

Witness Name:
Statement No.: 1
Exhibits:
Dated:

THE INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE

Witness Statement of Samantha-Jayne Waters

I, Samantha- Jayne Waters, will say as follows:-

1. I was called to the Bar of England and Wales in 1999 and further qualified as a Solicitor in 2003 and an International Civil and Commercial Mediator in 2016.
2. I was employed by the Crown Prosecution Service between September 2000 to December 2001 and during my appointment worked on various files relating to child sexual abuse and child neglect.
3. I was the most senior in-house lawyer for Dyfed Powys Police from 2002 for fifteen years. I was Head of Legal Services for eleven years and Director of Legal and Compliance for four years. As the individual charged with responsibility for Legal Services, I was responsible for the introduction and oversight of all civil orders for managing sex offenders. This included reviewing cases, advising on the merits and making applications at court.
4. I worked closely with police officers and assisted on sexual offences cases involving children, adults and vulnerable adults. These cases related to domestic situations, schools, leisure areas and places of worship.
5. I worked closely with local authorities in disclosure matters arising out of safeguarding issues, the obtaining of Emergency Protection Orders and with police officer colleagues on the application of Police Protection Orders.
6. I also have a specialism in employment law, conducting disciplinary investigations and major case reviews.
7. In July 2018 I was commissioned by the Bishop of St Davids, Bishop Joanna Penberthy, to undertake a review of all personnel files to ensure that all safeguarding matters had been appropriately considered and dealt with.

8. The Bishop of St Davids had reason to have cause for concern about reassurances that she has previously been provided about the nature and extent to which matters of potential safeguarding had been investigated and the appropriateness of the resultant action taken. The Bishop of St Davids was clear and firm in her position that she did not have knowledge that there was evidence of inappropriate behaviour but simply that she now had a concern and wished to satisfy herself that all matters had been appropriately investigated and dealt with.
9. The Bishop of St Davids took appropriate advice and was advised to instruct an independent solicitor to undertake the Review.
10. The scope of the instruction was to undertake a Review of Clergy Personnel files held by the Diocese of St Davids, both current and leavers. The sole purpose of the Review was to satisfy herself that all safeguarding investigations and resultant action were/are appropriate and reasonable in the circumstances of each matter.
11. The Bishop of St Davids was mindful of the Independent Inquiry into Child Sexual Abuse (IICSA) and did not wish to fetter or interfere with matters which fell to be considered within the parameters of the Inquiry, however, was acutely mindful of her safeguarding responsibilities and therefore undertook a Review on the following basis:
 - The Review did not conflict, impact, impede or impinge upon the work currently being undertaken by IICSA;
 - The Review did not seek to remove, adapt, alter or destroy any documentation that was required by IICSA;
 - The Review did not act as a 'fishing' exercise to the detriment of her Clergy; and
 - The Review was and remained confidential
12. The objectives and scope of the Review were as follows:
 - To liaise with IICSA on behalf of the Bishop of St Davids to provide them with the Terms of Reference of this Review and to seek their guidance whilst being clear as to the safeguarding role and responsibility held by the Bishop of St Davids and her obligation to ensure safeguarding is upheld within her Diocese;
 - To Review the Clergy Personnel files of the St Davids Diocese to identify and report any information that relates to disciplinary action in relation to a member of the clergy to include (but not limited to) Clergy Personnel files, supervision files, personnel files, clergy disciplinary measure and legal aid;
 - To retain a full schedule of files accessed and methodology for the Review so that the Review can be seen to be open and transparent and conducted in accordance with the Bishop of St Davids' obligations under IICSA;
 - To advise the Bishop of St Davids on the retention of personnel/safeguarding records generally and in anticipation of the Independent Inquiry into Child Sexual Abuse so that measures can be implemented upon the conclusion of IICSA;
 - To produce a written report setting out the nature and breadth of any allegations and the steps the Diocese of St Davids took to resolve the complaint and whether they

were appropriate and reasonable in the circumstances and thereafter advise the Bishop of St Davids what steps, if any, she should take in order to seek a resolution to this matter.

13. Due to the sensitive nature of the Review it was agreed that a file review would take place at Abergwili, Carmarthen and I attended for nine days and reviewed 310 files. Notes were drafted on all files containing a circumstance which could lead to a cause for concern. This included Safeguarding, Disciplinary action, Complaints arising either internally or externally and Investigations.

14. The Review was carried out with reference to the Churches Safeguarding Policy, The Statement of Terms of Service for Common Tenure in accordance with the Clergy Terms of Service Canon 2010 and The Professional Ministerial Guidelines.

15. It was agreed that if it was necessary to speak to a particular individual this would be facilitated, however in the circumstances this was not necessary albeit there are actions which Bishop Joanna should undertake in respect of the recovery of documentation and confirmation of actions having been undertaken. This will require Bishop Joanna to speak to individuals and advice has been provided that, if appropriate, notes should be made of those conversations. Such discussions are likely to be centred around outcomes and recovery of documentation for files and not around matters relating specifically to safeguarding issues.

16. As requested I produced a report, which I append as Exhibit 1, which was based upon my review of all the personnel files requested and obtained. As a consequence of the Review I also met with Mrs Lynette Chandler and Mr Mark Powell QC.

17. I hold a list of all files reviewed and the original notes taken during the Review.

18. As a consequence of the Review I formulated recommendations and actions. The Recommendations are about future progress and what the files should look like and the actions relate to historical files where document recovery or clarification around the circumstances of the complaint or outcome are necessary for retention on the appropriate file. I can advise that there are no recommendations about steps which should be taken relating to individual safeguarding matters due to their investigation not having been undertaken appropriately or as a consequence of a failure to undertake action.

19. The Recommendations are as follows:

Recommendation One

All safeguarding and disciplinary incidents should document the allegation, the process followed, and the outcome reached, sufficient enough that a future incumbent, will have knowledge of what took place. This account should be held on each individual personnel file.

Recommendation Two

Where a member of Clergy transfers and there has been an historical concern a full understanding should be obtained

Recommendation Three

Where disciplinary matters are prima facie actionable then appropriate referrals should be made rather than a bargaining with potential retirement.

Recommendation Four

A uniformed filing system should be introduced which encapsulates the requirements of information that must be held within the personnel files and a retention schedule adhered to.

Recommendation Five

Consideration should be given as to the most effective means of retaining Safeguarding/Discipline file system.

20. As a consequence of the Review it was established that the files currently held by the Diocese are ad hoc and limited in their content. All matters relevant to the individual should be contained within the personnel file.

21. Consideration is being given as to the most effective means of retaining documentation relating to Safeguarding and Disciplinary files. Due to the very nature of these files, the content is sensitive and highly confidential, and retention is key to future proofing the information for further consideration and review, if appropriate. The retention of such information is also key in ensuring appropriate decision-making takes place, information is provided to future Bishops should an individual clergy member move and there can be no scope for key information to become lost or misplaced thereby allowing a member of the clergy, who has been subject to safeguarding reviews, to become displaced from that information.

22. Upon conclusion of the Review I met with Bishop Penberthy, her Chaplin, Revd. Caroline Mansell and the Diocesan Registrar Mr. Anthony Jenkins LLB. The Recommendations were discussed and upon receipt of the Report the Actions were to be undertaken.

23. In order to finalise the Review I am meeting with Mrs. Chandler and Human Resources to determine standardised filing systems to include what information should sit within the personnel file and then obtain a retention schedule so that it is clear as to how long documents should be retained. This will also ensure that anything held or dealt with centrally has recourse back to the Diocese to ensure documentation is appropriately held locally as well as centrally.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: **DPA**

Dated: 6th FEBRUARY 2019