that you undertook in the context

4 of that case. You first became aware of the case

5 in September 2015, and you were copied in to a letter

6 sent to the then Bishop of London setting out the

7 background to the matter and highlighting various issues

8 regarding the handling by the diocese of the case,

9 including the involvement of two particular individuals

10 who had a role -- that is, Hugh Valentine, who was the

11 Bishop's Advisor for Child Protection from the early

12 1990s to March 2010, and Jeremy Crossley, who was the

13 Director of Ordinands for the Two Cities area from 2008

14 to 2016. Is that right?

15 **A. That is right.**

16 Q. So this was in fact before Mr Storey had undergone

17 a criminal trial, or I think there might have been --

18 yeah, it was in the middle of the criminal justice

19 process, I think would be the easiest way to say.

20 **A. It was. Though, of course, he'd undergone a previous**

21 **criminal trial and -- yes.**

22 Q. So that's why I say it's in the middle of the criminal

23 justice process. He was then convicted in April 2016

24 and sentenced to 15 years' imprisonment for rape and

25 indecent assault against women who were 16 and 17 at the

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1 **years I was Dean of Women's Ministry because all clergy**

2 **in the diocese were doing safeguarding training at some**

3 **point and were encouraged, I think, to renew that**

4 **training every three years, because I remember going**

5 **through lists of clergy when I went -- moved into the**

6 **safeguarding role, to make sure that everybody was up to**

7 **date.**

8 **So, whilst I was in the role of bishops lead for**

9 **safeguarding, I did the C3 training again, which was**

10 **delivered in the Diocese of London by thirtyone:eight,**

11 **who were then CCPAS, and I also undertook the**

12 **C4 training which I think was specifically around the**

13 **handling of disclosures, and one or two other seminars**

14 **as well relating to -- I think I recall in one that was**

15 **about the profiles, specific profiles, of paedophiles,**

16 **and possibly one other, which I can't recall at this**

17 **moment.**

18 Q. I think you identify at paragraph 16 it was about

19 internet abuse?

20 **A. That's right.**

21 Q. Did you do any work with victims and survivors during

22 your time as the Bishop's Lead on Safeguarding?

23 **A. No, not specifically, other than in relation to the**

24 **specific case that I'd been asked to give a statement**

25 **for.**

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1 time.

2 **A. Yes.**

3 Q. You note in your statement, at the conclusion of that

4 trial, the judge was very critical of the Diocese of

5 London's handling. I think it is worthwhile getting

6 that up, please, Ralph, ACE027477_018. Now, these are

7 the sentencing remarks of His Honour Judge Katz, and

8 this is contained within the report. If you wouldn't

9 mind:

10 "Judge Katz, during sentencing, criticised the

11 Diocese of London and said ..."

12 Then we have, I suppose -- if there is anything

13 about naming and shaming, I think Judge Katz probably

14 was unequivocal in his views:

15 "It seems to me that there was a wholesale failure

16 by those responsible at the time for safeguarding to

17 understand whose interests they should have been

18 safeguarding. The diocese had asked a man who was

19 clearly unsuited to the task to confront Storey about

20 his behaviour. The diocese's official Superior had

21 arrogantly refused to give prosecutors a statement for

22 the trial and seemed to be more worried about the

23 reputational damage to the diocese. The judge said

24 Storey wrote a disingenuous email to church officials in

25 2008, and another in 2009, that reeked of false

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<p>1 religiosity and were an utterly dishonest protestation 2 of innocence and that Judge Katz also took issue with 3 a statement issued by the diocese at the conclusion of 4 the trial which he characterised as a shameful 5 misrepresentation of the truth. It implied that the 6 police had failed to stop Storey's criminal behaviour 7 while appearing to portray the diocese as having acted 8 appropriately at all times. The judge then praised the 9 officers for their diligence and sensitivity, something 10 which Judge Katz said the diocese had been incapable of. 11 "Judge Katz also commented that the victim's 12 distress was added to by the utterly incompetent way in 13 which the Diocese of London behaved. 14 "In respect of another victim, the distress was 15 compounded by the way the diocese and the individuals 16 connected to the church mishandled this matter." 17 Plainly, following what can only be described as 18 a dressing down by Judge Katz, you then came involved to 19 try and deal with some of the issues that Judge Katz's 20 sentencing remarks had raised. What were your 21 responsibilities from that stage onwards? 22 A. My responsibilities were to assist in the management of 23 an independent review of the way that the diocese had 24 handled the issues back in 2009 when the disclosures 25 were first made by the victims.</p> <p style="text-align: center;">Page 145</p>	<p>1 Q. Following Tim Storey's conviction, I understand 2 a decision was made to ask the Reverend Jeremy Crossley, 3 who, I just remind you, was the Director of Ordinands, 4 which is relevant to the Tim Storey case, in that he 5 underwent some form of ordination training during that 6 period of time -- 7 A. Yes. 8 Q. -- and was engaged in various matters around ordination, 9 so to speak. What did the church -- the church, as 10 I understood it, asked him to stand down as Area 11 Director of Ordinands and Post Ordination Training; is 12 that right? 13 A. That's correct. 14 Q. And, if so, why? 15 A. Because the independent review made it -- actually, it 16 was prior to the independent review that he was asked to 17 step down. It was made apparent during the trial, and 18 as a result of what came out at that point and what the 19 judge had said, that Jeremy Crossley's judgment of 20 Tim Storey had been deeply unwise and naive, and it was 21 felt that somebody who had made that kind of judgment 22 who subsequently transpired to have committed these 23 crimes shouldn't be in a position where he was expected 24 to make judgments of potential ordinands, clergy, or 25 oversee their training.</p> <p style="text-align: center;">Page 146</p>
<p>1 Q. As a result of the Tim Storey case, two separate reviews 2 were conducted. I would like to take you first to the 3 one that thirtyone:eight, then known as CCPAS, 4 conducted. Chair and panel, behind B2 of your bundle. 5 Ralph, INQ000468. Can I take everybody to 005 and, at 6 the bottom of that page, "Learning points". Ralph, if 7 we could -- we are going to then need to go to the next 8 page. So there were 12 learning points that CCPAS 9 identified. What seems to be clear is, there were 10 numerous opportunities missed by various individuals in 11 respect of Mr Storey and in respect of referring it to 12 the statutory agencies, and that there were an 13 inappropriate level of intervention. 14 Again, I think this is just to remind everyone. 15 Instead of people referring it to the police, they asked 16 Mr Storey for his views about the matter and then didn't 17 really take it very much further when he gave an 18 explanation that, with the benefit of hindsight, was 19 both -- well, sort of inconsistent with the role of 20 a minister and also admitted that he'd been involved in 21 sexual activity, but that it was consensual rather than 22 nonconsensual. Is that right? 23 A. Yes. 24 Q. That there had been serious breaches of good 25 safeguarding practice. And number 4:</p> <p style="text-align: center;">Page 147</p>	<p>1 "Too much time was spent by the diocese trying to 2 establish whether or not a criminal offence had occurred 3 and, in doing so, further delay in reporting the matter 4 to the authorities followed." 5 Can you just explain to me how that happened in 6 practice? Was it that everybody was worried about 7 whether or not it was a crime or it wasn't a crime? 8 A. My understanding, and of course these events took place 9 a long time before I was involved in safeguarding in the 10 diocese. But my understanding from what I've heard from 11 other people and what I've read is that there was 12 a question of whether or not these would be classed as 13 criminal offences because the girls were 16 and 17 at 14 the time, and the age of consent was 18. But in 15 a situation -- 16 Q. It would have been 16. 17 A. Sorry, it was 16. 18 Q. That's okay. 19 A. Whereas, if somebody who had perpetrated that offence 20 had -- it would be an offence if the perpetrator was 21 somebody who was in a position of trust in relation to 22 those individuals and there was a question about whether 23 or not the particular position that Tim Storey was in at 24 the time was considered in law to be a position of 25 trust.</p> <p style="text-align: center;">Page 148</p>

<p>1 Q. Okay.</p> <p>2 A. I think that there was a conversation with a Local</p> <p>3 Authority Designated Officer and also a conversation on</p> <p>4 a no-names basis with the Metropolitan Police Child</p> <p>5 Protection Unit around those matters, and the indicators</p> <p>6 seemed to be that they felt that it wouldn't be</p> <p>7 a criminal offence because youth worker was not</p> <p>8 a category which was considered to be a position of</p> <p>9 trust, which seems rather surprising to me, but at the</p> <p>10 time I think was what was the law.</p> <p>11 Q. That is still the position in law. Unless you're</p> <p>12 working in certain -- if you were working in a school as</p> <p>13 a youth worker, but if you are working in the context of</p> <p>14 a church as a youth worker, you're not considered at the</p> <p>15 moment -- we have in fact made a recommendation about</p> <p>16 that in our interim report.</p> <p>17 A. Good.</p> <p>18 Q. However, what appears to have been missed at that stage</p> <p>19 was not so much how old the girls were, but whether or</p> <p>20 not they'd consented to the sexual activity in the first</p> <p>21 place?</p> <p>22 A. Yes, it was another area on which people were not clear.</p> <p>23 Of course, the disclosures were made to a number of</p> <p>24 people over a period of time in different dioceses and</p> <p>25 within a parachurch organisation.</p> <p style="text-align: center;">Page 149</p>	<p>1 Q. What's a parachurch organisation?</p> <p>2 A. An organisation which is not in itself a church but</p> <p>3 which is a Christian organisation, which in this case</p> <p>4 organises summer camps and house parties, et cetera.</p> <p>5 So there were various people who were feeding in as</p> <p>6 to what actually had happened to these girls, rather</p> <p>7 than it being one person who was receiving the</p> <p>8 information from all of them. So there was confusion,</p> <p>9 I think, about what exactly had happened and whether or</p> <p>10 not coercion was involved.</p> <p>11 Q. Hence the recommendation that CCPAS made at 5, which is:</p> <p>12 opportunities to share information internally and</p> <p>13 externally contributed towards a fragmented picture and</p> <p>14 there was poor information either given to the LADO or</p> <p>15 the LADO gave poor information, and it identified, "This</p> <p>16 is a matter of significant concern and may benefit from</p> <p>17 further discussion regarding the nature of youth</p> <p>18 ministry in a faith context with the local authority".</p> <p>19 A. Yes.</p> <p>20 Q. Do you know if that's ever happened?</p> <p>21 A. What I know has happened, and in response to the CCPAS</p> <p>22 report happened -- in fact, was already happening by the</p> <p>23 time this report was written, was that the Diocese of</p> <p>24 London was establishing much stronger relationships with</p> <p>25 the LADOs in the 18 boroughs with which the diocese</p> <p style="text-align: center;">Page 150</p>
<p>1 communicates. Beyond that, I don't know the answer.</p> <p>2 Q. Then it says:</p> <p>3 "It is likely that information ... regarding the</p> <p>4 conduct of TS was known within the parish/diocese even</p> <p>5 prior to the allegations being made ... This indicates</p> <p>6 poor understanding or a lack of confidence of clergy ...</p> <p>7 in making such concerns formally known ..."</p> <p>8 Then it seems he was given a role within his local</p> <p>9 church following his resignation from ordinand training,</p> <p>10 albeit an administrative role, but the boundaries were</p> <p>11 stretched to include some direct contact with young</p> <p>12 people which shows a distinct lack of awareness and</p> <p>13 discernment on the part of the incumbent.</p> <p>14 The diocese is then criticised for saying you</p> <p>15 cannot -- that Mr Storey shouldn't have been allowed to</p> <p>16 perform a role. Because this all postdated him</p> <p>17 admitting that, whatever the situation, he was acting as</p> <p>18 a youth worker and he'd had sex with young people, even</p> <p>19 if it was consensually, whilst undertaking youth work?</p> <p>20 A. Yes.</p> <p>21 Q. Which, leaving aside whether or not it was a criminal</p> <p>22 offence, is a deeply immoral --</p> <p>23 A. Absolutely.</p> <p>24 Q. -- thing for a youth worker to be doing?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 151</p>	<p>1 Q. Yes:</p> <p>2 "Further, the diocese missed the opportunity to</p> <p>3 ensure that an attendance agreement or a risk assessment</p> <p>4 was undertaken and numerous opportunities were missed in</p> <p>5 communicating updates with victims."</p> <p>6 Then:</p> <p>7 "The manner in which victims were or were not</p> <p>8 supported can only lead to serious questions about how</p> <p>9 the diocese perceived the legitimacy and validity of</p> <p>10 allegations made by four young women and face-to-face</p> <p>11 contact should have been made with the victims."</p> <p>12 And that never happened. Can I just identify, as</p> <p>13 a response to that report, Bishop Richard issued an</p> <p>14 apology to victims and survivors; is that right?</p> <p>15 A. That's correct.</p> <p>16 Q. An action plan was prepared by yourself and the Director</p> <p>17 of Safeguarding for the diocese detailing the diocesan</p> <p>18 response; is that right?</p> <p>19 A. Not in relation to this report. That was in relation to</p> <p>20 the second independent report.</p> <p>21 Q. The second report, okay. Then the recommendations were</p> <p>22 published on the diocese's website alongside the action</p> <p>23 plan. So what was going to happen and what hadn't</p> <p>24 happened?</p> <p>25 A. Again, that's in relation to the second report. In</p> <p style="text-align: center;">Page 152</p>

<p>1 relation to this report, Sheryl Kent, who was the 2 Diocesan Safeguarding Advisor by the time this report 3 was done, and who actually commissioned the report, 4 drafted her responses to it, which detailed how the 5 diocese had already picked up on a significant number of 6 these issues and was also continuing to pick up on the 7 rest of them. 8 Q. If I can then identify that, as a result of this report, 9 another report was commissioned from a retired police -- 10 I think he was either a superintendent or a detective 11 superintendent, I'm not entirely sure, from an 12 individual called David Marshall. And he provided 13 a report in September 2016. I think it might be 14 helpful -- it is behind tab B3, chair and panel. If we 15 could go, please, Ralph, to ACE027477_043. 16 Ms Lain-Priestley, if it helps you, it should be behind 17 tab B3 of your bundle. It is pages 43 to 46, which, 18 chair and panel, on your pagination is 41 to 43, which 19 sets out the recommendations. 20 It identifies a number of recommendations. Firstly, 21 and one which always brings joy to my heart, "File 22 retention and management", which is: 23 "Hard copy papers and files should be collated and 24 indexed in a secure binder with a record maintained of 25 their movement."</p> <p style="text-align: center;">Page 153</p>	<p>1 I'm assuming that was because, in this particular 2 case, that hadn't happened? I hate to say it to 3 Mr Marshall, but that does seem slightly like stating 4 the bleeding obvious, but it obviously hadn't happened 5 on the facts of this case. Is that right? 6 A. I think that what was handed over to Mr Marshall was 7 a huge amount of documentation which perhaps wasn't 8 ordered in a helpful manner. 9 Q. Thank you. Then the second recommendation was: 10 "Consideration to be given to formulating a process 11 or protocol to identify, on a case-by-case basis, a lead 12 church member ... to co-ordinate the church response 13 when enquiries cross over diocesan boundaries." 14 Now, I understand that was because more than one 15 diocese was involved in the context of this case? 16 A. Yes, that's correct. That was already happening at 17 a national level, actually, at the point at which the 18 review was made. 19 Q. Then it also identified that, in cases affecting the 20 diocese, there should be -- "A representative should 21 attend proceedings on a daily basis to provide a point 22 of contact and support". Has that now been implemented? 23 A. Well, what was suggested would happen, instead of that, 24 I think it is at some point -- I know it is actually 25 written down somewhere in this bundle, but I'm not sure</p> <p style="text-align: center;">Page 154</p>
<p>1 where. The diocese responded that there were not 2 sufficient resources to send a member of staff every 3 single day, depending, of course, on how long a trial 4 lasted, but that there would be someone there on the 5 first day, that there would be somebody there on the day 6 of the summing-up and that there would be somebody there 7 on the day of sentencing. 8 Q. Then, "Training", it said: 9 "The following areas should be incorporated ... in 10 relation to safeguarding training." 11 It talks about grooming and understanding of 12 policies and in particular at (d), not just having read 13 the policies, but having a working knowledge of how to 14 apply them in practice, and encouraging an environment 15 where people can discuss concerns and also keeping 16 victims and survivors regularly updated. 17 Then at (5), on the next page, page 45: 18 "In support of the victims' comments, I would 19 additionally recommend consideration of the following." 20 Then it says: 21 "(a) a full written apology from the diocese and the 22 individuals ..." 23 Did that take place? 24 A. Yes. 25 Q. Was there a sitdown meeting, as identified at (b),</p> <p style="text-align: center;">Page 155</p>	<p>1 between all those impacted and the various -- and 2 Mr Valentine and Mr Crossley to receive personal 3 apologies from them? 4 A. There was a sitdown meeting between those of the victims 5 who wanted it with Bishop Richard, but none of them 6 chose, ultimately, after quite a long process of 7 discussion, to have a sitdown meeting with either 8 Mr Valentine or Mr Crossley. 9 Q. Then at (c), which is where you come in, there was 10 a recommendation of consideration of whether, in respect 11 of the findings of the review, an investigation under 12 CDM was warranted in relation to the Reverend Valentine 13 and the Reverend Crossley, because I think it was 14 identified that both those individuals had acted in 15 a way which was inappropriate and naive, shall we say, 16 in respect of their approach to this particular case? 17 A. Yes. 18 Q. Just to be absolutely clear, there is no allegations 19 whatsoever of any abuse by them. It was just their 20 failure to manage the risk that Mr Storey posed at 21 various times which was problematic. 22 Why did you understand that the Clergy Disciplinary 23 Measure was being recommended by Mr Marshall? 24 A. I suppose because it's the only formal disciplinary 25 measure which the Church of England has at its disposal</p> <p style="text-align: center;">Page 156</p>

1 **to challenge clergy on their behaviour. That will be my**
 2 **assumption.**
 3 Q. I think we will come on to ask you some questions about
 4 how suitable, or otherwise, it is. You were tasked
 5 with, as I understand it, creating a report or writing
 6 a report or looking at all the circumstances and
 7 deciding whether or not a Clergy Disciplinary Measure
 8 should be initiated or at least providing some advice to
 9 the bishop --
 10 **A. Yes.**
 11 Q. -- who would ultimately make that decision?
 12 **A. I was asked to write a paper to set out the facts as**
 13 **I saw them, in order to advise -- in order to assist the**
 14 **Bishop of Willesden in his decision about whether or not**
 15 **to take out CDM complaints against both of these people.**
 16 MS SCOLDING: Thank you very much. I note the time, chair.
 17 I was wondering whether now might be an appropriate
 18 moment for an afternoon break?
 19 THE CHAIR: Yes, we will return at 3.25 pm.
 20 MS SCOLDING: Ms Lain-Priestley, you are under oath. So you
 21 can have general chitchat, but not discuss the content
 22 of your evidence. Thank you.
 23 (3.13 pm)
 24 (A short break)
 25 (3.27 pm)

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1 Q. As part of your reporting to CDM, did you speak to
 2 Reverend Valentine and Reverend Crossley about their
 3 views about the Clerical Discipline Measure?
 4 **A. I don't think I spoke to them. I responded to concerns**
 5 **from Hugh Valentine, whose view was that, when he took**
 6 **part in the independent review, it was never suggested**
 7 **that this was in any way a disciplinary procedure, and,**
 8 **therefore, he was taken aback by there being**
 9 **a recommendation which related to a possible**
 10 **disciplinary procedure.**
 11 **I did receive responses from both of those people,**
 12 **both from Jeremy Crossley and from Hugh Valentine, to**
 13 **the review itself, and I think both of those responses**
 14 **included references to the potential CDM.**
 15 Q. Can we turn now to the paper you drafted. It is behind
 16 tab B6. Ralph, if we could get up ACE027416. Ah, you
 17 have the problem I had with it, Ralph, in that half of
 18 it is cut off, which it shouldn't be. Could you just
 19 check to make sure we have the right version of it?
 20 ACE027416. Sorry, I apologise. It is a problem
 21 I identified with my copy, so I got it refreshed. You
 22 have the same problem, I can see, chair and panel.
 23 I don't think it is going to make an enormous amount of
 24 difference.
 25 We apparently have an overhead projector we might be

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1 MS SCOLDING: As we were saying just before the afternoon
 2 break, after the decision of the Marshall Report, you
 3 were tasked with drafting a report which was then to go
 4 to somebody who, in your report, you called
 5 "Bishop Pete". I believe his official name is the
 6 Bishop of Willesden and that the report was going to go
 7 to him rather than the Bishop of London, who would then
 8 make the ultimate decision whether or not a CDM should
 9 or shouldn't take place?
 10 **A. That's correct.**
 11 Q. Why was the decision taken that it should be the
 12 Bishop of Willesden who undertook this task?
 13 **A. Because the Bishop of London was about to retire, and it**
 14 **was felt that continuity would be helpful in terms of**
 15 **who dealt with these issues.**
 16 Q. So what were --
 17 **A. Sorry, can I just add something to that? There was**
 18 **a second reason for that. Bishop Richard had been**
 19 **interviewed as part of the Marshall Review, and had,**
 20 **I think, at that stage, met with -- previously had met**
 21 **with the parents of two of the survivors. So it was**
 22 **felt that he had some level of involvement in the events**
 23 **which were being talked about and so it would be more**
 24 **appropriate for a bishop that was one step removed from**
 25 **that to deal with the question about the CDM.**

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1 able to use.
 2 This was a six-page report that you wrote
 3 in November 2016, and you identify at paragraph 2 of
 4 that the Clergy Discipline Measure and the relevant
 5 triggers for disciplinary proceedings under that
 6 measure, namely, doing any act -- so this was, can
 7 I understand it, before the Clergy Discipline Measure --
 8 I think it was after it had been amended but before that
 9 amendment came into force?
 10 **A. That's correct.**
 11 Q. In respect of, now there is a specific thing which
 12 indicates matters which would contravene safeguarding?
 13 **A. Yes.**
 14 Q. But at that time, this was what you had to work with?
 15 **A. Yes.**
 16 Q. If I can then turn to paragraph 3, Hugh Valentine, in
 17 his response to the review report, noted that he
 18 occupied the role of Bishop's Advisor for Child
 19 Protection and, therefore, he said, in effect, "I wasn't
 20 undertaking a clerical role at that time". Is that
 21 right?
 22 **A. Yes, that's correct.**
 23 Q. "Therefore, I shouldn't be subject to CDM". What was
 24 your view about that?
 25 **A. My view was that he was correct in respect of triggers**

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1 (a), (b) and (c), because they all relate specifically
 2 to things that clergy people do in their role as clergy
 3 people. So ecclesiastical things and in a role as
 4 religious ministers. But (d), "Conduct unbecoming or
 5 inappropriate to the office and work of a clerk in
 6 Holy Orders", can apply to anything that a clergy person
 7 does, in any context, so I concluded that I still needed
 8 to look at (d) in relation to Hugh Valentine.
 9 Q. Can I just double-check, when he was the Bishop's
 10 Advisor for Child Protection, he wasn't doing that as
 11 a clerical job --
 12 A. No, he wasn't.
 13 Q. -- in the way that you were doing that as a clerical
 14 job?
 15 A. Yes, those were two distinctly different circumstances.
 16 So he was doing -- he was in that role because he had
 17 a background in social work. He was in that role
 18 voluntarily, and he actually assisted in setting up the
 19 system whereby each area of the diocese had a Bishop's
 20 Advisor for Child Protection, but he wasn't doing it
 21 specifically as a minister of religion, as such.
 22 Q. As I understand it, in fact, at that time, he wasn't
 23 a full-time minister of religion. He had a full-time
 24 job doing something else and then was a minister of
 25 religion, so to speak, on the side?

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1 Holy Orders, et cetera. So it seemed to me as though it
 2 wasn't the right instrument.
 3 Q. In cases where people have been accused of sexually
 4 abusing a child, it could be used?
 5 A. Yes.
 6 Q. But in cases where the problem was a failure to manage
 7 risk effectively, it wasn't an appropriate -- it wasn't
 8 a response which the -- the CDM wasn't an appropriate
 9 response -- couldn't be used in that way?
 10 A. It didn't seem to me as though the sorts of issues which
 11 were addressed by the CDM resonated with the sorts of
 12 issues that were identified by the independent reviewer.
 13 Q. Can I ask you just if we can look at paragraph 10, which
 14 is what Hugh Valentine said -- one of the things that
 15 Hugh Valentine said to you. He suggests that his part
 16 in the mishandling of the case has been misrepresented
 17 because the diocese unfairly described his role at the
 18 time, and this identified that he didn't -- what he's
 19 really saying there is, he didn't really have any
 20 responsibility for child protection on any day-to-day
 21 basis and he didn't have any decision-making powers, he
 22 was just there as a sort of -- I don't know, providing
 23 general advice?
 24 A. I think he felt that he was there providing professional
 25 advice, but that his wasn't the ultimate decision-making

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1 A. Yes, he is what's known as a self-supporting minister.
 2 Q. Sorry, "on the side" might not be quite the right way.
 3 So you had to decide whether or not what he had done,
 4 or, rather, what he had not done, in respect of
 5 the Tim Storey matter was conduct unbecoming or
 6 inappropriate to the office and work of a clerk in
 7 Holy Orders.
 8 You then identify at the bottom of that page,
 9 paragraph 6, what is meant by that. But you identify
 10 then, over the page, at paragraphs 7 onwards, your
 11 analysis of the factors as to whether or not a CDM, as
 12 I am going to call it, should or shouldn't be brought.
 13 Can you just tell us, what were the factors in your mind
 14 that were balancing for and against Clergy Discipline
 15 Measure at this time?
 16 A. What I felt was that the independent review had
 17 identified mistakes, missed opportunities, delays, poor
 18 communication and a lack of application of the relevant
 19 policy on the part of Hugh Valentine. But that it
 20 appeared to me, from the Code of Practice for the CDM,
 21 that those weren't the kinds of actions or nonactions
 22 which the CDM was conceived to address because the Code
 23 of Practice, as I have quoted, talks about appropriate
 24 standards of morality and behaviour, occupations, habits
 25 or recreations which are unfitting for those in

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1 function, and that the context of safeguarding in the
 2 diocese at the time hadn't been accurately -- the
 3 safeguarding function in the diocese at the time hadn't
 4 been accurately described in David Marshall's report.
 5 That was his contention.
 6 Q. You then come on, at paragraph 11, to say one of
 7 the difficulties is it's difficult to know who was meant
 8 to be in charge of what, when and at what times?
 9 A. Yes.
 10 Q. What appears to have been happening is there was quite
 11 a lot of passing the hat?
 12 A. What was absolutely clear was there was a collective
 13 failure. What I wasn't sure the report had identified
 14 was precisely who was responsible for what at which
 15 point.
 16 Q. As I understand it, you therefore made the
 17 recommendation in respect of Reverend Valentine that it
 18 wouldn't be appropriate to issue a CDM complaint against
 19 him, but Hugh Valentine did indicate his willingness to
 20 offer an apology and to undertake some form of mediative
 21 process, if required?
 22 A. Yes, that's right.
 23 Q. As far as Reverend Crossley is concerned, what factors
 24 did you take into account when considering what you were
 25 going to do about him and any recommendations in

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1 relation to him?
 2 **A. There were various points at which judgments had been**
 3 **made by Reverend Crossley in relation to Tim Storey**
 4 **which proved to be extremely naive and unwise, and he**
 5 **had subsequently offered this role in the church --**
 6 Q. The administrative role?
 7 **A. -- this administrative role, which also seemed not to be**
 8 **an appropriate thing to have done, and he had made**
 9 **a comment, I think at quite an early stage, that he felt**
 10 **that Tim Storey might still -- I have to make it clear,**
 11 **this was at the stage when the disclosures were first**
 12 **made, in 2009, not later, not after -- not during --**
 13 **after the trial, but a comment about Tim Storey's**
 14 **suitability still to go forward for ordination training,**
 15 **and so my conclusion in relation to Jeremy Crossley was**
 16 **that he had shown a significant level of naivety, that**
 17 **he was very mistaken in some of his responses and**
 18 **reactions in the way that he'd related to Tim Storey,**
 19 **and that he was very unwise. But setting that against**
 20 **the CDM, again, in relation to the fourth trigger,**
 21 **"conduct unbecoming or inappropriate", and going back**
 22 **again to the code of practice and the sorts of things**
 23 **that it lists, which might be considered as conduct**
 24 **inappropriate, it didn't seem to me to be that it's an**
 25 **instrument that is used to address somebody's naivety**

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1 ACE027416_004. You also identify as part of your
 2 consideration:
 3 "It is clear, in any event, that if a complaint is
 4 brought against JC under either clause 8(1)(c) or
 5 8(1)(d), he, too, will present a strong and detailed
 6 response contesting the facts and the reviewer's
 7 interpretation of events. Again, this would involve,
 8 effectively, a review of the description of events set
 9 out in the report produced by the independent reviewer."
 10 Again, Reverend Crossley indicated his willingness
 11 to apologise and make reparations by form of mediated
 12 responses in that respect. So is it one of the things
 13 that you have to think about when you're thinking about
 14 CDM the fact of, on the particular facts of this case,
 15 why did it matter that he would fight it, so to speak?
 16 **A. Yes. I think what I would want to say is that,**
 17 **throughout the whole process, what I and others had in**
 18 **mind was the impact on the survivors of the point which**
 19 **we managed to reach or not reach in relation to holding**
 20 **people to account for their part in the collective**
 21 **failure, because, had we brought CDM proceedings and**
 22 **they had failed, then my sense was that, what the**
 23 **survivors would have experienced was a sense of, yet**
 24 **again, not being listened to, heard, understood or**
 25 **having their concerns fully addressed, and so I suppose**

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1 **or --**
 2 Q. Incompetence?
 3 **A. Yes.**
 4 Q. Sorry. That might be a word you might be less
 5 comfortable with using, but it is a word I think I can
 6 possibly use.
 7 **A. No, I would use that word. I actually had in mind the**
 8 **phrase that the Bishop of Willesden used in his**
 9 **subsequent report, which I think was along the lines**
 10 **of --**
 11 Q. I think it was something like "naive, inappropriate and
 12 downright stupid"; is that right?
 13 **A. Yes.**
 14 Q. It was fairly pithy?
 15 **A. Yes. Also, in relation to Jeremy Crossley, I also**
 16 **considered the possibility of CDM in relation to clause**
 17 **(c), which is "neglect or inefficiency in the**
 18 **performance of the duties of his office", because,**
 19 **arguably, had he not reported that safeguarding issue,**
 20 **then that would have been neglect or inefficiency in the**
 21 **performance of his duties, but he did report it to the**
 22 **safeguarding function within the diocese. So, again,**
 23 **I came to the conclusion that the CDM wasn't an**
 24 **appropriate instrument.**
 25 Q. Can I ask you about paragraph 20 of your report, page 4,

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1 **I was thinking one step ahead as part of my**
 2 **consideration.**
 3 Q. So is that what ultimately tipped your view that it
 4 would cause more distress and wouldn't actually solve
 5 the problem?
 6 **A. I don't think I would use the language of "ultimately**
 7 **tipping my view", because I had looked forensically at**
 8 **the CDM and the Code of Practice and the circumstances**
 9 **described in the independent review, and come to the**
 10 **conclusion that, actually, it was the wrong instrument**
 11 **to use. But at the same time, I was thinking about what**
 12 **the potential outcome would be and the impact on the**
 13 **survivors. And so they were two aspects of the same**
 14 **thing, and both seemed to be saying to me, "This is not**
 15 **the right way to go forward. There has to be a better**
 16 **way to respond to the survivors and to --**
 17 Q. This is why you reached the view at paragraph 34 of your
 18 report -- if you wouldn't mind getting this up, please,
 19 Ralph, ACE027416_006, paragraph 34. It is page 6 of
 20 the internal report, where you say:
 21 "The alternative process might respond to support
 22 the collective good standing of all faithful men and
 23 women and ensure that the clergy continues to be worthy
 24 of great trust, but it would not necessarily achieve any
 25 clear-cut attribution of blame. In these circumstances,

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1 proceeding to an investigation under the CDM seems
 2 unlikely to achieve the outcome which the survivors
 3 and/or their families might expect."
 4 **A. Yes.**
 5 Q. So it would kind of upset everyone and please no-one?
 6 **A. Yes. I think my sense was that it might cause increased**
 7 **distress and agitation, rather than enable any sort of**
 8 **moving on, if that is possible in these circumstances.**
 9 Q. Then just to sort of finish the picture off,
 10 Bishop Pete, as I am going to call him, behind tab B7 --
 11 Ralph, would you mind getting up ACE027476_001 and 002.
 12 He fundamentally, in effect, goes through your report
 13 and says, in particular, as we can see at the bottom of
 14 that page, for the factors, in effect, we have just run
 15 through, he wasn't going to initiate a CDM complaint?
 16 **A. Mmm.**
 17 Q. What action, however, was it agreed should be taken in
 18 lieu of disciplinary proceedings?
 19 **A. That both of those people should have face-to-face**
 20 **meetings with Bishop Richard, who would address the**
 21 **findings of the report and ask them how it was that they**
 22 **acted in that way, or failed to act in that way, and**
 23 **that both of them should make written apologies to the**
 24 **survivors, and that both of them should offer**
 25 **face-to-face mediated meetings with the survivors,**

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1 **doubt that this wasn't -- it wasn't a friendly chat.**
 2 Q. Could you tell us about the communication with the
 3 victims and their families through this process, please?
 4 **A. Yes. Prior to the review itself, Colette Black, who was**
 5 **at the time the Diocesan Director of Safeguarding and**
 6 **Human Resources, met with those survivors who wanted to**
 7 **be involved, and communicated, I think by email, with**
 8 **those other survivors who wanted to be involved in that**
 9 **way, and also one set of parents of two of**
 10 **the survivors, because two of the survivors were**
 11 **sisters, to agree the terms of reference for the review,**
 12 **so that they were involved throughout that process. And**
 13 **she also communicated with them about the choice of**
 14 **the specific reviewer and sent the CV of several people**
 15 **to say, "Which would you prefer to be the person that**
 16 **conducts this review?".**
 17 **My own contact with the survivors I think -- once**
 18 **was with the parents, who I've mentioned, and that was**
 19 **in the context of a meeting with them and the**
 20 **Bishop of Willesden when we took them through our**
 21 **decision-making process in relation to the CDM, and then**
 22 **also a meeting between Bishop Richard, myself, Victim C**
 23 **and her husband, again to do the same, and to offer**
 24 **mediated meetings, and a meeting with Bishop Richard and**
 25 **Victim B.**

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1 **should the survivors so wish.**
 2 Q. Did any of the survivors so wish to have those mediated
 3 meetings?
 4 **A. One of them did, but wasn't living in the United Kingdom**
 5 **at the time when this was happening, and so that**
 6 **particular meeting, to my knowledge, hasn't happened**
 7 **yet, but that was because of logistics rather than any**
 8 **reluctance on any side.**
 9 Q. In terms of the meeting between Bishop Richard and
 10 Hugh Valentine and Jeremy Crossley, these aren't
 11 recorded?
 12 **A. No.**
 13 Q. Can I ask what the tone of the meeting is? Because
 14 a meeting with the bishop, it could just be, "Hello,
 15 have a cup of tea and a bun". Was it that kind of
 16 meeting?
 17 **A. No. A meeting with Bishop Richard --**
 18 Q. Would never be a meeting with a cup of tea and a bun?
 19 **A. Sometimes it would, but this certainly wasn't. The tone**
 20 **of the meeting was grave. I think that would probably**
 21 **be the best phrase that I could use. And he took**
 22 **specific things which were in the Marshall Report and**
 23 **challenged Hugh Valentine and Jeremy Crossley on their**
 24 **actions and really sought to try to help them to**
 25 **identify what had gone wrong, and so -- they were in no**

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1 Q. Have the victims and survivors said anything to you, did
 2 they say anything to you in that meeting, have they
 3 indicated anything subsequently, about their view about
 4 the decision not to proceed with Clergy Discipline
 5 Measure?
 6 **A. I remember very clearly the meeting with the parents**
 7 **with whom we were involved, when, at the beginning of**
 8 **the meeting, they, not surprisingly, expressed a lot of**
 9 **disappointment that disciplinary action wasn't going to**
 10 **be taken in this way. But by the end of the meeting,**
 11 **they indicated that they understood the train of thought**
 12 **and the reasoning, and they were actually very positive**
 13 **about the possibility of mediated meetings between**
 14 **Hugh Valentine, Jeremy Crossley and the particular**
 15 **victims to whom they were related.**
 16 **I think I would say that probably the victims**
 17 **themselves, B and C, with whom we spoke face to face,**
 18 **had a similar reaction, that initially, of course, they**
 19 **were hoping that we were going to say we'd taken this**
 20 **specific action, but, having talked them through it,**
 21 **they understood the rationale and why we'd come to the**
 22 **conclusion that we had.**
 23 Q. Having had a chance to be involved in this sort of case
 24 and seeing the limits of the Clergy Discipline Measure
 25 as it then was, what's your view as to its suitability,

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1 even in amended form, for managing questions of naivety,
 2 incompetence and stupidity, rather than criminal
 3 behaviour in and of itself?
 4 **A. I should say, first of all, that I have not been in the**
 5 **role of an archdeacon for the last 13 months and I have**
 6 **no experience of the new version of the legislation,**
 7 **though I have seen it. So that's just background,**
 8 **really. But I'm not sure that it still is necessarily**
 9 **the right instrument or sufficiently developed to be**
 10 **used specifically in relation to handling of**
 11 **safeguarding matters.**
 12 Q. So do you have an alternative? Is there any personal
 13 view you may have about what an alternative might be in
 14 terms of ensuring that people are well aware and -- you
 15 know, that there is appropriate reparation and redress
 16 in those sorts of situations for the clerics who were
 17 engaged in behaviour which was unwise, if not criminal?
 18 **A. I don't, but I do hear that there are suggestions and**
 19 **conversations around the possibility of CDMs which**
 20 **relate specifically to safeguarding being handled not by**
 21 **bishops, but by safeguarding professionals or people**
 22 **from that kind of background, and I do think that that**
 23 **is an option which is worth exploring.**
 24 Q. What do you think -- as someone who has been in
 25 a relatively senior role as an archdeacon within the

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1 been in, relatively recently, a senior leadership role
 2 to do with safeguarding, and you're now obviously in
 3 a slightly different role, but you're obviously, I'm
 4 assuming, travelling around and visiting different
 5 parishes and meeting lots of people during part of that.
 6 What is your view about the seriousness with which
 7 senior leadership within the Diocese of London took
 8 safeguarding, and are taking safeguarding, at this time?
 9 **A. Senior leadership in the Diocese of London takes**
 10 **safeguarding extremely seriously. I think that -- the**
 11 **whole culture of the church in the Diocese of London and**
 12 **more broadly has changed hugely, even since 2009, when**
 13 **these disclosures were first made, which doesn't sound**
 14 **like a very long time ago, but in safeguarding practice**
 15 **and understanding, it's actually, I think, quite**
 16 **a significant shift. And so I can speak for the Diocese**
 17 **of London and say that it is taken with the utmost**
 18 **seriousness, and of course Bishop Sarah has had a key**
 19 **role within the House of Bishops, previous to becoming**
 20 **the Bishop of London, which relates to safeguarding, and**
 21 **so she has a particular concern and passion for ensuring**
 22 **that it's done well.**
 23 Q. How far along the road do you think the church is in
 24 respect of managing safeguarding well?
 25 **A. I think the church has come a long way and has a long**

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1 church, what do you think about who should be
 2 responsible for dealing with safeguarding at a diocesan,
 3 on-the-ground level? Should that be a bishop or an
 4 archdeacon or should that be a safeguarding
 5 professional?
 6 **A. I always valued the model of clergy -- senior clergy**
 7 **working closely with safeguarding professionals. I was**
 8 **very aware, when I was in that role, that I was not an**
 9 **expert in risk assessment or safeguarding in any way,**
 10 **and so I think that -- potentially, it can be good to**
 11 **bring all of those skills together, but ultimately, the**
 12 **judgment about safeguarding matters lies -- ought to lie**
 13 **with safeguarding professionals. Having said that,**
 14 **a bishop is accountable for everything that happens**
 15 **within the diocese. So I'm not sure that I can quite**
 16 **see clearly how you retain that accountability, and also**
 17 **retain the sense of responsibility and accountability at**
 18 **a parish level amongst parish clergy if you then --**
 19 Q. Hive it all off to --
 20 **A. Yes.**
 21 Q. Right.
 22 **A. So I think it's quite a difficult road to tread and I'll**
 23 **watch with interest to see what the recommendations**
 24 **might be from this particular inquiry.**
 25 Q. The other thing to ask you about is, obviously you have

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1 **way to go. I think -- we are way beyond that point,**
 2 **which I can remember, and I have only been ordained for**
 3 **about 20 years, where safeguarding was considered to be**
 4 **all about ratios of how many adults you had to have to**
 5 **how many children going on a Sunday school trip, and so**
 6 **we -- we've not left behind, because that's still**
 7 **important, but there's been a seismic shift, I think, in**
 8 **the understanding of safeguarding in that period of**
 9 **time.**
 10 **What we still don't do enough of, in my view,**
 11 **perhaps across the Church of England and probably not --**
 12 **well, not in the Diocese of London either, is involve**
 13 **survivors in our development of safeguarding practice,**
 14 **and that's not because we have not begun to think about**
 15 **that, but it's because we are only at an early stage of**
 16 **trying to figure out how to do that.**
 17 **So there's a long way to go, but we have come a long**
 18 **way as well.**
 19 Q. The other point is, obviously you were at a fairly
 20 senior role within the church. One of the things we
 21 have heard a lot about is clericalism and undue
 22 deference to clergy. Does that still exist, as far as
 23 you can see, and does gender have any role to play in
 24 respect of clericalism or otherwise? In particular, as
 25 you were responsible for women's ministry and you seem

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1 to have been so for quite a period of time?

2 **A. Because I've been involved in gender issues in the**

3 **church for a very long time, I'm wary of making gender**

4 **generalisations. But, having said that, I think that**

5 **clericalism is less than it was -- sorry, that's not**

6 **very good grammar -- is less prevalent than it used to**

7 **be. There may be some gender influence on that.**

8 **I think that -- there are probably women who -- sorry,**

9 **I will start again.**

10 **I don't want to generalise, but having said that,**

11 **a room full of male and female clergy has a different**

12 **feeling to it than a room full of male clergy, and**

13 **that's not all about clericalism, it's about all sorts**

14 **of things, but I do think that women have perhaps**

15 **potentially brought a slightly different approach to**

16 **occupying these positions which traditionally have been**

17 **looked at as a position of authority and potentially**

18 **a position of deference.**

19 Q. Do you think that's because men are less deferential

20 towards women than men are deferential towards men,

21 which might be a reason why there's less obvious

22 clericalism, because men, maybe, traditionally are not

23 seen as being deferential to a women no matter what

24 position or post she occupies?

25 **A. No, I don't think that's where I was coming from.**

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1 **files.**

2 THE CHAIR: Thank you. Ms Sharpling?

3 MS SHARPLING: Just one question from me, if I may. On any

4 analysis, this was an unhappy event for the Diocese of

5 London. Was there a mechanism in which it disseminated

6 the lessons to be learnt to a wider audience within the

7 diocese, or was it kept tightly within the people

8 involved?

9 **A. The second independent review, the review that was done**

10 **by David Marshall, the recommendations from that review**

11 **were put on the diocesan website along with an action**

12 **plan for how they were going to be taken forward. That**

13 **was continually updated as those recommendations were**

14 **implemented. So it was available widely. It was talked**

15 **about at the diocesan Bishops' Council.**

16 MS SHARPLING: Were the experiences of the victims used in

17 that lessons learned approach, rather than, "This is

18 what we have learned as a church about us, but have we

19 taken from that learning the experiences of those who

20 suffered at our hands and what it actually means for

21 us"?

22 **A. I would say that, within the safeguarding team and the**

23 **people who dealt with the review, then certainly yes.**

24 **Beyond that, whether we've explicitly done that, I'm not**

25 **sure.**

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1 MS SCOLDING: It was just a supposition on my part.

2 I don't have any further questions. Thank you very

3 much, Ms Lain-Priestley. Chair and panel, I don't know

4 whether you have any questions for Ms Lain-Priestley?

5 Questions by THE PANEL

6 THE CHAIR: Could I just ask you a small point? You

7 referred to the meeting of Valentine and Crossley with

8 the bishop was not recorded. Is that what you said?

9 **A. I did.**

10 THE CHAIR: Were the details of the incident recorded in

11 their personal files, and the meeting with the bishop?

12 **A. The fact of the meeting with the bishop would have been**

13 **recorded on their personal files.**

14 THE CHAIR: But not the content?

15 **A. I think -- I don't know. Actually, I don't know the**

16 **answer to that.**

17 THE CHAIR: But, clearly, in such an important meeting,

18 especially in view of the other decisions made, would

19 you agree it would have been preferable to have that

20 properly recorded?

21 **A. Yes. I don't know whether or not it was.**

22 THE CHAIR: If it isn't, if there was any recurrence, there

23 would be no record of what had previously been taken as

24 action against them?

25 **A. Well, there would be everything on their safeguarding**

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1 MS SHARPLING: Thank you.

2 THE CHAIR: Mr Frank?

3 MR FRANK: Just one question. In relation to the CDM,

4 whether to have one or not, you had a discussion with

5 the family and so forth, it didn't take place in the

6 end. Can you help us with this, though: the subject of

7 the CDM would be entitled to some kind of funding by way

8 of legal assistance. But would the witnesses, victims

9 and survivors, as far as you're aware, do you know

10 whether they -- if they wished to take part or be

11 present, would they be entitled to any kind of funding

12 if they wished to?

13 **A. I'm not sure.**

14 MS SCOLDING: I think you do address this, in fact --

15 **A. Do I?**

16 Q. Yes, you address this in the last paragraph of your

17 witness statement, because it was a question we

18 specifically asked. It is ACE027707_032. You may well

19 just want to read that out, please?

20 **A. 121.2?**

21 Q. Yes.

22 **A. "The availability of funding for those who are not the**

23 **subject of CDM proceedings but have an interest in their**

24 **outcome, for example, survivors or victims in a case of**

25 **this kind. I have been advised that those who are not**

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1 party to CDM proceedings are not entitled to legal
 2 funding. However, practical advice is available at
 3 diocesan level and paragraphs 36 to 39 of the CDM Code
 4 of Practice cover practical assistance with making
 5 formal written complaints."
 6 So it looks as though the answer is no.
 7 MR FRANK: Thank you very much.
 8 THE CHAIR: We have no further questions. Thank you very
 9 much, Ms Lain-Priestley.
 10 A. Thank you.
 11 (The witness withdrew)
 12 MS SCOLDING: We now have some evidence, chair and panel.
 13 I will now pass over to Ms McCaffrey, because there is
 14 some evidence to be adduced this afternoon. Thank you
 15 very much, chair and panel.
 16 MS McCAFFREY: Good afternoon, chair and panel. There are
 17 ten witness statements we would like to be adduced in
 18 full today with your permission. To briefly summarise
 19 each of them. The first is a statement of
 20 Mr Michael Angell dated 30 May 2019. Mr Angell is
 21 employed by the EIO as church operations director and
 22 this is his second statement to the inquiry. His
 23 statement focuses on meetings between the EIO and the
 24 Church of England and in particular those meetings
 25 relating to safeguarding and/or apologies to victims and

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1 late Bishop George Bell which were made shortly after
 2 publication of the Carlile Reports. He also authored
 3 a discussion paper on safeguarding in the church which
 4 he exhibits to his statement. That URN is ACE027708.
 5 The fifth statement, Mrs Jo Kind, dated 13 May 2019.
 6 She is a member of the National Safeguarding Advisory
 7 Panel and the treasurer of MACSAS. Her statement
 8 provides details about the work of MACSAS and the
 9 advisory panel and their engagement with the church
 10 regarding issues of safeguarding and training. The URN
 11 for that is MAC000004.
 12 The sixth statement, Ms Susan Young, dated
 13 29 May 2019. She is the director of the Public
 14 Protection Directorate at the Home Office which oversees
 15 the policy and legislative framework that governs the
 16 Disclosure and Barring Service. She sets out the policy
 17 rationale for the definition of a regulated activity and
 18 how that's applied to working with children and
 19 potential difficulties that arise regarding its
 20 interpretation. The URN is HOM003294.
 21 The seventh statement, Professor Mike Higton,
 22 21 February 2019. He gives his evidence on behalf of
 23 Durham University, which, since 2013, has been
 24 contracted by the Archbishops' Council to provide a set
 25 of academic services, and he explains the validation

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1 survivors of child sexual abuse.
 2 The URN for this statement is EIO000148.
 3 The second statement is Lord Carlile of Berriew.
 4 Alexander Charles Carlile QC, dated 8 March 2019.
 5 Chair, you will recall from the Chichester Diocese case
 6 study that Lord Carlile conducted an independent review
 7 into the church's handling of a complaint against the
 8 late Bishop George Bell. The inquiry has already had
 9 sight of that completed review and this statement
 10 provides Lord Carlile's reasoning for a number of
 11 the conclusions that he reached. The URN is INQ004191.
 12 The third statement is Mr Richard Fewkes, dated
 13 29 March 2019. He is employed by Norfolk Constabulary
 14 as the national coordinator for the non-recent
 15 child abuse investigation known as Operation Hydrant.
 16 His statement details the aims and objectives of
 17 Operation Hydrant, the investigative process and the
 18 views of the NPCC on the way in which investigations
 19 into deceased suspects should be conducted. The URN for
 20 that one is OHY007137.
 21 The fourth statement is that of Mr Colin Perkins,
 22 safeguarding advisor in the Diocese of Chichester, dated
 23 21 June 2019. This is his third witness statement to
 24 the inquiry. He deals with the diocesan response to
 25 further allegations of child sexual abuse against the

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1 scheme for theology and religion at the university and
 2 how it deals with individuals in the scheme who might
 3 have been sexually abused by members of
 4 the Anglican Church. The URN is ANG000386.
 5 The eighth statement is Professor Sally Holland,
 6 dated 20 March 2019. She is the Children's
 7 Commissioner for Wales and she explains the objectives,
 8 the functions and the powers of that role. She also
 9 details the process of the Historic Cases Review
 10 conducted by the Church in Wales and the implementation
 11 of its recommendations. The URN for her statement is
 12 INQ004213.
 13 The ninth statement is Ms Samantha Jane Waters dated
 14 6 February 2019. She is a lawyer who, in 2018, was
 15 commissioned by the Bishop of St David's to review the
 16 adequacy of all personnel files in relation to
 17 safeguarding issues, and she explains the objectives and
 18 the scope of this review, its recommendations and the
 19 implementation process. The URN is ANG000378.
 20 Chair, finally, the tenth statement has been
 21 provided by Mr Albert Heaney, who is employed by the
 22 Welsh Government as Director of Social Services and
 23 integration. His statement is dated 29 April 2019 and
 24 it sets out a detailed explanation of the relevant child
 25 protection and safeguarding policies, legislation,

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1	procedures and processes adopted by the Welsh	1	
2	Government, and the URN for that final, tenth statement	2	MR ALISTAIR OATEY (sworn)105
3	is WGT000441.	3	
4	Chair, those are all the statements we ask to be	4	Examination by MS MCNEILL105
5	adduced today.	5	
6	THE CHAIR: Thank you, Ms McCaffrey. That concludes today's	6	ARCHDEACON ROSEMARY LAIN-PRIESTLEY137
7	hearing.	7	(sworn)
8	(4.07 pm)	8	
9	(The hearing was adjourned to	9	Examination by MS SCOLDING137
10	Friday, 5 July 2019 at 10.00 am)	10	
11		11	Questions by THE PANEL178
12		12	
13	I N D E X	13	
14		14	
15	CANON DR RUPERT BURSELL (sworn)1	15	
16		16	
17	Examination by MS SCOLDING1	17	
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19	Questions by THE PANEL50	19	
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21	BISHOP MARK SOWERBY (sworn)55	21	
22		22	
23	Examination by MS SCOLDING55	23	
24		24	
25	Questions by THE PANEL98	25	
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