

<p>1 Monday, 8 July 2019                  2 (10.00 am)                  3 (In Closed Session)                  4 THE CHAIR: Good morning, everyone. Welcome to Day 6 of                  5 this public hearing.                  6 MS McNEILL: Good morning, chair. If I could explain at the                  7 outset, this is our first live witness from the                  8 Church of England in relation to our sampling exercise                  9 for this investigation. He is going to give evidence                  10 about one of the sample cases, L3, that Ms Edina Carmi                  11 examined. Just so everyone is aware, the witness is                  12 giving evidence anonymously in line with the restriction                  13 order you made before the commencement of these hearings                  14 in order to avoid the identification of the parish in                  15 which the witness ministers and, through that, the                  16 identification of the complainant in question. Just so                  17 there was no confusion.                  18 Can the witness be sworn, please?                  19 WITNESS AN-X2 (sworn)                  20 Examination by MS MCNEILL                  21 MS McNEILL: Thank you, Father. You are a parish priest                  22 within the Church of England; is that correct?                  23 <b>A. That's right, yes.</b>                  24 Q. We are referring to you by the cipher AN-X2, just so                  25 that you are aware, but I will refer to you as "Father"</p> <p style="text-align: center;">Page 1</p>	<p>1 throughout, for ease, if that is okay.                  2 Chair and panel, this witness has produced a witness                  3 statement which is behind tab A1 of the bundle and the                  4 witness, I believe, has a copy.                  5 Can I please confirm, this statement was signed by                  6 you and endorsed with a statement of truth on                  7 30 May 2019. Can you please confirm for the inquiry,                  8 was this witness statement true, to the best of your                  9 knowledge and belief?                  10 <b>A. Yes.</b>                  11 Q. Have you had the opportunity to consider it again before                  12 giving your evidence?                  13 <b>A. I have, yes.</b>                  14 Q. As I set out for the chair at the outset, you have come                  15 to give evidence about one of our sample cases that we                  16 are referring to as L3, and you are from within the                  17 Diocese of London; is that correct?                  18 <b>A. I am, yes. Sorry, I just noticed that the bundle</b>                  19 <b>I have, I don't have paragraphs 43, 44 and 45 of my</b>                  20 <b>statement.</b>                  21 Q. Of your own witness statement?                  22 <b>A. Yes.</b>                  23 Q. We will get a copy of that out to you.                  24 <b>A. Thank you. I have a copy in a back room somewhere.</b>                  25 Q. Hopefully we are all now present and correct?</p> <p style="text-align: center;">Page 2</p>
<p>1 <b>A. Thank you, yes.</b>                  2 Q. Not a problem at all. I will summarise for everybody                  3 a little bit about the facts of the case summary L3. Is                  4 it right that, within the parish in which you worked, an                  5 allegation was made against an individual we are calling                  6 AN-F23, who was a paid employee of the parish; is that                  7 correct?                  8 <b>A. That's right, yes.</b>                  9 Q. As part of his paid employment, did he carry out                  10 a number of roles within the parish?                  11 <b>A. He did, yes.</b>                  12 Q. Amongst those roles, did it include running a children's                  13 group?                  14 <b>A. Yes, a weekly group --</b>                  15 Q. A weekly group --                  16 <b>A. -- for pre-schoolers --</b>                  17 Q. -- for children specifically?                  18 <b>A. -- yes.</b>                  19 Q. An allegation was made, I understand, from a complainant                  20 that we are calling A141 -- is that right?                  21 <b>A. Yes.</b>                  22 Q. Who was a small child --                  23 <b>A. Yes.</b>                  24 Q. -- whose family lived within the parish?                  25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 3</p>	<p>1 Q. The nature of the allegation was that F23 had visited                  2 the family home, during which he had played on the                  3 trampoline with the child A141; is that right?                  4 <b>A. That's right, yes.</b>                  5 Q. The allegation was that F23 and the child, A141, had                  6 touched their penises together whilst playing on the                  7 trampoline?                  8 <b>A. Yes.</b>                  9 Q. F23 was seen by an individual getting down from the                  10 trampoline with his trousers undone; is that right?                  11 <b>A. His belt was undone.</b>                  12 Q. Just his belt, sorry, was undone?                  13 <b>A. Yes.</b>                  14 Q. He was also seen by the child's family to touch tongues                  15 with the child, A141, whilst they were sticking tongues                  16 out at each other?                  17 <b>A. That was in the kitchen of the house --</b>                  18 Q. The family home?                  19 <b>A. -- where the family home is.</b>                  20 Q. So the allegations were that the penises touched, there                  21 was a state of undress, there was a bit of rough play on                  22 the trampoline and later they touched tongues with one                  23 another in the kitchen?                  24 <b>A. Yes.</b>                  25 Q. Is that a fair summary?</p> <p style="text-align: center;">Page 4</p>

1 **A. Yes, in front of the complainant's mother, 141's mother.**  
 2 Q. To whom within the church, and within the parish in  
 3 particular, were these allegations made?  
 4 **A. A141's mother spoke to the rector's wife, who then**  
 5 **reported to the rector, and then A141's mother spoke to**  
 6 **the rector himself.**  
 7 Q. Can you just pull that microphone a little closer to you  
 8 and keep your voice up?  
 9 **A. Yes, sorry.**  
 10 Q. No, it is not a problem. So the rector's wife was the  
 11 first disclosure?  
 12 **A. Yes.**  
 13 Q. Passed on to the rector and then the rector spoke with  
 14 the family concerned directly?  
 15 **A. Yes.**  
 16 Q. What action was taken by him following the allegation or  
 17 the disclosure?  
 18 **A. He telephoned the diocesan safeguarding team and left**  
 19 **two messages. The next morning he suspended 141, on the**  
 20 **advice of the DSA.**  
 21 Q. F23. Sorry, 141 is the child. I will feed you the  
 22 ciphers?  
 23 **A. Sorry, the alphabet soup is getting a bit -- yes,**  
 24 **forgive me, F23 was suspended the next day, and then --**  
 25 **in fact, he was orally suspended and then was sent**

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1 matter was reported to the police?  
 2 **A. Yes.**  
 3 Q. Who reported it to the police? Was it the diocese, the  
 4 parish or the local authority?  
 5 **A. The DSA reported it.**  
 6 Q. The DSA?  
 7 **A. Yes.**  
 8 Q. Were there any difficulties about reporting it to the  
 9 police?  
 10 **A. Yes. The difficulty was -- there was no difficulty --**  
 11 **I think the DSA reported it, but reported it to**  
 12 **Belgravia police station, which is --**  
 13 Q. I'm just going to pause there.  
 14 **A. I think it won't identify the parish, because Belgravia**  
 15 **is a very long way, in every sense, from my parish.**  
 16 Q. So in terms of place names?  
 17 **A. Yes, Belgravia is very close to the DSA's office.**  
 18 Q. And that is a matter of public record, chair.  
 19 **A. Yes.**  
 20 Q. It was to the wrong police station in London?  
 21 **A. Yes.**  
 22 Q. How long did it take before that confusion was  
 23 rectified?  
 24 **A. It was, I think, about a week. We weren't aware, of**  
 25 **course, that the wrong force -- or the wrong station had**

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1 **a letter confirming that he would be suspended and that**  
 2 **there would be an investigation.**  
 3 Q. In terms of the suspension, was that suspension from his  
 4 employed roles within the parish?  
 5 **A. Yes.**  
 6 Q. Were any steps taken to control his attendance at  
 7 church, or were they necessary?  
 8 **A. He wasn't a church attender. As far as I know, he has**  
 9 **no faith. He's employed by the church, but isn't**  
 10 **a member of the congregation.**  
 11 Q. The letter of suspension -- again, we don't need it word  
 12 for word, but can you give us a brief outline of what  
 13 that letter contained?  
 14 **A. In fact, I have actually got an unredacted copy, so**  
 15 **I shall take care. The relevant part is that he had**  
 16 **been reported to the Diocesan Safeguarding Team. He'd**  
 17 **been reported to the local authority, Social Services.**  
 18 **There will be an investigation conducted internally**  
 19 **within the church, which would be a fact-finding**  
 20 **exercise. Until that investigation had concluded, there**  
 21 **would be no decision about whether or not there would be**  
 22 **a formal disciplinary procedure, and I was to be**  
 23 **conducting the inquiry, if there was one.**  
 24 Q. Let's deal, one at a time, with the various different  
 25 stages of the investigation. Is it right that the

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1 **been alerted, until we, I think, had to chase up to find**  
 2 **out what was going on.**  
 3 Q. How long was the matter with the police? Are you aware?  
 4 **A. I can -- I think -- there's a very helpful time line**  
 5 **produced by Annette Gordon, which I am going to look at,**  
 6 **if I may.**  
 7 Q. Behind tab 3 of the bundle, for the witness.  
 8 **A. Thank you. Because I think then what happened is that**  
 9 **the individual had a holiday booked as well, so there**  
 10 **was a further delay.**  
 11 Q. I can assist you. The allegation came to light at the  
 12 end of July?  
 13 **A. On the 24th, yes.**  
 14 Q. The individual we call F23 was interviewed by the police  
 15 in early August?  
 16 **A. Yes.**  
 17 Q. And the police decided to take no further action  
 18 in August?  
 19 **A. Yes.**  
 20 Q. So the police decided to take no further action. What  
 21 action was taken by the local authority, and if it  
 22 assists you, it's at paragraph 16 of your witness  
 23 statement?  
 24 **A. We held a -- the rector and I and the borough LADO,**  
 25 **Annette Gordon, and, I think, two social workers had**

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<p>1 a meeting in the local authority on 30 July, where the</p> <p>2 LADO conducted effectively a brief summary -- she</p> <p>3 clearly had information that we didn't have from the</p> <p>4 police, and made certain conclusions, and it was then</p> <p>5 decided that I should then start the internal</p> <p>6 investigation prior to a possible disciplinary hearing.</p> <p>7 Q. So there were some meetings with the local authority.</p> <p>8 They reviewed information provided by the police. And</p> <p>9 is it right that the local authority decided that they</p> <p>10 would take no further action from their side?</p> <p>11 A. Yes, in fact, to get the timing absolutely right,</p> <p>12 I think that was by 21 August.</p> <p>13 Q. Yes. Approximately a month?</p> <p>14 A. Yes.</p> <p>15 Q. It was at that point that it became a matter for the</p> <p>16 parish to conduct an internal investigation; is that</p> <p>17 right?</p> <p>18 A. Yes, that's -- we had to decide whether there should be</p> <p>19 a disciplinary hearing, regardless of what anyone else</p> <p>20 had come to any conclusion about.</p> <p>21 Q. You were selected as the person to conduct that</p> <p>22 investigation. Can you tell us why you were selected?</p> <p>23 A. I have some relevant experience, but, perhaps more</p> <p>24 pertinent, the only other person who might have been</p> <p>25 able to do it would have been the rector or the Parish</p> <p style="text-align: center;">Page 9</p>	<p>1 Safeguarding Officer. The Parish Safeguarding Officer</p> <p>2 had a full-time job and didn't have relevant experience,</p> <p>3 and the rector knew the individual much better than</p> <p>4 I did, too, having worked with him for several years.</p> <p>5 Q. So within the parish, is it right that you were only</p> <p>6 person, realistically, who could have carried it out?</p> <p>7 A. Yes.</p> <p>8 Q. You have said -- and I am going to summarise it to avoid</p> <p>9 identification, is it right that you have some relevant</p> <p>10 professional background --</p> <p>11 A. Yes.</p> <p>12 Q. -- that would assist you to conduct this investigation?</p> <p>13 A. Yes.</p> <p>14 Q. But is it also right that you are not a specialist in</p> <p>15 safeguarding or child protection matters?</p> <p>16 A. No. I have done the relevant training that the clergy</p> <p>17 get for safeguarding, but I don't think that qualifies</p> <p>18 me to do safeguarding assessments or risk assessments.</p> <p>19 Q. Do you know, can you assist us as to why the</p> <p>20 investigation was not carried out at the diocesan level</p> <p>21 or by the Diocesan Safeguarding Advisor?</p> <p>22 A. I have no idea. It would have been -- personally</p> <p>23 speaking, it would have been jolly good if they had. It</p> <p>24 would have saved me a lot of time. But that's not to</p> <p>25 abrogate my responsibilities, but I thought it would</p> <p style="text-align: center;">Page 10</p>
<p>1 have been better and easier, certainly for me,</p> <p>2 selfishly, if the DSA had done it.</p> <p>3 Q. You've said you're not qualified to carry out risk</p> <p>4 assessments, and we might return to that. But can you</p> <p>5 tell the chair and panel, as far as you were concerned,</p> <p>6 what was the purpose of your investigation?</p> <p>7 A. I had to decide whether there'd been misconduct or gross</p> <p>8 misconduct here and decide whether there should be</p> <p>9 a disciplinary hearing. So mine was a fact-finding</p> <p>10 exercise, not related to safeguarding, effectively, or</p> <p>11 risk assessment, but informed by the decisions made by</p> <p>12 LADO and Social Services and the police.</p> <p>13 Q. Would it be fair to summarise it that yours was an</p> <p>14 internal HR disciplinary investigation?</p> <p>15 A. Yes, and that's what the letter of 24 July sent to the</p> <p>16 individual was told would happen.</p> <p>17 Q. It was not a safeguarding-specific investigation?</p> <p>18 A. No, it would have, I think, helped inform any</p> <p>19 safeguarding decisions, because I was fact finding, but</p> <p>20 I couldn't make a risk assessment of him. I didn't have</p> <p>21 the qualifications.</p> <p>22 Q. And the need for the investigation arose, is it right,</p> <p>23 because the individual F23 was an employee of</p> <p>24 the parish?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 11</p>	<p>1 Q. Not through the church's own extensive safeguarding</p> <p>2 policies?</p> <p>3 A. No. And, in fact, he was funded by an exterior charity,</p> <p>4 so he was an employee, but -- and the rector was his</p> <p>5 line manager, but the funding came from outside the</p> <p>6 church.</p> <p>7 Q. Can I ask you to look at paragraph 20 of your witness</p> <p>8 statement. Chair and panel, it is on page 4 of</p> <p>9 the witness statement. Just tell us briefly how you</p> <p>10 went about conducting investigation?</p> <p>11 A. I interviewed -- I think this is in the right order.</p> <p>12 I interviewed the rector and the rector's wife in the</p> <p>13 church. The mother and father of the complainant and</p> <p>14 the complainant had moved out of the parish, so I had to</p> <p>15 do telephone interviews with them. And having written</p> <p>16 up my notes of those interviews, I disclosed them to F23</p> <p>17 and then interviewed him. That was in his house,</p> <p>18 I think.</p> <p>19 Q. For completeness, you didn't interview the complainant,</p> <p>20 the child, A141. Was that because of their age?</p> <p>21 A. Yes, and also, I think the parents were very reluctant</p> <p>22 for him to be interviewed by anybody, and I was quite</p> <p>23 happy not to.</p> <p>24 Q. Was any support provided to the child A141 or the</p> <p>25 parents throughout this process?</p> <p style="text-align: center;">Page 12</p>

<p>1 <b>A. They had moved to an area with a different</b>                  2 <b>Social Services team, and I think Social Services were</b>                  3 <b>involved there, assessing how the child was and how the</b>                  4 <b>family were coping.</b>                  5 Q. Do I take from your answer then that, by the parish or                  6 the diocese, no formal offer of support was provided?                  7 <b>A. No. I think we couldn't, because of the role we had,</b>                  8 <b>and I have to say, the diocese wouldn't have been able</b>                  9 <b>to, in the circumstances, bearing in mind where they'd</b>                  10 <b>moved to.</b>                  11 Q. What guidance, if any, were you following in the conduct                  12 of your investigation?                  13 <b>A. I was using the ACAS guidelines in terms of how to</b>                  14 <b>conduct an investigation before a disciplinary hearing.</b>                  15 Q. For those not aware of them, can you just tell us, in                  16 very layman's terms, what the ACAS guidelines are?                  17 <b>A. I'm very glad to say they are online and you get</b>                  18 <b>a template. It sets out who is involved -- I think the</b>                  19 <b>chair knows: who is involved, who is to be interviewed,</b>                  20 <b>what the facts are, what the conclusions are and what</b>                  21 <b>the recommendations are.</b>                  22 Q. Did you have cause to make reference to or consider the                  23 church's safeguarding policies at all, as part of your                  24 investigation?                  25 <b>A. I bear in mind -- I think I have put in my paragraph 23</b></p> <p style="text-align: center;">Page 13</p>	<p>1 <b>some of the thought processes going through my mind.</b>                  2 Q. What paragraph 23 says is, you looked at the Diocese of                  3 London's statement on safeguarding, which says that                  4 children were manifestly welcome and safe in the company                  5 of Jesus and children and people at risk should be safe                  6 in Christ's church. The Church of England is committed                  7 in all aspects of its life to protect and champion the                  8 well-being of vulnerable groups, children, young people                  9 and vulnerable adults, both in the wider society and in                  10 its own communities. So that's the Diocese of London's                  11 mission statement, as it were, for children?                  12 <b>A. Yes, and the reason I quoted that was it informed what</b>                  13 <b>would be relevant to the enquiries I was making because</b>                  14 <b>in some ways it was slightly wider than an employment,</b>                  15 <b>as it were, an ordinary employment investigation, and it</b>                  16 <b>wasn't a criminal investigation. It was rather more</b>                  17 <b>pastoral. And there were different considerations in</b>                  18 <b>relation to the individual concerned.</b>                  19 Q. What were those different considerations?                  20 <b>A. The issue, again, is, we are appointed to have the cure</b>                  21 <b>of souls. We are not appointed to be child managers,</b>                  22 <b>and so there are different pastoral concerns, which</b>                  23 <b>means that the child, any child, is of paramount --</b>                  24 <b>their safety is of paramount importance. So, for</b>                  25 <b>example, the rough play that took place in any other</b></p> <p style="text-align: center;">Page 14</p>
<p>1 <b>employment circumstance would be possibly not very</b>                  2 <b>relevant, but in terms of child protection in the</b>                  3 <b>Church of England, or safety in the Church of England,</b>                  4 <b>it is of relevance.</b>                  5 Q. You mentioned it is not a criminal investigation. Just                  6 to establish a few more of the facts, is it right that                  7 you were applying the civil standard of proof?                  8 <b>A. Yes.</b>                  9 Q. So whether something was more likely than not --                  10 <b>A. Yes.</b>                  11 Q. -- in the establishment of the facts of what happened?                  12 <b>A. Yes.</b>                  13 Q. To do that, you set out, if we look at page 6 of your                  14 witness statement, both supporting matters for the                  15 allegation and undermining matters?                  16 <b>A. Yes.</b>                  17 Q. Ralph, can we display that, please, ACE027580_006. If                  18 we can widen the zoomed-in bit, please, and the heading                  19 just above it as well, you dealt with each of the heads                  20 of allegation, for want of a better word, at the time,                  21 and this was in relation to touching penises?                  22 <b>A. Yes.</b>                  23 Q. You summarised the supporting matters, that the                  24 allegation had been made, that there was an opportune                  25 time, that the two were alone for a period of time</p> <p style="text-align: center;">Page 15</p>	<p>1 unsupervised by the mother or the father, that the belt                  2 buckle was undone.                  3 The undermining matters. You drew out that, having                  4 initially made the allegation, on being pressed about                  5 this, the child denied there had been any touching and                  6 made some claims that were clearly impossible about                  7 where the touching had taken place, appearing to treat                  8 the facts as a joke. You looked at (b) the child's                  9 demeanour was apparently sunny and untroubled, both                  10 immediately after the incident and when relating it to                  11 his parents. Over the page, please, Ralph, (c) to (g).                  12 The two had been alone together for a period of time,                  13 but in a place that could be clearly seen from the                  14 family home. When the father encountered them, they                  15 were both lying down apart from each other, looking                  16 upwards on the trampoline. But whilst F23's belt was                  17 undone, it wasn't a conventional buckle, but a clip that                  18 could come undone --                  19 <b>A. I think that should say "in the ordinary course of</b>                  20 <b>events".</b>                  21 Q. (f), that F23 did not try to hide the fact that his belt                  22 was undone or be furtive, and finally, that he denied                  23 any touching. You did that for each of the heads of                  24 allegation, including the inappropriate behaviour, which                  25 you categorised as the tongues touching. Is that right?</p> <p style="text-align: center;">Page 16</p>

<p>1 <b>A. Yes.</b>                  2 Q. What was the ultimate conclusion of your investigation?                  3 <b>A. I couldn't be satisfied, even to the civil standard,</b>                  4 <b>that there had been any touching of penises, but I was</b>                  5 <b>satisfied that there had been rough play and wrestling</b>                  6 <b>and touching of tongues and separately. So wrestling</b>                  7 <b>and rough play on the trampoline and touching of tongues</b>                  8 <b>in the kitchen of the family house.</b>                  9 Q. What you have said in your witness statement is a phrase                  10 I want to clarify. You said:                  11 "I concluded there were no concerns in relation to                  12 any sexual impropriety by F23."                  13 <b>A. Yes. Because it may have been said that touching of</b>                  14 <b>tongues could have a sexual --</b>                  15 Q. Connotation.                  16 <b>A. Connotation, yes. And, bearing in mind the</b>                  17 <b>circumstances, I wasn't satisfied that what was being</b>                  18 <b>done was in any way sexualised. It was actually</b>                  19 <b>infantile behaviour by an adult with an infant. So it</b>                  20 <b>was childish and not very pleasant. But certainly it</b>                  21 <b>wasn't sexualised, as far as I could tell from the</b>                  22 <b>information I had.</b>                  23 Q. Can we go back to your earlier answer, which was that                  24 you said you have no training in safeguarding                  25 specifically and no training in carrying out risk</p> <p style="text-align: center;">Page 17</p>	<p>1 assessments?                  2 <b>A. Yes.</b>                  3 Q. Were you assisted during your investigation by anybody                  4 who did have that area of expertise?                  5 <b>A. The LADO had, during the meeting of 21 August, also gone</b>                  6 <b>through the facts that she had, which included evidence</b>                  7 <b>from the police which I didn't have, and never have had,</b>                  8 <b>and she went through the analysis saying what had been</b>                  9 <b>proved or what hadn't been proved. That was her</b>                  10 <b>analysis without the benefit of interviewing.</b>                  11 Q. Just thinking a little bit about how this process worked                  12 and how it could work going forward, bearing in mind the                  13 sort of issues you were having to consider and the                  14 conclusions you were having to reach, do you think it                  15 would have been useful if somebody either carried out                  16 the investigation as a whole or assisted you in the                  17 investigation who could have carried out a formal risk                  18 assessment of F23 during this process?                  19 <b>A. I had assumed that the DSA was carrying out, or would</b>                  20 <b>carry out, an assessment in parallel with mine. It</b>                  21 <b>became clear that, for various reasons, that simply</b>                  22 <b>wasn't happening at the time. It would require</b>                  23 <b>somebody -- I think if it was to be done by one person,</b>                  24 <b>they would have to be properly qualified, both in terms</b>                  25 <b>of analysing facts, but also in terms of safeguarding</b></p> <p style="text-align: center;">Page 18</p>
<p>1 <b>and risk assessment, and it would be a lot easier and,</b>                  2 <b>I think, quicker and better for all parties if it was</b>                  3 <b>one person who could have done it.</b>                  4 Q. Because the effect of this was, as I understand it --                  5 and please correct me if I am wrong -- you carried out                  6 your investigation and reached conclusions of fact as                  7 far as you could?                  8 <b>A. Yes.</b>                  9 Q. But you reached no conclusions about the potential for                  10 an ongoing risk posed by F23; is that right?                  11 <b>A. No, I couldn't, no.</b>                  12 Q. Your conclusions as to the facts fed into the diocese's                  13 ongoing plan for this individual?                  14 <b>A. Yes.</b>                  15 Q. In terms of training, et cetera; is that right?                  16 <b>A. Yes, I sent my report to both the LADO and the DSA and</b>                  17 <b>the Parish Safeguarding Officer.</b>                  18 Q. We will look at your recommendations in a moment. But,                  19 overall, it is right, isn't it, that no formal risk                  20 assessment was ever actually carried out in relation to                  21 F23?                  22 <b>A. Not by me.</b>                  23 Q. No. And, indeed, we have evidence from Annette Gordon,                  24 who is the DSA, who said that your conclusions, factual                  25 findings, fed into their ongoing management, but the</p> <p style="text-align: center;">Page 19</p>	<p>1 diocese themselves did not carry out a formal                  2 independent risk assessment of the individual?                  3 <b>A. Yes, I think the problem arose because there was</b>                  4 <b>a series of missed opportunities. Firstly, it was quite</b>                  5 <b>hard to get hold of the DSA. The rector couldn't speak</b>                  6 <b>to anyone when it was first reported and had to speak to</b>                  7 <b>someone the next day. When I was -- I telephoned</b>                  8 <b>a couple of times to get some assistance and left</b>                  9 <b>messages and they weren't replied to. There was the</b>                  10 <b>delay with the wrong police station being contacted.</b>                  11 <b>There was a meeting missed by the DSA in August, when</b>                  12 <b>I was asked formally to start the investigation. And</b>                  13 <b>then, thereafter, we -- we weren't prepared to have the</b>                  14 <b>individual back until the one-to-one training had been</b>                  15 <b>completed, and there was delay doing that too, because</b>                  16 <b>we had to chase that up on two occasions with emails.</b>                  17 <b>I suspect Annette was just overwhelmed with work</b>                  18 <b>from all over the diocese.</b>                  19 Q. Chair, that's Annette Gordon, the Diocesan Safeguarding                  20 Advisor from whom we have a witness statement but who is                  21 not attending.                  22 We got some evidence from her about how overwhelmed                  23 and how busy they are.                  24 The conclusion of your report, as we said, was that                  25 there was -- some of it seemed to be proven, some of it</p> <p style="text-align: center;">Page 20</p>

<p>1 did not, but you also made recommendations. Is that 2 right?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. What were your recommendations, and who were they 5 recommendations for? I'm looking at page 9 of your 6 witness statement.</p> <p>7 <b>A. Yes. The recommendations I made were to the DSA -- 8 well, the first is that we -- it became clear that the 9 individual whose number I now forget, I'm so sorry.</b></p> <p>10 Q. F23.</p> <p>11 <b>A. F23, thank you. Had received no formal safeguarding 12 training whilst he'd been employed by the church. 13 I think he'd done some many years ago when he'd been 14 employed by somebody else, but he hadn't done any 15 safeguarding training. So --</b></p> <p>16 Q. Notwithstanding his role was to work with children?</p> <p>17 <b>A. Part of his role.</b></p> <p>18 Q. Part of his role.</p> <p>19 <b>A. One morning a week it deals with children. But I take 20 your point, it doesn't really matter, he should have 21 been. Yes, he hadn't done the training. He did the 22 online -- we asked him to do the online training, but we 23 wanted a bit more reassurance, and so we asked that 24 there be one-to-one training before he could return to 25 work.</b></p> <p style="text-align: center;">Page 21</p>	<p>1 Q. And paragraph 42 of your witness statement has your 2 three recommendations, which were, first, for F23 to 3 read the diocesan safeguarding handbook; secondly, for 4 F23 to undertake the online safeguarding training as 5 recommended by the Diocese of London; and, thirdly, for 6 him to have the one-to-one safeguarding training 7 specifically within one month of his returning to work, 8 such training to be evidenced by proof in writing?</p> <p>9 <b>A. In fact, that last recommendation, that was my 10 recommendation -- the rector wanted him to do that 11 before he returned to work, and so accepted it in 12 principle but changed the timing, so that he had to do 13 that before he came back.</b></p> <p>14 Q. And therein that's where we find the delay you referred 15 to before, in terms of, it was difficult to get an 16 available appointment from the DSA for him to receive 17 that training and you would not allow him to return to 18 work until that time became available?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. You also provided your report to the local authority; is 21 that correct?</p> <p>22 <b>A. Yes. The LADO had been extremely helpful and 23 Social Services had been extremely helpful and 24 supportive to us.</b></p> <p>25 Q. Can we just go to page 10 of the witness statement,</p> <p style="text-align: center;">Page 22</p>
<p>1 please, and some comments made by the local authority 2 about your report, just at the very bottom, please. The 3 local authority wrote back to say thank you for 4 forwarding the investigation document:</p> <p>5 "Not only am I grateful for the sharing of 6 the information, as it so often happens that external 7 agencies to local authority omit doing so post closure 8 of the matter to the LADO service, but also for X2's 9 [that's you] report that is reflective of 10 a comprehensive and truly balanced investigation. The 11 refined analysis of all the factors related to this case 12 had contributed to a solid conclusion and helpful 13 recommendations."</p> <p>14 It goes on, but that's the real important part of 15 it.</p> <p>16 What I want to look at now are some of Ms Carmi's 17 comments about this investigation that you carried out. 18 Can we, please, Ralph, bring up EWM000466_040 of 19 Edina Carmi's report, chair and panel, if you are 20 following along with the hard copy. Can we look at 21 paragraph 15.3.5, right at the bottom.</p> <p>22 <b>A. Is that page 37?</b></p> <p>23 Q. I think the numbering is all awry. My copy has it as 24 40, but that's okay. It is 37 of the small numbering, 25 there are two numbers. But we can see it on screen?</p> <p style="text-align: center;">Page 23</p>	<p>1 <b>A. Oh, I see, yes.</b></p> <p>2 Q. There is some observation about the professional 3 knowledge of the investigator, but that's you. She 4 mentions:</p> <p>5 "It is the decision of the core group and will 6 usually be the DSA, that the 'respondent' will be 7 offered a 'link person' and they and their family will 8 be offered support from outside of the management of 9 the case. From the records provided [to her] ... none 10 of these steps were considered."</p> <p>11 She makes reference to whether or not F23 was 12 a church officer and we will explore that with other 13 witnesses. The question is, were you aware that F23 14 could, or should, have had a link person or was anything 15 similar put in place?</p> <p>16 <b>A. He was offered pastoral support by one of 17 the churchwardens, who had been made aware of 18 the allegations, but hadn't been a witness and hadn't 19 been interviewed. So they were separate. So F23 and 20 his family were offered that support.</b></p> <p>21 Q. We have already touched on the contact with the family 22 and why there was very little formal contact between you 23 and them at the time, so I won't go back over that.</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. One of the other things, she observes, but I won't bring</p> <p style="text-align: center;">Page 24</p>

1 it up, is about your independence. Did you know F23 at  
 2 all before you commenced this investigation?  
 3 **A. I did, but because I am a non-stipendiary minister, I've**  
 4 **got to earn a crust elsewhere, so I'm not in the parish**  
 5 **every day, and there can be months where I'm simply**  
 6 **there on a Sunday or in the evening. So I suppose in**  
 7 **the year I'd been there -- I'd met him between 6 and 12**  
 8 **times for short periods. So I knew him, but**  
 9 **I certainly -- yes, I knew him that well.**  
 10 Q. If we look at 15.3.6, it says:  
 11 "The investigation report does not state the options  
 12 required for concluding an investigation, according to  
 13 the guidance ..."  
 14 If I could stop at "the guidance", she is referring  
 15 to different guidance. The ACAS guidance you were  
 16 following, did that set out that the conclusion ought to  
 17 be either unsubstantiated, unfounded, malicious or false  
 18 or anything like that?  
 19 **A. No. In fact, that was done by the LADO in the meeting**  
 20 **of 21 August, but that was a different test than the one**  
 21 **I had to deal with. So I didn't apply those criteria.**  
 22 Q. She goes on to say some positive things about your  
 23 report. I want to look at the final sentence:  
 24 "What the report does not do then is consider if  
 25 there are ongoing safeguarding concerns."

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1 **21 August, I had managed to interview the parties and**  
 2 **draft something.**  
 3 Q. So your part of it was within days?  
 4 **A. It sounds awfully like -- I'm not trying to do anything**  
 5 **apart from -- that I was concerned that there had been**  
 6 **delays and F23 and his family and the family of**  
 7 **the complainant were in limbo. I mean, you could say it**  
 8 **was only a few weeks, but it's an awfully long time if**  
 9 **you're waiting for a decision to be made.**  
 10 Q. Linked to that, I imagine, is the fact that there were  
 11 so many different processes under way actually quite  
 12 consecutively. There was the police investigation, the  
 13 local authority had a role, you had your investigation  
 14 and there was the possibility for perhaps some work by  
 15 the Diocesan Safeguarding Team. Are you aware of what  
 16 effect the fact that there were a number of different  
 17 processes had on either the alleged perpetrator, F23, or  
 18 on the family of the child, A141?  
 19 **A. When I spoke to the family of the child, they were being**  
 20 **supported by Social Services in the area they lived in,**  
 21 **but they were also a bit surprised that it was taking**  
 22 **weeks rather than days to sort out. F23 and his family**  
 23 **were having a torrid time, frankly, but they were being**  
 24 **supported by, as I say, the churchwarden, but it meant**  
 25 **that the rector -- neither the rector nor I could offer**

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1 Was it the purpose of your report to do that?  
 2 **A. No, the purpose of the report was to decide whether he**  
 3 **should face a disciplinary process.**  
 4 Q. And the answer to that was no?  
 5 **A. Yes.**  
 6 Q. Would you agree now that it would have been useful,  
 7 whether it was you or somebody else, if, as part of  
 8 the conclusion, it did consider whether or not there  
 9 were any ongoing safeguarding concerns?  
 10 **A. Yes, and I had hoped, as I say, the DSA would be doing**  
 11 **that in parallel with any report I was doing.**  
 12 Q. We have already covered that you, yourself, were not  
 13 qualified to do so?  
 14 **A. No.**  
 15 Q. My final question in relation to your conduct of  
 16 the report is just to draw out, is it right that from  
 17 allegation to the conclusion of your report took about  
 18 five weeks?  
 19 **A. Yes.**  
 20 Q. I've looked at the chronology and I'm sure I will be  
 21 passed a Post-it from behind if I'm wrong. It was  
 22 carried out rather swiftly?  
 23 **A. I thought it was rather slow, actually, but, yes, there**  
 24 **were delays that were outside our control. But within**  
 25 **days of being told, as it were, to go ahead on**

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1 **any pastoral support until the conclusion. So, yes, it**  
 2 **was a rough time for him and his family.**  
 3 Q. Do you think all concerned would have benefited from  
 4 a more streamlined process?  
 5 **A. Undoubtedly, because, by this stage, F23 and his family**  
 6 **had -- he had been interviewed by the police,**  
 7 **Social Services had interviewed him and his wife and his**  
 8 **children. I think they had been to the school to check**  
 9 **things out. So he'd had his life turned upside-down.**  
 10 **But also, as I say, the complainant's family were, as it**  
 11 **were -- it made it worse they were outside the area, so**  
 12 **they were relying on telephone calls and emails where we**  
 13 **had to be very circumspect. So, yes, streamlining it**  
 14 **would have been a much happier experience.**  
 15 Q. I appreciate that not everything is in your gift. Are  
 16 there any practical things that you think could have  
 17 happened to streamline?  
 18 **A. I think if the DSA had more resources or there had been**  
 19 **more of them, we -- as I say, there was this awful lag**  
 20 **that we would telephone and not receive a reply and**  
 21 **meetings were missed, because of, I think, work and**  
 22 **holiday clashes, and emails weren't replied to, but,**  
 23 **yes, so I think greater resources -- I learnt from**  
 24 **Annette's statement that there are individuals,**  
 25 **apparently, who could have assisted in carrying out the**

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<p>1 <b>investigation, but I'm afraid to say, when I read that</b>  2 <b>in the statement, that was the first time I'd ever heard</b>  3 <b>of it.</b>  4 Q. Individuals were available at the diocesan level,  5 I understand, and you weren't aware that you could have  6 called on that as a resource?  7 <b>A. No, no.</b>  8 Q. I want to move on to the second part of my questions.  9 It is not the second half. It is a rather shorter  10 section. Just to hear a little bit more about  11 safeguarding at the parish level within the Diocese of  12 London, with your parish in particular, I suppose. You  13 can only speak to your own parish.  14 <b>A. Yes. As I say, non-stipendiary, so I only have</b>  15 <b>experience, really, of the parishes I have worked in in</b>  16 <b>the past eight years.</b>  17 Q. The first question is, how often do safeguarding matters  18 arise within the parish or within the parishes in which  19 you have worked throughout your ministry?  20 <b>A. In this parish, this incident happened and a much less</b>  21 <b>serious incident, safeguarding incident, was reported</b>  22 <b>about a month ago. In another parish, when I arrived,</b>  23 <b>I discovered there was an historical conviction case</b>  24 <b>with a volunteer and then a member of the congregation,</b>  25 <b>whilst I was there, was convicted of an offence.</b></p> <p style="text-align: center;">Page 29</p>	<p>1 Q. So you've come across four cases within your ministry?  2 <b>A. Yes.</b>  3 Q. And you've been a priest for approximately eight years;  4 is that right?  5 <b>A. Yes.</b>  6 Q. At the parish level, in your parish, who takes the lead  7 on safeguarding?  8 <b>A. The rector and the parish safeguarding -- if I say "it</b>  9 <b>depends", I'm not trying to avoid the question, because</b>  10 <b>we have the rector, the Parish Safeguarding Officer and</b>  11 <b>the Children's Champion, or Champions. It rather</b>  12 <b>depends what the issue is. These two -- the most recent</b>  13 <b>one -- the more minor one was relevant to the Children's</b>  14 <b>Champion and the Parish Safeguarding Officer, but this</b>  15 <b>one, as it were, affected the Parish Safeguarding</b>  16 <b>Officer but not the Children's Champion, because the</b>  17 <b>child was only sporadically at church.</b>  18 Q. Can you explain to us, please, in brief terms -- I know  19 it is more complex -- what the Parish Safeguarding  20 Officer does and what a Children's Champion does?  21 <b>A. I'm probably going to get it wrong, so I will be as</b>  22 <b>short as possible. The Parish Safeguarding Officer is</b>  23 <b>there to ensure that safeguarding training is carried</b>  24 <b>out and that matters are reported to her and she will</b>  25 <b>deal with them. The most recent event, she chaired</b></p> <p style="text-align: center;">Page 30</p>
<p>1 <b>a meeting actually with great efficiency to deal with</b>  2 <b>the matter.</b>  3 <b>Children's champions are, if there was a problem --</b>  4 <b>it's broadly safeguarding in relation to children's</b>  5 <b>behaviour within the parish. If I say "behaviour",</b>  6 <b>I mean all activities within the parish. I hope that's</b>  7 <b>right.</b>  8 Q. I'm sure we will be corrected.  9 <b>A. If that is wrong, a bishop somewhere will correct me.</b>  10 Q. That's absolutely fine. Do you think that the training  11 that you have received as a member of clergy equipped  12 you to deal with safeguarding matters arising at  13 a parish level?  14 <b>A. No. I've done three one-day safeguarding courses, and</b>  15 <b>if I say they have improved over the past eight/nine</b>  16 <b>years, the most recent one was very useful, but, no,</b>  17 <b>I don't think I have adequate safeguarding training.</b>  18 <b>I think what the parish clergy need is a tick list,</b>  19 <b>effectively: if this happens, then do this. Because</b>  20 <b>being trained for one day every three years, however</b>  21 <b>diligently you attend and are aware of it, we are frail,</b>  22 <b>frankly, and matters become rusty.</b>  23 Q. We have heard a lot of evidence about the policies that  24 are being put in nationally. What is your experience of  25 how they trickle down to parish level? For example,</p> <p style="text-align: center;">Page 31</p>	<p>1 there's been a parish safeguarding manual introduced.  2 What's your experience of implementing that at parish  3 level?  4 <b>A. My personal experience is, I received it online via an</b>  5 <b>ad clerum from the diocesan in November of last year.</b>  6 <b>But there was one hard copy sent to the parish at a time</b>  7 <b>when I was on sabbatical, I'm delighted to say. So</b>  8 <b>I didn't get a copy, a hard copy, until recently.</b>  9 Q. That's almost a practicality thing about who is getting  10 hard copies of the policy, and it is very important  11 because, if you don't have it, you might not see it?  12 <b>A. But we had an online copy. We had the virtual copy sent</b>  13 <b>by Bishop Sarah.</b>  14 Q. Do you think there is, at parish level, a sufficient  15 awareness of the long, extensive and quite complicated,  16 in some cases, policies that are in place?  17 <b>A. No.</b>  18 Q. So what you would like -- your practical answer is, you  19 would like almost a ready reckoner, a single page of --  20 <b>A. Yes. Parish priests, particularly in under-resourced</b>  21 <b>parishes, have to be accountants and boiler engineers</b>  22 <b>and roof repairers and priests sometimes. They have</b>  23 <b>a relationship with individuals which, as I say, is very</b>  24 <b>particular. It is the cure of souls. It is a pastoral</b>  25 <b>responsibility. To add on to it -- safeguarding is</b></p> <p style="text-align: center;">Page 32</p>



1 **a vital part of the cure of souls, but it requires**  
 2 **making judgments and, for a parish priest, to make**  
 3 **a judgment about members of the congregation can be very**  
 4 **painful and very difficult because they don't have the**  
 5 **training for it.**  
 6 Q. Whilst we are speaking about training, one of  
 7 the findings from your report, almost an incidental  
 8 finding, was that your parish had not implemented the  
 9 Diocese of London's safeguarding policy in relation to  
 10 the compulsory training which should be carried out by  
 11 lay members of staff as well as clergy, and the  
 12 individual F23 had not had that training. Is that  
 13 right?  
 14 **A. Yes. Yes.**  
 15 Q. Do you have any thoughts about whether there should be  
 16 distinctions or the adequacy of the distinctions in  
 17 place for training between clergy, laity and, indeed,  
 18 volunteers?  
 19 **A. I can't see why there's a difference. I can't see why**  
 20 **I do a day's training every three years, but the**  
 21 **Children's Champion can do an online course in an hour.**  
 22 **It seems to me that there should be no distinction**  
 23 **between any of us, and the idea somehow that the clergy**  
 24 **should play a greater -- I suppose in some way I can see**  
 25 **why they have to play a greater role, but everyone**

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1 hearing, aren't you?  
 2 **A. That's right.**  
 3 Q. So if at any point you don't hear me clearly, please do  
 4 let me know.  
 5 Secondly, just a few preliminaries. Firstly, this  
 6 isn't a test of memory. We have a very comprehensive  
 7 report -- I couldn't possibly expect you to remember  
 8 everything that's in it.  
 9 **A. Thank you.**  
 10 Q. Please feel free to refer to them as much as possible,  
 11 and I will try and take you through the report in  
 12 a fairly logical order, so that we can understand what's  
 13 going on.  
 14 **A. Thank you.**  
 15 Q. Secondly, we can take a break as often as you like, and  
 16 we will be doing so in 15 minutes, in any event.  
 17 Lastly, if we need to refer you to documents, they  
 18 will come up on the screen next to you, but there are  
 19 also two bundles of documents. So I will point you to  
 20 the relevant tab number if I need you to look at  
 21 a particular document --  
 22 **A. Thank you.**  
 23 Q. -- if that's helpful for you.  
 24 **A. Yes.**  
 25 Q. Now, we have an expert report from you. Can I just

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1 **should be aware of safeguarding and what to do if**  
 2 **something happens, and I don't think the laity and the**  
 3 **volunteers are sufficiently trained.**  
 4 MS McNEILL: Thank you very much, Father X2. Chair, that  
 5 concludes my questions for this witness. Do you or the  
 6 panel have any questions for this witness?  
 7 **A. No, we don't.**  
 8 MS McNEILL: Chair, it is early for our break, but we are  
 9 sitting in closed session. I wonder if we could have  
 10 a short break to get the room set back up?  
 11 THE CHAIR: Yes, we will do that. Five minutes.  
 12 MS McNEILL: Thank you, chair.  
 13 (10.50 am)  
 14 (A short break)  
 15 (11.00 am)  
 16 (In Open Session)  
 17 MS SCOLDING: Good morning, chair and panel. We will now be  
 18 hearing from Ms Edina Carmi, who is giving evidence  
 19 today as an expert witness.  
 20 MS EDINA CARMi (affirmed)  
 21 Examination by MS SCOLDING  
 22 MS SCOLDING: Good morning, Ms Carmi. Thank you very much  
 23 for coming to give us evidence.  
 24 **A. Good morning.**  
 25 Q. I'm just reminding myself that you are slightly hard of

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1 identify, is the information within this expert report  
 2 true, to the best of your knowledge and belief?  
 3 **A. It is.**  
 4 Q. Have you expressed your true and complete professional  
 5 opinion?  
 6 **A. I have.**  
 7 Q. Are you familiar with the Civil Procedure Rules part 35  
 8 which governs the ethics and practice of expert evidence  
 9 in this respect?  
 10 **A. Not in detail.**  
 11 Q. But in outline terms?  
 12 **A. Yes.**  
 13 Q. Ms Carmi, we have your qualifications and experience  
 14 right at the end of the report, which is -- chair and  
 15 panel, it should be behind the first tab of your bundle,  
 16 if that's useful for you, the content of the report,  
 17 it's behind my A1 anyway -- EWM000466\_083.  
 18 Just to identify and take you through that briefly,  
 19 Ralph, I think you may well need to enlarge it slightly.  
 20 **A. Thank you.**  
 21 Q. That's fine. I couldn't read it either. You were  
 22 a social worker for very many years?  
 23 **A. Yes.**  
 24 Q. But since 2000, you have been an independent  
 25 safeguarding consultant. During your time as an

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<p>1 independent safeguarding consultant, you have been                  2 involved in writing or participating in more than                  3 70 Serious Case Reviews in one way or another?                  4 <b>A. Yes.</b>                  5 Q. Just to identify, please could you explain for members                  6 of the public, who may well be less familiar with the                  7 concept of a Serious Case Review, what is that?                  8 <b>A. A Serious Case Review is commissioned by what was the                  9 Local Safeguarding Children's Board whenever there is                  10 a -- a child has died or been significantly hurt and                  11 there's concern about the way that the agencies have                  12 worked together.</b>                  13 Q. Now, you came to give evidence to us last March because                  14 you were the author of a review commissioned by the                  15 Diocese of Chichester into the offending by an                  16 individual called Terence Banks who held a volunteer                  17 role in Chichester Cathedral.                  18 <b>A. That's right.</b>                  19 Q. You have also been involved with SCIE, that's the Social                  20 Care Institute for Excellence -- I have got that right,                  21 haven't I --                  22 <b>A. Yes.</b>                  23 Q. -- who have carried out some audits of dioceses; that's                  24 right, isn't it?                  25 <b>A. That's correct, yes.</b></p> <p style="text-align: center;">Page 37</p>	<p>1 Q. Perhaps you'd like to explain briefly what your role has                  2 been in the context of the SCIE audits?                  3 <b>A. Okay. I've been involved from the beginning, from the                  4 tendering process to get the contract for the national                  5 audit of all the dioceses in England, and that was                  6 a three-day audit of every single diocese's safeguarding                  7 work. I wasn't personally undertaking the audits.                  8 I work as a consultant for SCIE, and I was -- had the                  9 title of lead auditor, but my role was quality assurance                  10 of the individual diocesan reports, and then writing the                  11 three overview reports on the findings.</b>                  12 Q. We've had regard to various of those overview reports                  13 and looked at them in various of the witnesses who have                  14 come to give evidence.                  15 As I understand it, you're also supervising the team                  16 of auditors who are undertaking the reviews into                  17 cathedrals. Is that right?                  18 <b>A. My cathedral role is slightly different. I have stepped                  19 back a little bit. I will be offering supervision but                  20 I'm not offering quality assurance of the reports and                  21 I will be writing the overview in the end.</b>                  22 Q. You were assisted in drafting the report you have given                  23 to us by a Ms Lucy Erber. Her details are at the bottom                  24 of that page. Could you describe how you split the work                  25 between you, if you wouldn't mind?</p> <p style="text-align: center;">Page 38</p>
<p>1 <b>A. Yes. Lucy Erber is also another experienced consultant                  2 and has worked on the audits on the Church of England.                  3 Whilst we both read the documents, she undertook the                  4 detailed chronologies which are at the back of your                  5 review, and I undertook -- and I wrote the report.</b>                  6 Q. So this investigation instructed you to provide an                  7 expert review which is based upon a desktop audit of                  8 documents which were provided by four dioceses in the                  9 Church of England and six dioceses in the                  10 Church in Wales. The investigation team selected -- we                  11 selected cases from various dioceses, after having been                  12 sent a list from each diocese with a summary of casework                  13 which had been undertaken between April 2017                  14 and April 2018, so that we could have a look at                  15 a snapshot -- and we recognise it can only be                  16 a snapshot -- of some aspects of safeguarding on the                  17 ground, so to speak, during that time.                  18 We provided you with four examples for each of                  19 the English dioceses, which are Worcester, Sheffield,                  20 London and York, and six examples, one for each of the                  21 dioceses for the Church in Wales.                  22 <b>A. Yes.</b>                  23 Q. We instructed you to carry out a desktop review, largely                  24 because of time constraints, but also because, given the                  25 criticism which is made within the SCIE audits about</p> <p style="text-align: center;">Page 39</p>	<p>1 record keeping, this investigation was interested to see                  2 if practice had changed as a result of the criticisms                  3 and concerns that had been expressed during those                  4 reports.                  5 This investigation also says now that your report is                  6 obviously qualified in some way, as you haven't had                  7 a chance to directly speak to anybody who is engaged in                  8 the matter, either in managing the safeguarding or who                  9 was the subject of the safeguarding concern. That's                  10 right, isn't it?                  11 <b>A. That is correct, yes.</b>                  12 Q. We have, however, sent you a variety of witness                  13 statements from individuals within the church who were                  14 involved with this, and you have had an opportunity to                  15 look at those, but that postdates your written report.                  16 That's right, isn't it?                  17 <b>A. That's correct.</b>                  18 Q. We haven't contacted the victims and survivors or those                  19 who were the subject of the case work because we have                  20 sought, as far as possible, to keep this anonymous, and                  21 this investigation determined that, otherwise, their                  22 privacy would -- those individuals' privacy would be                  23 disproportionately compromised if we sought to approach                  24 them directly.                  25 <b>A. Right.</b></p> <p style="text-align: center;">Page 40</p>

<p>1 Q. You identify at the second page of your report the 2 material you used to inform your judgments, in 3 particular as to whether or not the responses of 4 the relevant individuals were or weren't adequate. 5 I don't think I'm going to take you through them, but 6 they are largely all the relevant practice and processes 7 which were in place and published by the 8 Church of England at the time in question? 9 <b>A. That's correct.</b> 10 Q. But I'm assuming, given your long experience in Serious 11 Case Reviews and your long experience in safeguarding 12 consultants, you are familiar with Working Together to 13 Safeguard Children and Safer Recruitment in Education, 14 both of which are the relevant documents which were in 15 force in respect of statutory bodies at that time. Is 16 that right? 17 <b>A. Yes, indeed.</b> 18 Q. Right. Now that we've -- I'm going to structure the 19 rest of your questions by asking you about each of 20 the dioceses in turn, trying to draw out the main themes 21 and any issues that have arisen in respect of individual 22 cases. 23 <b>A. Yes.</b> 24 Q. And, in particular, to ask you whether or not your view 25 has changed or would change, in the light of any of</p> <p style="text-align: center;">Page 41</p>	<p>1 the further information you've been given by way of 2 the witness statements. 3 <b>A. Yes.</b> 4 Q. So, on that note, can we turn first to the diocese of 5 Worcester, which is the first in time as it appears. 6 Ralph, would you mind getting up EWM000466. 7 So what I'm going to do in each of these cases is, 8 I'm going to give a little precis or summary of what the 9 issue was about, and then I'll ask Ms Carmi to comment. 10 So the first case we're dealing with -- could you get up 11 006, please, Ralph. If you could please enlarge the 12 summary slightly. So at the beginning of every one of 13 your analyses, you undertake a brief summary, and I'm 14 going to summarise this yet further. This was a case 15 where a family had reported concerns to their vicar 16 about text messages which had been sent by an individual 17 in their 70s to their 18-year-old daughter. Those 18 messages were inappropriate, shall I put it like that? 19 <b>A. Yes.</b> 20 Q. And were potentially to be construed as grooming. Now, 21 you identify, and you set out -- and maybe this is 22 a sensible way, if we do it first with this case and 23 then we don't have to do it with the others. At 1.2, 24 Ralph, at the bottom of the page, you set out in your 25 report in every one of these a detailed summary of what</p> <p style="text-align: center;">Page 42</p>
<p>1 happened and when and the actions involved in respect of 2 the church's report, and you then -- if we can go down 3 to 1.3, please, Ralph, you then identify -- and this is 4 for each of them -- if the actions were consistent with 5 the relevant policies and practice. 6 <b>A. Yes.</b> 7 Q. If we then go to 1.4, you then say, irrespective of 8 whether or not they followed the relevant policies and 9 practice, were they adequate, ie, in circumstances where 10 you don't think the church's practice was adequate or 11 appropriate, you identify such. And then at 1.5, and 12 pretty much we can follow this for every single one, 13 there are then examples of good, poor practice and any 14 lessons learnt which could be applicable more widely? 15 <b>A. Yes.</b> 16 Q. So this was the situation: family reported concerns to 17 the vicar, inappropriate text messages, the LADO was 18 involved but no further action was taken by the 19 statutory authorities and, eventually, there was 20 a signed safeguarding agreement. 21 Now, can I take you to 1.5. Ralph, if you wouldn't 22 mind getting up 008 and 009 together, because that is 23 "Good practice" and then "Weakness in professional 24 practice". If we could get two pages up on the screen. 25 Could you tell us, in summary terms, what the church</p> <p style="text-align: center;">Page 43</p>	<p>1 did well and what the church did less well on the facts 2 of this particular case? 3 <b>A. Okay. I would say that, firstly, what might be -- not 4 just be here, but applies to all the Worcester cases, 5 their recording was very, very good. A complete case 6 log. You could follow what happened, when, what 7 actions, and very often the reasons for them, and they 8 included supervision notes as well.</b> 9 Q. So most certainly the assistant diocesan safeguarding 10 advisor, who I think was principally responsible for the 11 preparation of this, had obviously read the SCIE audits 12 and had improved the case recording? 13 <b>A. Yes, absolutely. So if we think about good practice 14 here -- actually, I'm going to go firstly, not quite in 15 the order of here, to the family. Because I actually 16 think the family's practice was very, very good. The 17 family brought it to the attention -- the parents and 18 the daughter, the 18 -- of the vicar on a Friday night. 19 They agreed with the vicar, over the weekend, sort of 20 interim safeguarding measures which would stop them 21 being in contact with the particular man in his 70s, and 22 I would have to say that they carried on being very, 23 very understanding of the position of the church and 24 this particular man, and they avoided contact with him. 25 So they changed their lives and what service and what</b></p> <p style="text-align: center;">Page 44</p>

1 interaction they had with the church. Whether that's  
 2 appropriate or not, I'm not sure. I'm not sure that it  
 3 was. But they were very understanding and they were  
 4 very understanding when things that were being promised  
 5 to them didn't happen. So I would just like to commend  
 6 the family there.

7 In terms of thinking about good practice, the vicar  
 8 actually -- really commended right at the beginning,  
 9 because he took action immediately. It was a Friday  
 10 night. Over the weekend, he contacted the safeguarding  
 11 service and spoke to the assistant DSA, and even though  
 12 this was a man he had known for many, many years as  
 13 a solid member of the congregation, he heard, he  
 14 listened, he recognised that, actually, this was  
 15 something to be concerned about.

16 And he contacted the ASDA -- no, not ASDA, the ADSA.

17 Q. We both had this problem this morning, in that I had  
 18 written, instead of "Assistant Diocesan Safeguarding  
 19 Advisor", "ASDA", for some reason, in my acronym, so  
 20 I apologise now to Ms Stokes and everybody else. The  
 21 Assistant Diocesan Safeguarding Advisor. I think maybe  
 22 if we just call her the DSA --

23 A. Yes --

24 Q. -- although I know she isn't the DSA then?

25 A. -- I think that will help, because I now have that in my

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1 I think also the Assistant DSA had problems because,  
 2 actually, there wasn't good enough sharing information  
 3 from the LADO, because, as the family pointed out, right  
 4 from the start, the concerns were, this was not just  
 5 about this church. This man had a position with  
 6 a national sports agency where he came into contact with  
 7 children, and, therefore, the risks were even higher.

8 The Assistant DSA actually chased up this from the  
 9 LADO and eventually the Sports Association, because she  
 10 wasn't being given that information from the LADO. So  
 11 when the police and the LADO really felt that there was  
 12 no -- they weren't going to do anything more, she took  
 13 it up. But -- and I think this is the issue with  
 14 probably all the Worcester cases -- she took it up but  
 15 it was quite slow and, actually, if you think these  
 16 things are actually very serious, the risk is serious,  
 17 and therefore there needs to be an urgency in response.

18 But so the concerns were raised in the  
 19 mid June 2017, and it's seven months before she visits  
 20 the family. I think by the time you have to -- nine  
 21 months for a signed safeguarding agreement. And then,  
 22 actually, 13 months before you actually are talking to  
 23 the people who are going to have to implement the  
 24 safeguarding agreement in the church.

25 In that time, again, there were delays in speaking

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1 head, "ASDA".

2 Q. We both do.

3 A. So she also acted very, very well over that weekend.  
 4 She contacted someone for advice. I didn't know then,  
 5 but she was actually new in the post. She contacted,  
 6 she sought advice, she ensured there were actual  
 7 arrangements over the weekend for safeguarding, and she  
 8 continued then later, after a little bit of delay, to  
 9 report it to the LADO, and, actually, she chased up the  
 10 LADO service because the LADO service was very delayed  
 11 in their response.

12 Q. Do you think this is something which is possibly  
 13 a common feature when you're dealing with -- because in  
 14 a number of these cases, we see delays when you're  
 15 having to deal with statutory agencies, whether it's the  
 16 police, probation or the LADO?

17 A. Yes, I think that it is, and particularly cases,  
 18 I imagine, where statutory agencies don't see it as  
 19 urgent themselves, because although it is very  
 20 important, and urgent for the church, because they have  
 21 to think about how you actually implement safeguarding,  
 22 because of the types of cases that the statutory  
 23 services are dealing with, which might be actually more  
 24 serious concerns, where the abuse, you know, has gone  
 25 further, they might not respond so quickly to that.

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1 to the actual victim herself. Now, she was 18 years  
 2 old, and the vicar did speak to her the first night, but  
 3 after that, all contact was with the father, and the  
 4 Assistant DSA did have quite a lot of telephone contact  
 5 with the father but actually didn't with the victim.  
 6 And we don't know the reason why. It may be that that  
 7 was what the victim preferred, but that's not recorded.

8 So she doesn't meet the victim until January and  
 9 doesn't see the victim on her own. And there is  
 10 something about seeing people on their own and giving  
 11 a chance to listen to them, which can actually throw  
 12 a lot more light, and quite often you get more  
 13 information about what actually the concerns are. So  
 14 that never happens.

15 But she does speak to them all. By that time, she  
 16 has seen the man, who is aged in his 70s, with his wife,  
 17 and with the vicar, in a joint visit, and they have  
 18 discussed through what the risk is and formulated the  
 19 beginnings of a safeguarding agreement.

20 In there, there is a bit of good practice, because  
 21 she actually decides to see the man on his own for  
 22 a little bit. The vicar manages to call the wife out.  
 23 So she's actually able to discuss with the man the  
 24 content of the texts, and he then admits that they  
 25 are -- and I think that was quite -- it's the only time

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<p>1 in all the audits I saw a DSA actually talk to somebody                  2 on their own, and it is significantly different when                  3 you're actually able to talk to them on their own                  4 without their partner being present and actually discuss                  5 really what the content was and disclose what                  6 information she had about the texts, because she had                  7 actually seen transcripts, and there's no doubt that                  8 they were worrying.                  9 So only then did he admit, really, that he'd --                  10 what -- the content of what he had written.                  11 But then, after that, there's lots of delays, and                  12 the delays are recorded as difficulty -- the vicar                  13 doesn't do things because he has illness in his family                  14 and then a death. There is illness with the man in his                  15 70s, the respondent, and therefore the delays in that.                  16 And we have a lot of loose ends at the end where we're                  17 not quite sure.                  18 The respondent agrees to write a letter of apology                  19 to give to the vicar to give to the family. From the                  20 recording, I don't know that that was ever done, and the                  21 family did want that.                  22 The family also asked to meet with him, and that, as                  23 far as the recording goes, was never arranged. It might                  24 be that that was arranged later. I don't know.                  25 And then, finally, there was no review undertaken,</p> <p style="text-align: center;">Page 49</p>	<p>1 although there was one planned, but not in the period                  2 that we were looking at the case was a review                  3 undertaken.                  4 Q. As I understand it, the Archbishops' Council have told                  5 us that there has since been a formal review, with all                  6 the signatories meeting face to face, and relevant                  7 amendments have been made to the safeguarding agreement?                  8 A. Oh, that's good.                  9 Q. So they have provided us with that information.                  10 Chair, I note the time. I don't know whether now                  11 might be an appropriate moment to have our morning                  12 break?                  13 THE CHAIR: Yes, we will return at 11.35 am.                  14 (11.20 am)                  15 (A short break)                  16 (11.37 am)                  17 MS SCOLDING: In particular, we were still talking about the                  18 first Worcestershire case, and you had identified some                  19 very good things about the practice, but also some                  20 things which could possibly have been improved.                  21 Largely, I think your concern was one of delay.                  22 A. Yes.                  23 Q. Can I also identify something else, which is, the police                  24 in this case were of the view -- we don't need to get                  25 the texts up -- that the texts were inappropriate but</p> <p style="text-align: center;">Page 50</p>
<p>1 weren't grooming. Did you agree with that view?                  2 Because the police decided not to take any further                  3 action in that respect.                  4 A. Certainly from reading the detail of them, they                  5 certainly appeared grooming. You can't think of what                  6 else they could have been. They were certainly                  7 inappropriate. And also, if you put together the fact                  8 that actually what was found out -- I presume the police                  9 knew that there were two other cases going on with the                  10 National Sports Association that was mentioned, where                  11 there had been similar instances of texts.                  12 Q. Now, we have a witness statement from Ms Stokes, who                  13 carried out the work in this case. And you have already                  14 identified that you have had an opportunity to read                  15 that. Ralph, would you mind getting up ACE027575_008.                  16 This is Ms Stokes' witness statement. This takes you                  17 through, really, step by step, her side of the story,                  18 and she accepts and acknowledges that it took quite                  19 a long time, at paragraph 25, to speak to the family,                  20 but one of the difficulties was the vicar was in the                  21 middle of a busy spell. So she would usually make those                  22 requests of the family via the vicar. Do you think that                  23 was an appropriate thing for her to have thought about                  24 doing or should she just have gone straight to the                  25 family?</p> <p style="text-align: center;">Page 51</p>	<p>1 A. Probably, and I think it is a more general comment, that                  2 there could be sometimes, perhaps, more direct                  3 communications between the DSAs and the people they are                  4 dealing with, rather than always doing it via the vicars                  5 or somebody else in the local church.                  6 Q. She then has her view about meeting the -- about when                  7 she met the family, at paragraph 30. Ralph, the next                  8 page, page 10, at which she identifies that in fact one                  9 of the issues -- she specifically identifies that she                  10 wanted to make sure that she cared for the individual                  11 concerned as a victim, although this is not how she                  12 perceived herself to be. In the light of that, do you                  13 think it was appropriate, or do you want to reconsider                  14 the view that you have reached, that she should have                  15 been spoken to separately?                  16 A. I think she should have been given the option right from                  17 the beginning to be seen and spoken to separately.                  18 I also think -- and added to that was that it should                  19 have been her who should have been asked for her                  20 permission to share information with the LADO,                  21 et cetera, whereas it was done via her father. I mean,                  22 she's 18, she's an adult. It might be that this is                  23 exactly what she -- she didn't want to be a victim and                  24 she didn't wish to be involved, but she just should have                  25 been given the option.</p> <p style="text-align: center;">Page 52</p>

<p>1 Q. I think what Ms Stokes says at paragraph 32 -- this is                  2 011, Ralph -- is that the difficulty is that she had --                  3 well, there had been some periods of people, various                  4 people, being off, and therefore there was a particular                  5 backlog. So I think she accepts, at paragraph 32, that                  6 there was a backlog in her being able to do her work and                  7 it was longer than anticipated to set the meeting up.                  8 But then can I take you to the terms of                  9 the agreement, which is at paragraph 33, so that's 012.                  10 In fact, it goes up -- Ralph, if you could bring up the                  11 top of that next page as well so that we can have both                  12 of them together, if possible. Do you have any views as                  13 to the adequacy of the safeguarding agreement? I think,                  14 Ralph, would you mind -- are you doing it? Thank you.                  15 Would you mind just getting up the bits with bullet                  16 points on paragraph 33 towards the bottom and then the                  17 very top of the next page? So this is the safeguarding                  18 agreement. In fact, that isn't all of it. So this is                  19 the safeguarding agreement that was signed. Do you have                  20 any concerns about this? Does it look adequate?                  21 I mean, obviously you would have seen the original                  22 version of it?                  23 <b>A. Yes. I think it looked adequate from the knowledge she</b>                  24 <b>had, although I think it's a little bit -- where the</b>                  25 <b>fact that actually, as I said before, the family were</b></p> <p style="text-align: center;">Page 53</p>	<p>1 <b>the ones that were having to change which service they</b>                  2 <b>attended, whereas I would have actually thought it</b>                  3 <b>better to specify which service he could attend, where</b>                  4 <b>there wouldn't be children around and young people,</b>                  5 <b>rather than the other way around. So that's number one,</b>                  6 <b>and it is about the sort of -- what's involved in the</b>                  7 <b>risk assessment beforehand.</b>                  8 <b>Other than that, yes, I think it is adequate.</b>                  9 Q. Do you have any views about -- at paragraph 35,                  10 Ms Stokes identifies how this agreement was going to be                  11 monitored. Ralph, would you mind getting up                  12 paragraph 35. Thank you very much. Do you have any                  13 views about how practicable it is for the individuals                  14 that they identify, which is key members of the church                  15 congregation, sometimes it's the churchwarden, the                  16 Parish Safeguarding Officer, they're primarily                  17 responsible for monitoring that agreement. Do you think                  18 that's a sensible way forward?                  19 <b>A. I think -- I actually think it's quite difficult</b>                  20 <b>monitoring all these safeguarding agreements as to how</b>                  21 <b>it's done, and there seems to be a wide variety.</b>                  22 <b>I mean, on the positive side here, you've actually got</b>                  23 <b>two churchwardens and a Parish Safeguarding Officer plus</b>                  24 <b>the incumbent, so that's four people, so it is shared</b>                  25 <b>around by more. Although it is not really clear how</b></p> <p style="text-align: center;">Page 54</p>
<p>1 <b>they're going to do it, how they actually in practice</b>                  2 <b>can do that. And what is expected of them in terms of,</b>                  3 <b>is one of them with them all the time, you know, how is</b>                  4 <b>that apportioned? And then in terms of actually how you</b>                  5 <b>monitor and review are there meetings between the four</b>                  6 <b>of them, do they discuss how it's going, and they don't</b>                  7 <b>seem to report back at all to the DSA, and there seems</b>                  8 <b>to be no linking at all between reviews, or even at</b>                  9 <b>reviews, between how it's going. So there's no formal</b>                  10 <b>sense of how it's monitored.</b>                  11 Q. You would say that it would be preferable if there was                  12 some kind of formal monitoring and review?                  13 <b>A. Yes, yes, I think so, because quite a lot of them feel</b>                  14 <b>like they get forgotten about, except when the DSA</b>                  15 <b>chases up, you know, what's happening. And other</b>                  16 <b>ones -- I mean, this has got four people but there are</b>                  17 <b>other ones where you just have one or two people</b>                  18 <b>involved and I'm not sure how one or two people are</b>                  19 <b>meant to monitor it.</b>                  20 Q. We also have a witness statement from the vicar                  21 involved, who I am going to call X3. He provides an                  22 explanation -- Ralph, do you mind getting up                  23 ACE027582_009, paragraph 20. He provides his                  24 explanation for the delay in setting up the meeting                  25 there. Let's just wait for it to come up. He says,</p> <p style="text-align: center;">Page 55</p>	<p>1 halfway down:                  2 "On reflection, I should have acted more promptly in                  3 setting up this meeting. However, I did not consider                  4 this meeting ... to be a safeguarding imperative given                  5 the fact that a safeguarding agreement was going to be                  6 put in place. I instead viewed it as an important                  7 pastoral step ..."                  8 This was the meeting between the family and the                  9 individual concerned. Can I take you as well to                  10 paragraphs -- so what do you think about that as an                  11 explanation for not setting up the meeting quickly                  12 enough because it wasn't urgent, so to speak?                  13 <b>A. Whilst not urgent, and I can see what he says about it</b>                  14 <b>being pastoral, actually, I think it was a very --</b>                  15 <b>actually, that is very important. It was very important</b>                  16 <b>for the family to have that. And when you're thinking</b>                  17 <b>about the welfare of people who have suffered through</b>                  18 <b>this, and it also probably was very important for the</b>                  19 <b>man himself to have to face. I mean, thinking about</b>                  20 <b>future risk, actually, one of the things of being able</b>                  21 <b>to talk to the people that you have harmed and actually</b>                  22 <b>being able to discuss the impact actually might --</b>                  23 <b>might -- act as a little bit of a deterrent on another</b>                  24 <b>occasion.</b>                  25 Q. Okay. And can I also identify that as a result of</p> <p style="text-align: center;">Page 56</p>

<p>1 this -- can we go to paragraphs 27 and 29, please,                  2 Ralph, of X3's witness statement. This identifies the                  3 fact that the PSO then became more involved and then at                  4 31 -- Ralph, I think maybe could you get 27, Ralph, up                  5 to 30. This then shows that, really, largely, this                  6 matter was managed by the incumbent, ie, the vicar,                  7 rather than the Parish Safeguarding Officer. What do                  8 you think about -- is there anything we can learn,                  9 usefully, from this case about the relationship between                  10 the DSA, the PSO and the incumbent in terms of who                  11 should be responsible for what?</p> <p>12 <b>A. I think, again, this case is no different to any of</b>                  13 <b>the others, I don't think. The PSOs are largely</b>                  14 <b>invisible in these cases. And certainly, to be able to</b>                  15 <b>give the PSOs a larger role and more responsibility, to</b>                  16 <b>have more knowledge, more direct communication with the</b>                  17 <b>DSA would benefit because it would increase the</b>                  18 <b>ability -- the knowledge and somebody responsible for</b>                  19 <b>monitoring in a way perhaps different from the</b>                  20 <b>incumbent, because the incumbent has got sort of dual</b>                  21 <b>responsibilities to both, in this case the man, who is</b>                  22 <b>long known as a member of the congregation, and the</b>                  23 <b>family, and trying to care for them both, whereas,</b>                  24 <b>actually, the safeguarding officer's focus would</b>                  25 <b>actually be on the safety of children in the church or</b></p> <p style="text-align: center;">Page 57</p>	<p>1 <b>vulnerable young adults. So I think actually bringing</b>                  2 <b>them in would help, to the extent that you have a PSO</b>                  3 <b>who is willing and able to do this.</b></p> <p>4 Q. And this is what -- something which the incumbent in                  5 this case identifies at paragraph 36, please, Ralph,                  6 that's 014 of this document. He identifies some things                  7 which he thinks have got better during his time in                  8 office within the parish, firstly of which is using                  9 training, and, in fact, you could show he did use the                  10 training in this case, because he contacted the DSA,                  11 which is what the training told him to do?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. But what he also identifies at (b) is:                  14 "Using a team with a well-chosen PSO who is focused                  15 and does not have the distraction of other                  16 responsibilities is advised. Our present PSO, who has                  17 demonstrated the importance of keeping up with the                  18 administrative tasks, also offers his experience and                  19 measured advice when it is needed."                  20 So I think that identifies that the Parish                  21 Safeguarding Officer is quite a task?</p> <p>22 <b>A. It is quite a task, and a voluntary task.</b></p> <p>23 Q. Yes.</p> <p>24 <b>A. So it is quite a task for anybody to take on, yes.</b></p> <p>25 Q. They have also identified at (c) that they have</p> <p style="text-align: center;">Page 58</p>
<p>1 introduced an advocate for children who is designed to                  2 interact with children and exercise a listening ministry                  3 with them, and they also now include health and safety                  4 and safeguarding as an item on the agenda of the PCC.                  5 Do you think the idea of having a children's advocate --                  6 again, it is yet another voluntary role that an                  7 individual has to undertake, so I'm not suggesting it                  8 should be mandatory, but do you think that that's a good                  9 idea generally?</p> <p>10 <b>A. It's certainly a good idea. I mean, the more resources</b>                  11 <b>there are for children to be able to be heard, listened</b>                  12 <b>to, somebody advocating on their behalf, must be good.</b></p> <p>13 Q. Can we now turn to the second case. Again, I'm going to                  14 take you -- Ralph, this is EWM000466, and it starts at                  15 010. Now, the summary of this case is this was a risk                  16 assessment process for an individual who had been                  17 convicted of sexual offending and wanted to attend                  18 a church. A safeguarding agreement was signed, but then                  19 his appeal against his sentence meant that he was no                  20 longer subject to a Sexual Harm Prevention Order which                  21 prevented his contact or made supervision. So in fact,                  22 when we picked this case, we didn't realise that in fact                  23 the safeguarding agreement that was put in place was                  24 then set aside.                  25 Now, you identify some concerns, as you set out at</p> <p style="text-align: center;">Page 59</p>	<p>1 2.6, and this is 013, please, Ralph. What you basically                  2 say, and I think we're using this as an example of risk                  3 assessment, is that there are some issues with the way                  4 that the risk assessment was carried out in this case in                  5 terms of assessing risk rather than simply putting in                  6 place some kind of plan. Is that right, Ms Carmi?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. Perhaps you'd like to tell us about that?</p> <p>9 <b>A. Okay. And, again, this is throughout, really, all the</b>                  10 <b>cases.</b></p> <p>11 Q. Yes.</p> <p>12 <b>A. And it derives from the practice guidance and confusions</b>                  13 <b>there. But, basically -- and if you're talking about</b>                  14 <b>someone who is not a church officer, which is this</b>                  15 <b>case -- risk assessments -- you don't have, necessarily,</b>                  16 <b>any investigation. So you wouldn't have, unless it was</b>                  17 <b>done by the statutory services. So you need to go to</b>                  18 <b>the statutory services to get as much information as</b>                  19 <b>possible, and the guidance does tell you to, to try and</b>                  20 <b>get any risk assessment. And you would have expected</b>                  21 <b>there would be some kind of risk assessment available</b>                  22 <b>for a convicted offender through their offender manager</b>                  23 <b>in the police or in probation.</b></p> <p>24 <b>There wasn't a record of any attempts, ever, trying</b>                  25 <b>to get anything in writing. Sometimes you'll get</b></p> <p style="text-align: center;">Page 60</p>

<p>1 something verbally. It might be that nobody would ever                  2 provide it, but we don't actually ever see any attempts                  3 being made. So that doesn't happen.                  4 So, in actual fact, the focus of risk assessment in                  5 all the cases is about risk management and, in actual                  6 fact, that also goes with the fact of the lack of any                  7 template to do with risk assessment.                  8 Q. You identify that, at the moment -- well, at the time in                  9 question, there wasn't guidance -- well, there was                  10 guidance, but there weren't any sort of standardised                  11 templates about assessing risk?                  12 A. Assessing risk, there is guidance which you would have                  13 to look in another place for because there's the general                  14 guidance for risk assessment in the church officer                  15 section of the guidance. But there's no template to                  16 use, except for those who are doing independent risk                  17 assessments. And what you tend to find is that, in the                  18 previous guidance, there was something called a risk                  19 management template, and that seems to be what people                  20 are using, which focuses on risk management rather than                  21 risk assessment, although sometimes they change the                  22 title to be called risk assessment and risk management.                  23 Q. Can I ask a basic question: what is the difference                  24 between risk management and risk assessment, because                  25 some people would say they are the same thing?</p> <p style="text-align: center;">Page 61</p>	<p>1 A. Risk assessment is trying to understand what the risk is                  2 about: who would be at risk from this person; in what                  3 way does the person operate; how are people vulnerable                  4 from this person, and therefore thinking about how you                  5 protect. The going straight to managing risk means                  6 basically, you are getting, by and large, an identical                  7 plan being made in all cases, which is, you know, how                  8 you keep them away from children without thinking, well,                  9 which children are vulnerable, in what circumstances are                  10 they vulnerable, and, actually, how dangerous is this                  11 person? You know, is this somebody who will just take                  12 advantage -- in an assessment, you have to think about,                  13 are they somebody who will really seek out and are very                  14 dangerous or they will just be opportune, opportunist.                  15 So you have to have a full understanding of the way                  16 they operate, what the risks are, and for that you                  17 really need to know the whole history about their                  18 offending, you need to know about their attitudes                  19 towards the offence, their attitudes towards the victim.                  20 This is all quite -- if you don't get it from the                  21 statutory authorities, you actually need to spend some                  22 time with the person and also trying to get as much                  23 history as possible before you switch to the management,                  24 and you need to separate those two tasks out.                  25 Q. So can I just clarify, the church, as I understand it,</p> <p style="text-align: center;">Page 62</p>
<p>1 if somebody isn't a church officer, the risk                  2 assessment -- as in this case, if it is just somebody                  3 who wants to attend -- go to a particular service or                  4 wants to be part of the church community, there is no                  5 kind of independent risk assessment that the church                  6 authorises?                  7 A. No.                  8 Q. It may well be that offender management and other people                  9 have done one, but not the church. So the risk                  10 assessment profile and processes are carried out                  11 internally by the Diocesan Safeguarding Advisor or                  12 somebody on that team. That's right, isn't it?                  13 A. That's right. That's for the Church of England. The                  14 Church in Wales may be a little different. I'm not                  15 quite sure.                  16 Q. That's fine. You would say the problem is, there isn't                  17 enough -- can I summarise it, possibly inaccurately --                  18 there is not enough thought going into what exactly the                  19 risks might be on the particular facts of this                  20 particular case?                  21 A. Yes, there's not enough thought -- analysis of                  22 information you've got, identifying what further                  23 information you need, actually undertaking some quite                  24 direct work with the person to find out more about him                  25 or her.</p> <p style="text-align: center;">Page 63</p>	<p>1 Q. You also recommend there that there needs to be some                  2 guidance about the timescales for undertaking risk                  3 assessments and implementing safeguarding agreements,                  4 that there should be some sort of expected timescales?                  5 A. Yes.                  6 Q. Because, again, I think in this case there were issues                  7 with people being on holiday and then the offender                  8 manager being unwell and, therefore, there were, again,                  9 difficulties because you're dealing with a number of                  10 statutory agencies?                  11 A. Yes. So, again, in this case, it took ten months, so it                  12 took a long time. Now, the previous guidance had some                  13 timelines -- timescales, although I didn't quite                  14 understand how they worked in terms of what exactly they                  15 were saying. This one has dropped timescales, except                  16 for at the end period.                  17 Q. So this is the guidance from the Church of England?                  18 A. This is the 2015 and the 2017 guidance. So the 2017                  19 guidance has got some timescales at the end of                  20 the process in terms of writing up the safeguarding                  21 agreement once you have sort of collected your --                  22 I think you've had your meeting with the respondent.                  23 But other than that, you can take forever to start it.                  24 Q. Ms Stokes, in fact, as it was she who was managing this                  25 case, agrees with you. Ralph, would you mind getting up</p> <p style="text-align: center;">Page 64</p>



<p>1 Ms Stokes' witness statement, ACE027575_024 at 2 paragraph 79: 3 "... was due to my wish to have a robust 4 approach ... once I was informed about his legal 5 matter ..." 6 Paragraph 80, please, Ralph. This is the right one. 7 I apologise. I should have said 80 to begin with. What 8 she says there is, in effect, that the relevant practice 9 guidance isn't entirely straightforward to follow. It 10 had only just been published. They found it difficult 11 to use it effectively. And she personally found it 12 tricky, and sometimes frustrating, to apply 13 a one-policy-fits-all approach to this work and she 14 calls she wasn't alone in this: 15 "For example, the guidance ... requirement to risk 16 assess and establish agreements, but does not provide 17 you with the suitable templates ..." 18 She says at the bottom that because this guidance 19 had just come into force, it was very time consuming and 20 difficult to provide the best advice, because it wasn't 21 clear in her mind. So there seems to be agreement 22 between you and the -- 23 <b>A. Absolutely.</b> 24 Q. -- Diocesan Safeguarding Advisor about the need to 25 clarify and provide some handy templates. What she also</p> <p style="text-align: center;">Page 65</p>	<p>1 says in this case, because there were, again, some 2 issues with delay in respect of the statutory bodies -- 3 can we go to paragraph 82, please, on the next page, 4 025. What she says, and again I think this is useful, 5 is there are 17 agreements within the diocese of 6 Worcester which demand a considerable amount of 7 information sharing and, again, that they are reliant on 8 authorities for information and there can be significant 9 delays in that respect. In the last sentence, she says 10 something: 11 "We would like, as a diocese, to establish 12 service-level agreements with our partner agencies in 13 order to address this issue." 14 What do you think about whether or not that's a good 15 idea, not just in this diocese but in all dioceses? 16 <b>A. Well, I think all dioceses struggle with this, and I've</b> 17 <b>known this from the SCIE diocesan audits where, right</b> 18 <b>from the beginning, and I remember having discussions at</b> 19 <b>the time with the Deputy National Safeguarding Advisor</b> 20 <b>about this and whether anything could be done</b> 21 <b>nationally, and at the time she did not think that</b> 22 <b>anything could be done nationally. Because it is very</b> 23 <b>difficult for those that cover a lot of authorities.</b> 24 <b>A lot of different agencies. I mean, one thing would</b> 25 <b>be, if you are looking at it on the local level, about</b></p> <p style="text-align: center;">Page 66</p>
<p>1 <b>negotiating with the successors to the LSCBs, the</b> 2 <b>partnership arrangements, to try and get at that,</b> 3 <b>actually, the church is part of the procedures and</b> 4 <b>actually it's identified there as being needing to be</b> 5 <b>able to share information with --</b> 6 Q. I mean, I know that it can be, under the new 7 legislation, a relevant partner. 8 <b>A. Yes.</b> 9 Q. What I'm not entirely clear about is whether or not that 10 therefore means it comes within the information sharing 11 provisions or whether or not they would need to be 12 separately agreed and negotiated by way of separate 13 agreements? 14 <b>A. I think that probably -- I think they would have to</b> 15 <b>actually approach the successor to the LSCB to actually</b> 16 <b>ensure that in any documents they are included in any</b> 17 <b>overall ones. What -- the problem is, and it varies</b> 18 <b>between authorities. Some places have separate</b> 19 <b>information sharing protocols between the individual</b> 20 <b>agencies within an area. But we did notice there were</b> 21 <b>a few dioceses who talked about the fact that the LSCB</b> 22 <b>Child Protection Procedures worked, they were included,</b> 23 <b>and they -- and so that is possible.</b> 24 <b>I think the other possibility, and I think</b> 25 <b>Graham Tilby mentions it in his witness statement here,</b></p> <p style="text-align: center;">Page 67</p>	<p>1 <b>is that now there is thought of trying to do something</b> 2 <b>nationally and I think that would obviously be best.</b> 3 Q. Yes. So something with ACPO and the Association of 4 Directors of Children's Services or the Association of 5 Directors of Adult Services, to have a Memorandum of 6 Understanding or an information sharing agreement? 7 <b>A. Yes. I think there needs to be something there. There</b> 8 <b>may -- I think you need to perhaps also look to whether</b> 9 <b>Working Together does enough in terms of raising the</b> 10 <b>fact that -- religious organisations, what information</b> 11 <b>needs to be shared with them.</b> 12 Q. Is that even in the light of the fact that the 2018 13 guidance certainly is expanded -- it used to be 14 a paragraph in the previous guidance. In 2018, 15 Working Together to Safeguard Children, there's about 16 three pages. Do you think the issue of information 17 sharing is flagged up enough in Working Together then? 18 <b>A. I would review it. As part of your work, I would review</b> 19 <b>it and think actually whether or not there needs to be</b> 20 <b>something really quite specific about this, because it</b> 21 <b>is clearly a recurring and still a current problem.</b> 22 Q. Can we turn now to case number 3. This starts -- Ralph, 23 if you wouldn't mind getting up EWM000466_014. Now, 24 4.1.1 to 4.1.3, if you wouldn't mind enlarging that, 25 please, Ralph. This deals with the Parish Safeguarding</p> <p style="text-align: center;">Page 68</p>

<p>1 Officer asked about whether or not somebody would need 2 a DBS check when they were going to become involved in 3 a new pastoral group some sort of 30/40 years earlier 4 they had been convicted of sexual offending, but they 5 were the brother of the individual concerned. 6 <b>A. Yes.</b> 7 Q. And the sexual offending had involved a 15-year-old and 8 a 16-year-old. This individual had undertaken a large 9 variety of roles, some of which were voluntary and some 10 of which were paid. The question really is, what should 11 have happened, and the DSA then implemented a risk 12 management plan as a result of this coming to her 13 attention, the fact that there was this issue and this 14 situation. 15 You identify at 4.5.1 of your report -- Ralph, 16 that's 016 -- the obvious issue, which is that there was 17 a conflict of interest. 18 <b>A. Yes.</b> 19 Q. I suppose the difficulty is that, in a number of 20 churches, you are likely to have family members who may 21 well be active in the church. So this is an inevitable 22 consequence of the church being a place for families, 23 isn't it? 24 <b>A. I think that is one of the real conflicts throughout</b> 25 <b>with church work, that you do have the fact that the</b></p> <p style="text-align: center;">Page 69</p>	<p>1 <b>whole families are involved and it's quite difficult to</b> 2 <b>separate a -- you know, have professional boundaries.</b> 3 <b>However, I really -- you know, I cannot see that it</b> 4 <b>is justifiable for the one person that is helping</b> 5 <b>undertake the risk assessment, as -- if you can call it</b> 6 <b>that, and then the risk management plan and the</b> 7 <b>safeguarding agreement, and then monitoring and</b> 8 <b>implementing the safeguarding agreement, to be the</b> 9 <b>Brother. The Brother who has actually not identified</b> 10 <b>there being anything -- a query, until there was a role</b> 11 <b>that needed DBS checking. Because this Brother had six</b> 12 <b>different roles in the church. Admittedly, there had</b> 13 <b>been 35-odd years without any concerns. So I can see</b> 14 <b>the dilemma here, really, for the Assistant DSA.</b> 15 <b>But the fact was that this was a small church, hence</b> 16 <b>why, presumably, this man had six roles in it and was</b> 17 <b>hoping to take a seventh, and I think the Brother, who</b> 18 <b>was a PSO, I think I saw something which also said he</b> 19 <b>might have been the churchwarden as well. But he was</b> 20 <b>the person -- the only person that the Assistant DSA had</b> 21 <b>to contact because the incumbent was off sick, I think,</b> 22 <b>at the time, comes back later and does sign the</b> 23 <b>safeguarding agreement, although there's no record here</b> 24 <b>of the DSA and the incumbent speaking, and, therefore,</b> 25 <b>it just felt totally inappropriate and how that was</b></p> <p style="text-align: center;">Page 70</p>
<p>1 <b>monitored, and the lack of review then, other than being</b> 2 <b>told there's no concerns by the PSO.</b> 3 Q. But I suppose the reality is that you -- I think what 4 the DSA says in this case, and this is Mrs Stokes, if 5 you wouldn't mind getting up Mrs Stokes' report at 6 paragraphs 83 to 106. 7 What she says as part of -- and the exact paragraph 8 number is, in reality -- it is paragraph 96, please, 9 Ralph, which is page 32. She says that the fact that 10 the Parish Safeguarding Officer approached her -- so her 11 response to this about the conflict of interest is she 12 was mindful of it, but the fact that he had approached 13 her with advice was a sign that he was acting 14 responsibly? 15 <b>A. I mean, I'm happy to accept he's acting responsibly, but</b> 16 <b>I think it's wrong to put him in a position where he</b> 17 <b>could be conflicted if there were any concerns that had</b> 18 <b>arisen, and I just feel intrinsically that it's -- it's</b> 19 <b>an inappropriate thing to put either of them in that</b> 20 <b>position, either Brother.</b> 21 Q. Ms Stokes also, just to identify, and I don't think we 22 need to take you to it, but sort of to paragraph 88, 23 that the delay was caused in fact because the incumbent 24 was off sick and there was delay because of 25 the Assistant DSA's workload. Again, do you think that</p> <p style="text-align: center;">Page 71</p>	<p>1 shows that maybe in the Worcester Diocese there might 2 need to be some additional resources in respect of risk 3 assessments? 4 <b>A. It sounds like it. I mean, I think I'm aware from her</b> 5 <b>statement that the DSA was off sick at some of this</b> 6 <b>time, so that would have increased her workload.</b> 7 Q. I think she was trying to do two people's jobs at least 8 for part of this period? 9 <b>A. I think it also, though, highlights a problem with small</b> 10 <b>parishes and actually the few people there are to</b> 11 <b>actually turn to to help in this case. So actually, who</b> 12 <b>did she have other than the Brother to choose from, as</b> 13 <b>he seemed to be PSO, possibly churchwarden, was there</b> 14 <b>anybody else? And there was nobody else identified in</b> 15 <b>the safeguarding agreement other than the incumbent who</b> 16 <b>signed it. So I'm not quite sure how it was monitored.</b> 17 Q. In fact, Ms Stokes herself identifies this at 18 paragraphs 105 through to 106 of her witness statement, 19 ACE027575_037 and 038. She identifies that -- this is 20 the top of page 38 -- small parishes often throw up 21 difficulties of their own, especially as the pool of 22 potential volunteers can be very small, and that, 23 therefore, what they're doing is to try and find 24 somebody else who can also sign and monitor it, who may 25 well be -- there may well be another churchwarden who</p> <p style="text-align: center;">Page 72</p>

1 can be slightly distant, shall we say, from the  
 2 situation?  
 3 **A. Yes. I agree. I mean, I think it was inappropriate,**  
 4 **but I'm not sure what choices she would have had in the**  
 5 **circumstances.**  
 6 Q. We've also got a witness statement from somebody that  
 7 I'm going to call X4, who was the incumbent at the time.  
 8 Do you have any views about -- Ralph, would you mind  
 9 getting up ACE027577\_003 at paragraph 10 of X4's witness  
 10 statement, he said that the PSO approached him  
 11 in March 2017 about whether or not there needed to be  
 12 a DBS check, which in fact I think was about a different  
 13 role. He was his brother:  
 14 "It was at that time I heard from him about a  
 15 background DBS issue ... however, I had no specific  
 16 knowledge ... until much later. This was perhaps  
 17 another occasion on which I should have asked further  
 18 questions and got a more complete understanding ..."  
 19 So the situation was that the PSO had, six months  
 20 before, in fact approached the incumbent and said, "for  
 21 another job entirely, I think there might be something  
 22 here" and the incumbent hadn't thought to contact the  
 23 DSA to ask for advice at that time. What do you think  
 24 about that, in terms of the approach to safeguarding?  
 25 **A. I think that the incumbent should have been seeking**

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1 **dealing with. It's not that this man was necessarily**  
 2 **a risk, but if he had offences -- and credit to the man**  
 3 **for actually mentioning that he didn't want to stand**  
 4 **because of that. But it does seem extremely surprising**  
 5 **that just -- actually, normal human curiosity would lead**  
 6 **you to ask a little bit more about it and want to know**  
 7 **and understand, let alone any particular knowledge about**  
 8 **safeguarding.**  
 9 **It would worry me in that -- we are not talking**  
 10 **about that long ago here, that, actually, given by now**  
 11 **the training that there's been in safeguarding that this**  
 12 **actually hasn't -- that this didn't actually lead to**  
 13 **earlier action by the incumbent and discussion with the**  
 14 **safeguarding service.**  
 15 Q. Can we turn now to the last case in respect of  
 16 Worcester, which starts at 017, EWM000466\_017. So this  
 17 is again a situation -- could we get up 5.1 to 5.1.2.  
 18 This is a situation of somebody who had a number of  
 19 offences against children and wanted to come and worship  
 20 in churches. In fact, not only had he offended against  
 21 children, but he had done so in youth activities via the  
 22 church and other matters. So what had happened is, he  
 23 had sort of, on and off, identified he wanted to attend  
 24 an Anglican Church but then didn't actually do so, so  
 25 there had to be liaison between the Anglican Church and

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1 **advice from the beginning and, as he says, should have**  
 2 **been asking further questions to get a complete**  
 3 **understanding of the fact that -- actually, it is quite**  
 4 **surprising that he didn't, at that point, want to know**  
 5 **what the risks were in his church where he had someone**  
 6 **here who was involved --**  
 7 Q. Who was heavily involved --  
 8 **A. -- heavily involved in church activities in the**  
 9 **community.**  
 10 Q. Again, one month later, he didn't -- it's identified  
 11 that he didn't stand for a particular role because he  
 12 said he didn't want the bother of a DBS check. Ralph,  
 13 if you could take us to paragraph 16 of X4's witness  
 14 statement. He used to be a member of the PCC and then,  
 15 in 2016, in line with the relevant guidance, everybody  
 16 who was on the PCC had to have a DBS clearance. Again,  
 17 so a month later than he knew there was a conviction, he  
 18 then said he didn't want to stand again because he  
 19 didn't want the hassle of a DBS check. So in fact,  
 20 there were two alarm bells. What do you think about the  
 21 incumbent's approach to practice in the facts of this  
 22 case?  
 23 **A. Well, I think that -- I mean, it is quite clear, the**  
 24 **incumbent should have -- right from the beginning, the**  
 25 **alarm -- alarm bells of needing to know what he was**

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1 the Roman Catholic Church where there had been -- where  
 2 he had been attending at various points. You identify  
 3 at 5.4 -- can we go to 018, which says the DSA responses  
 4 were appropriate and adequate over the past three years.  
 5 Is that right?  
 6 **A. That's right, yes. I think it's very difficult for the**  
 7 **Safeguarding Officers where you have somebody who is**  
 8 **known to be an offender, but they're not actually --**  
 9 **they haven't attended the church, and the limitations of**  
 10 **the Safeguarding Officer's role there, but actually**  
 11 **keeping an eye out and trying to actually liaise with**  
 12 **all the possible places that they might attend. So,**  
 13 **yes, I thought --**  
 14 Q. So in fact, that was an example of good practice?  
 15 **A. Yes.**  
 16 Q. In terms of showing that people were being proactive in  
 17 terms of trying to manage the risk of a known -- sort of  
 18 quite a serious offender, who posed a significant risk  
 19 to children?  
 20 **A. Yes.**  
 21 Q. So, in effect, you then identify, at 6, the summary of  
 22 learning at 019, and you say the local learning is  
 23 largely about delays, and I think in fact we have dealt  
 24 with all those issues, which is to do with risk  
 25 assessment and delays and risk management.

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<p>1 <b>A. Yes, we have.</b>                  2 Q. I don't think there's anything else we need to deal with                  3 specifically as far as that's concerned. So can I pass                  4 over to the Sheffield Diocese and can I take you to S1,                  5 which is 022, which is page 19, chair and panel, of                  6 the report. For some reason, the report and the other                  7 numbers aren't internally congruent.                  8 Again, this is someone who had been placed upon the                  9 sex offenders register at age 14 and he'd then offended                  10 again and had a one-year community order for inciting                  11 a girl to have sex with him and he was imprisoned for                  12 a while. Then, when he was released, he asked if he                  13 could attend a parish church where his relatives were                  14 heavily involved, if I put it that way.                  15 <b>A. Yes.</b>                  16 Q. Your view as to the adequacy and appropriateness of                  17 the church's action is at 7.4, and particularly 7.4.1,                  18 page 20. You say a safeguarding agreement was put in                  19 place.                  20 What was your view about the nature and extent of                  21 the safeguarding agreement, if you have one?                  22 <b>A. It really didn't put much of a limitation on him.</b>                  23 <b>Bearing in mind, actually, that actually his -- he was</b>                  24 <b>quite high risk, in terms of his contact with children</b>                  25 <b>and girls. And he was allowed to attend all services,</b></p> <p style="text-align: center;">Page 77</p>	<p>1 <b>social activities, house groups, with the agreement of</b>                  2 <b>the church leadership group.</b>                  3 <b>In the case of the Sunday service and the house</b>                  4 <b>groups, there would be two members of the leadership</b>                  5 <b>group present, which helped, but actually they could</b>                  6 <b>have started off with a much more limited attendance to</b>                  7 <b>then increase if everything went well. So it seemed to</b>                  8 <b>be too broad to start with. And, again, his stepfather</b>                  9 <b>was a member of the group monitoring this.</b>                  10 Q. Again, you identify the difficulties with the lack of                  11 effective risk management templates and, therefore, it                  12 was a risk management plan rather than a risk                  13 assessment?                  14 <b>A. Yes.</b>                  15 Q. So there's the same issue that we've seen in Worcester                  16 already?                  17 <b>A. Absolutely.</b>                  18 Q. Now, Ms Langthorne, who was the Diocesan Safeguarding                  19 Advisor, has provided a detailed response, shall we say,                  20 to this. This, Ralph, is ACE027639_021 onwards. It                  21 lasts for a number of pages. There are just a couple of                  22 things that I wanted to explore with you that she                  23 raises. Firstly, Ralph, can we go to paragraph 76,                  24 which is 022, please, Ralph, identifying, again, the                  25 difficulty with the fact that you've got lots of family</p> <p style="text-align: center;">Page 78</p>
<p>1 members involved in this, and, therefore, it may well be                  2 very difficult if those family members are going to be                  3 responsible for implementing any safeguarding                  4 agreements.                  5 <b>A. Yes.</b>                  6 Q. Can you think of any practical solutions to that                  7 problem?                  8 <b>A. I actually think it's really difficult to overcome this,</b>                  9 <b>and I know, in one of the cases, a church talks about</b>                  10 <b>being too small, they have an independent risk</b>                  11 <b>assessment, and in another case where they're saying</b>                  12 <b>they're too small to be able to manage it. And I think</b>                  13 <b>there needs to be some reality here as to whether or not</b>                  14 <b>any particular church can actually manage to safeguard</b>                  15 <b>a particular -- you know, do a safeguarding agreement</b>                  16 <b>with an individual, whether they can effectively monitor</b>                  17 <b>it, unless they can actually draw in other people, and</b>                  18 <b>it might be that they have to ask wider from other</b>                  19 <b>churches, and there might need to be some diocesan help</b>                  20 <b>here to do that. Because if you are faced with the</b>                  21 <b>reality that the actual officials in the church are</b>                  22 <b>family, what do you do? You have to find a way around</b>                  23 <b>that or else say that they cannot worship there.</b>                  24 Q. In fact, what happened is, this young person was                  25 recalled to prison at some point in time, but she wasn't</p> <p style="text-align: center;">Page 79</p>	<p>1 in fact informed about that, and if you look between                  2 paragraphs 90 and 93 of Linda Langthorne's witness                  3 statement at 025, again, I think that's about                  4 information sharing, both between -- because I'm                  5 assuming that the offender management service or the                  6 police should have informed her of his recall to prison?                  7 <b>A. Yes.</b>                  8 Q. As part and parcel of those issues?                  9 <b>A. Yes. There's the official information sharing and</b>                  10 <b>there's the information sharing from the actual church</b>                  11 <b>itself where he attended.</b>                  12 Q. Ms Langthorne, as she identifies at paragraph 93, it                  13 seems clear that she attempted to contact everybody she                  14 possibly could, so she tried to contact the                  15 churchwarden, the archdeacon, the area dean, to try and                  16 find out what had been going on, what was happening,                  17 what was working, what wasn't working, but found it                  18 quite difficult to try and get that contact. Is there                  19 anything you'd like to say about that?                  20 <b>A. Was that --</b>                  21 Q. It was about somebody wanting to attend a community                  22 meal, in that context.                  23 <b>A. Sorry, can you point me to ...</b>                  24 Q. Yes, that's fine. So in November '18 -- the individual                  25 concerned was recalled to prison. He then came out</p> <p style="text-align: center;">Page 80</p>

1 again and he was released from prison in June 2018.  
 2 In November 2018, she received an email from the  
 3 probation officer informing him that F69, who is the  
 4 individual we have been talking about, was attending  
 5 community meals somewhere and that she'd asked him to  
 6 stop until she made further enquiries. She then  
 7 identifies further on in paragraph 93 -- would you mind  
 8 getting that up? She asked somebody -- the churchwarden  
 9 should have informed her, but did not. Did not receive  
 10 a response. She tried to contact various people, the  
 11 probation officer and the area dean, to enquire about  
 12 community meals and who would attend. So there's  
 13 obviously some difficulty in getting the information  
 14 from the people on the ground within the context of  
 15 the parish?  
 16 **A. Yes.**  
 17 Q. Once the individual had been released from prison. Is  
 18 there anything you'd like to say about that?  
 19 **A. What I'd like to say is how difficult the DSA's job is**  
 20 **and the Assistant DSA and how one of their fears,**  
 21 **I know, from the audits that were done by SCIE, where at**  
 22 **every single diocese was, "They know what they know but**  
 23 **they don't know what they don't know", and, actually,**  
 24 **the parishes are this sort of hidden -- hidden places**  
 25 **and all they can do is try and -- and I think the**

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1 **individual to their offender manager that they're going**  
 2 **somewhere for it to be able to be monitored.**  
 3 Q. Can we turn to the second case, which, Ralph, is on the  
 4 bottom of EWM000466\_024. Now, this is about somebody --  
 5 he was a churchwarden youth leader in the Diocese of  
 6 Derby. So that's a diocese which isn't too far away  
 7 from Sheffield but not right next door to it. He was  
 8 arrested for having indecent images of children, and  
 9 resigned. He turned up two years later to a church in  
 10 Sheffield, said he was currently subject to police  
 11 investigation and wanted to attend church home group  
 12 meetings, which the church considered weren't safe  
 13 because they provided access to children. There was  
 14 then a suggestion of a safeguarding agreement which the  
 15 individual concerned refused, saying he would refuse to  
 16 do it, and he was then found guilty, some six months  
 17 later, of 21 counts of viewing indecent images of  
 18 children.  
 19 So you identify your view as to the appropriateness  
 20 of the church response at 8.6. This is 026, please,  
 21 Ralph. And in fact saying that the response of  
 22 the church was adequate and appropriate. Ralph, if we  
 23 can go to 8.7.1, could you tell us what was good and  
 24 what was bad about the practice in that case?  
 25 **A. Yes. Well, the minister of the church promptly alerted**

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1 **training has improved, but it's clearly not sufficient.**  
 2 Q. This was a situation where somebody had had a number of  
 3 recalls to prison and had been engaged in a pattern of  
 4 offending, but yet nobody thought to tell the DSA he was  
 5 going to attend something where children were going to  
 6 be present?  
 7 **A. Okay, so on one side, it's actually the lack of**  
 8 **identification of risk within the church and the parish**  
 9 **and the churchwardens. The other side is, of course,**  
 10 **the statutory authorities, who also are not recognising**  
 11 **that churches need to know this. So it's two sides.**  
 12 **I think the statutory authority is probably the easier**  
 13 **issue of trying to deal with that, although it hasn't**  
 14 **been dealt with yet. I think how you deal with the**  
 15 **churchwardens and the people who organise these things,**  
 16 **if they didn't know -- did they actually know about his**  
 17 **offending, the local church?**  
 18 Q. I'm not entirely sure. It is not entirely clear.  
 19 **A. Of course, if they didn't know, then it is even more of**  
 20 **a worry because it is clearly down to the statutory**  
 21 **authorities. I'd assumed, just from that quick thing,**  
 22 **that they knew. But if they don't know, then**  
 23 **actually -- and it also requires a great deal of**  
 24 **honesty. I mean, you're not going to get 100 per cent**  
 25 **here because you have to have honesty from the**

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1 **the DSA when he or she knew about this man wanting to**  
 2 **attend and told him that he couldn't attend until there**  
 3 **was a safeguarding agreement in place. So that was**  
 4 **good.**  
 5 **Again, the DSA, the incumbent and in this case the**  
 6 **PSO was visible. So there's a really positive one.**  
 7 **They actually met first to consider the risks and how it**  
 8 **was best managed. So they actually began -- actually**  
 9 **did some assessment in terms of what they knew and**  
 10 **actually decided in that -- by having that pre meeting**  
 11 **that they needed further information from Derby.**  
 12 **I think this was, again, one where the police weren't**  
 13 **terribly helpful. And that, initially, he should only**  
 14 **attend services, not cell groups, which is what he**  
 15 **wanted to attend.**  
 16 **What was also very good in this one was they made --**  
 17 **rather than just keeping the information to themselves,**  
 18 **the church were absolutely clear that this information**  
 19 **had to be shared with their Pastoral Director and**  
 20 **Operations Manager, rather than it being kept to the**  
 21 **little group. And so, because they needed to think**  
 22 **about what was involved here, what the risks were and**  
 23 **how they'd actually manage to -- if they can and how**  
 24 **they'd monitor them. I thought -- it's the only time**  
 25 **this came up. I thought it might be because this was**

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1 **a larger church and, therefore, they had that structure.**  
 2 **So that was all positive.**  
 3 **On the less positive side was the fact that you**  
 4 **needed to get an understanding of the offences in order**  
 5 **to be able to assess the risk. But --**  
 6 Q. As I understand it, she tried to speak to Derby Police  
 7 and they refused to provide her any more information  
 8 because they said -- because of information sharing  
 9 concerns. Obviously, she was in Sheffield, they were in  
 10 Derby. Again, this raises the need for a national  
 11 information sharing protocol, doesn't it?  
 12 **A. It does. It's interesting because the Derby DSA said he**  
 13 **had no problem getting information from the police,**  
 14 **which was quite weird. But what he did, he suggested to**  
 15 **Google it and then he found the information -- the**  
 16 **information was found on Google.**  
 17 Q. Whilst obviously Google can be a reliable source of  
 18 information, I'm not sure that that's the sort of best  
 19 answer to the question?  
 20 **A. No.**  
 21 Q. Ms Langthorne, who, again, was the Diocesan Safeguarding  
 22 Advisor who dealt with this case, in her witness  
 23 statement goes through at paragraphs 107 to 129 -- we  
 24 don't need to get those up, Ralph -- of the various  
 25 issues which this case raises, but at 126, what she does

1 the facilities of the church. And the evangelical  
 2 church concerned refused to be a party to any agreement  
 3 because they said, "Right, well, he can attend, but he  
 4 needs to be the subject of a safeguarding agreement".  
 5 This is what the Church of England said. And basically,  
 6 they said no.  
 7 You identify at 9.4.1, 029, that the actions of  
 8 the DSA and the relevant vicar were completely  
 9 appropriate in saying there needs to be a safeguarding  
 10 agreement before this individual takes place. But what  
 11 does this show about certain difficulties that there are  
 12 in trying to negotiate with third parties in this  
 13 respect?  
 14 **A. Well, I think it showed that obviously, not all**  
 15 **religious organisations or other organisations that will**  
 16 **hire church halls will have the same standards in terms**  
 17 **of safeguarding that the Church of England has got at**  
 18 **the moment and the fact that the church has to be very**  
 19 **aware of that and, in this case, the DSA established**  
 20 **that, actually, with the latest guidance, they had to**  
 21 **have various policies and procedures in place which they**  
 22 **didn't have, this church. I don't quite know what**  
 23 **happened as the outcome of that, but they weren't**  
 24 **able -- I mean, she and the vicar tried to persuade them**  
 25 **and tried to speak to people higher up to try and**

1 identify, and, Ralph, could we get this up,  
 2 ACE027639\_033. Because the gentleman refused to sign  
 3 the safeguarding agreement. I think this is the only  
 4 example we have of that. What Ms Langthorne says is:  
 5 "... it is unusual to encounter a high level of  
 6 resistance ..."  
 7 She says it is the only one she's dealt with where  
 8 an individual displayed antagonistic behaviour and  
 9 usually that's the case?  
 10 **A. Yes.**  
 11 Q. I suppose what it shows is that this maybe is unusual in  
 12 terms of the amount of resistance that was shown and, in  
 13 most of the others we have seen, there wasn't very much  
 14 resistance; is that right?  
 15 **A. No, that's true. But the problem then comes, because he**  
 16 **storms off, that nobody knows where he storms to next,**  
 17 **if he wants to go to another place of worship.**  
 18 Q. Can we now turn to S3, and this starts at 027 of  
 19 EWM000466. This raises another issue, which is -- if  
 20 you wouldn't mind getting up 9.1.1 to 9.1.2. So this is  
 21 an individual who had been sent to prison for serious  
 22 sexual offending. When he was released, he wanted to  
 23 attend a church, but it wasn't the church concerned.  
 24 They hired the church hall. And I understand that's  
 25 quite common for some smaller churches. They would use

1 **persuade them to discuss what they needed, but she seems**  
 2 **to have been totally blocked.**  
 3 **At the same time, there was a -- the local church**  
 4 **were, I think, not wishing to lose a tenant, but it's --**  
 5 **how that was resolved, I do not know, in the end.**  
 6 Q. So one of the lessons to be learned is that there should  
 7 be a review of all the hiring agreements that take  
 8 place, because under the new guidance, there has to  
 9 be -- you shouldn't hire the church to anyone, certainly  
 10 not -- maybe for a children's party or something, but  
 11 not for an organisation which goes in regularly and  
 12 which could be undertaking regulated activity. You  
 13 should ensure that those individuals are -- they have  
 14 relevant safeguarding policies in place?  
 15 **A. Yes, and this is unlikely to be an isolated case on its**  
 16 **own. Because if this has changed over time -- actually,**  
 17 **pre-existing ones, rentals, that have been going on**  
 18 **a long time, there will be others that haven't been**  
 19 **checked.**  
 20 Q. Certainly, again, Ms Langthorne -- again, I don't think  
 21 I need to take that up -- at paragraphs 129 to 147, she  
 22 identifies in some detail the difficulties that there  
 23 were trying to work with the other religious  
 24 organisation in this case, and the difficulties in  
 25 managing congregation arrangements for churches over

1 which they have no control?  
 2 **A. Yes.**  
 3 Q. Can we now turn to the Sheffield case number 4, and this  
 4 starts at 030. Again, a brief summary. This is  
 5 a 13-year-old and a 17-year-old who both attend the  
 6 local youth club. It is believed that they were having  
 7 sex and that the older individual was coercing, or may  
 8 be coercing, the younger individual to doing so. Then  
 9 whatever the situation, the younger individual was under  
 10 the age of consent. It was discussed with the  
 11 individual's mother, it was reported to the police, it  
 12 was reported to children's social care, and there then  
 13 was another concern, which was raised at the same time,  
 14 about, again, an older boy sending -- this is all too  
 15 common -- naked texts. I believe they might be called  
 16 "sexts" or something, to an unidentified 12-year-old  
 17 girl, and that, again, was referred to the DSA.  
 18 So what was your view about the adequacy or  
 19 inadequacy of the practice by the diocese and the youth  
 20 group on the facts of this particular case?  
 21 **A. I have to say, the practice on the second one, we**  
 22 **actually don't know what happened, because the email got**  
 23 **lost in the junk box, and then the DSA asked the**  
 24 **church -- the youth club manager about it, and at the**  
 25 **point the records cease, we haven't got any response to**

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1 **involved in sexual activity and the lack of knowledge**  
 2 **there can be about how to deal with it, and I have to**  
 3 **say, you know, I've done a number of Serious Case**  
 4 **Reviews to do with sexual exploitation, and even the**  
 5 **professionals, who have been working in this,**  
 6 **particularly health professionals, find it so difficult**  
 7 **to know when to report concerns and when not to.**  
 8 **The people working in youth clubs, presumably,**  
 9 **I don't know how much training they get, but they do**  
 10 **need something very specific about how you manage what**  
 11 **is legal, what isn't, the fact that you need to consult.**  
 12 **Even if you think it might be okay, you need to get some**  
 13 **advice because, actually, that's not your decision.**  
 14 Q. I mean, do you think it would be useful in these sorts  
 15 of cases that youth group leaders should have specific  
 16 different sorts of guidance or specific guidance on  
 17 things to do with sort of managing adolescent sexual  
 18 relationships, because the likelihood is, during this  
 19 period of time, people are beginning to explore their  
 20 sexual identity, they are beginning to enter into sexual  
 21 relationships with each other, or certainly to discuss  
 22 them. Do you think that this is a situation where it  
 23 would be helpful for there to be some advice and  
 24 guidance for youth group leaders about how to manage  
 25 this situation?

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1 **it. But it is worrying that something like that has got**  
 2 **lost for that period and could get lost in a junk box.**  
 3 **In terms of the first one, there was a delay for**  
 4 **some months before it was actually reported to the DSA**  
 5 **about the concerns they had in the youth club, and**  
 6 **also -- well, they continued to attend and then**  
 7 **eventually they do report it to the DSA and, once they**  
 8 **reported it to the DSA, the practice is good, but it's**  
 9 **that bit before. So you have a delay where they're**  
 10 **suspecting and not telling --**  
 11 Q. So they think something is going on, but instead of  
 12 immediately referring to the DSA, the youth club leave  
 13 the situation for a three-month period. If we can look  
 14 at 11.4.1 through to 11.4.3, if you wouldn't mind  
 15 enlarging that. And then the youth worker -- you also  
 16 identify that there was mishandling of the situation by  
 17 the youth worker, who apparently told the boy that if he  
 18 promised not to have sex with the girl, she wouldn't  
 19 tell his mother?  
 20 **A. Yes, that's right.**  
 21 Q. I'm not sure, really, that -- would you like to make any  
 22 comment upon that?  
 23 **A. Well, that's clearly totally inappropriate. Absolutely**  
 24 **wrong. I suppose what it's highlighting is, the fact of**  
 25 **how difficult it is when dealing with adolescents**

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1 **A. I think it would be helpful to have some specific**  
 2 **guidance, but not just for youth leaders, because**  
 3 **actually, you know, there are young people involved in**  
 4 **lots of different church activities, and I think**  
 5 **probably everybody needs it.**  
 6 Q. Yes.  
 7 **A. But there might be something about having training where**  
 8 **people are talking to each other about how they do it**  
 9 **and the sort of issues that come up and how you resolved**  
 10 **that would be helpful.**  
 11 Q. My understanding from something which Herbert Smith  
 12 Freehills, who act on behalf of the Archbishops'  
 13 Council, have just sent me is that the answer is that  
 14 the nude photos, shall we say, the photo sexting, was  
 15 a separate case that, as I understand it, we didn't  
 16 specifically ask for the papers for, so none of us know  
 17 what the situation is or isn't. It could have been  
 18 dealt with completely appropriately, we just don't know.  
 19 **A. Okay.**  
 20 Q. Ms Langthorne, in her witness statement, again  
 21 identifies in some detail, would you mind --  
 22 Ms Langthorne's email is ACE027639 and she identifies at  
 23 paragraphs 151 to 171, in fact, similar concerns to you  
 24 about the difficulties that there can be in terms of  
 25 managing and dealing with youth groups. It's about

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<p>1 page 045 to 049?</p> <p>2 <b>A. I would say this is a case where you would expect the</b></p> <p>3 <b>PSO to be heavily involved on a day-to-day basis,</b></p> <p>4 <b>really, advising the youth club.</b></p> <p>5 Q. 163 onwards, please, safeguarding and youth groups.</p> <p>6 This is what Ms Langthorne says:</p> <p>7 "The majority of youth work ... is managed and led</p> <p>8 by parishes ..."</p> <p>9 However, there should be a sea change, including the</p> <p>10 appointment of youth workers by the diocese.</p> <p>11 Could you go on to the next page, please, Ralph.</p> <p>12 This is what Ms Langthorne says. Church youth groups</p> <p>13 are expected to follow the processes and they,</p> <p>14 therefore, must undertake this.</p> <p>15 In fact, those who are related to the diocese should</p> <p>16 receive specific training. I think what she's saying is</p> <p>17 that, you know, the processes weren't followed in this</p> <p>18 case, but they should have been.</p> <p>19 <b>A. Yes. I would have thought that those related to the</b></p> <p>20 <b>diocese to receive specific training, should that not be</b></p> <p>21 <b>extended out to all of them, whether they're related to</b></p> <p>22 <b>the diocese or not?</b></p> <p>23 Q. Well --</p> <p>24 <b>A. I mean, I presume when she says "the diocese", "employed</b></p> <p>25 <b>by the diocese", as opposed to by the parish church.</b></p> <p style="text-align: center;">Page 93</p>	<p>1 Q. Yes, in which case they appear to receive separate</p> <p>2 training?</p> <p>3 <b>A. If you are employed by the diocese as opposed to if</b></p> <p>4 <b>you're employed by the parish church?</b></p> <p>5 Q. Yes.</p> <p>6 <b>A. Okay.</b></p> <p>7 Q. Could we now turn to the Diocese of London. So this</p> <p>8 starts at EWM000466_034. So the first case we have</p> <p>9 here, at 13.1.1 to 13.1.3, a volunteer in the church had</p> <p>10 hugged an 8-year-old girl and pinched her bottom. The</p> <p>11 matter was referred to the LADO. The police decided not</p> <p>12 to take any further action and the LADO asked the DSA to</p> <p>13 undertake an internal investigation and a risk</p> <p>14 assessment and management tool was completed and</p> <p>15 a safeguarding agreement implemented.</p> <p>16 At 13.5 and 13.6, which is 036 to 037, you identify</p> <p>17 the appropriateness and adequacy of the church's</p> <p>18 response.</p> <p>19 <b>A. Can I first of all make a comment that applies to all</b></p> <p>20 <b>the London cases, which is about the recording? The</b></p> <p>21 <b>recording of all London cases was extremely difficult to</b></p> <p>22 <b>follow. Both myself and my colleague found that. They</b></p> <p>23 <b>don't seem to do a log, a contact log, or anything, so</b></p> <p>24 <b>that you know what happens and when. We had emails, we</b></p> <p>25 <b>had letters, possibly any reports, but we didn't</b></p> <p style="text-align: center;">Page 94</p>
<p>1 <b>actually know of any of the communications that happened</b></p> <p>2 <b>outside of those.</b></p> <p>3 Q. As I understand it, in fact, and in fact we will deal</p> <p>4 with Ms McMahon, who is one of the safeguarding</p> <p>5 advisors, when we got the witness statement in, it did</p> <p>6 appear that they do have an online case management</p> <p>7 database, but they didn't give it to us. So in fact, we</p> <p>8 have only seen half the records --</p> <p>9 <b>A. Right.</b></p> <p>10 Q. -- which may well be the explanation for the confusion</p> <p>11 in terms of case recording?</p> <p>12 <b>A. Therefore, one has to be aware that therefore my</b></p> <p>13 <b>comments are made on maybe only some of the practice and</b></p> <p>14 <b>it might be there is lots of other practice that wasn't</b></p> <p>15 <b>available for me. And it might very much change things,</b></p> <p>16 <b>if you saw it all.</b></p> <p>17 Q. Yes. So on the basis of the information that we have</p> <p>18 seen that we have to recognise is only some of</p> <p>19 the picture and not the whole picture, what did you</p> <p>20 think of the church's response?</p> <p>21 <b>A. I will take lack of investigation first. This was</b></p> <p>22 <b>a case where the LADO, the police, had looked into</b></p> <p>23 <b>things and had turned around and said it's going to</b></p> <p>24 <b>be -- "It's up to you. It's for you to do an internal</b></p> <p>25 <b>investigation", and the LADO did actually keep following</b></p> <p style="text-align: center;">Page 95</p>	<p>1 <b>it up, asking how it's going.</b></p> <p>2 <b>Actually, there's no investigation, as far as</b></p> <p>3 <b>I could see. There might be, but not in the records</b></p> <p>4 <b>that I saw. Although there is a point where the other</b></p> <p>5 <b>DSA assures the LADO that it has occurred and it formed</b></p> <p>6 <b>part of the risk assessment. But there was nothing that</b></p> <p>7 <b>I saw in terms of the risk assessment that could have</b></p> <p>8 <b>been part of an investigation. By "investigation",</b></p> <p>9 <b>I would expect there to be an -- actually trying to find</b></p> <p>10 <b>out what happened, actually, because if you look at the</b></p> <p>11 <b>practice guidance, you're meant to come out --</b></p> <p>12 <b>investigations ask you to come out at the end with</b></p> <p>13 <b>whether something is substantiated or not and whether</b></p> <p>14 <b>there is a further risk of harm, much like a section 47</b></p> <p>15 <b>enquiry in a local authority. So if you take that,</b></p> <p>16 <b>that's what the model is.</b></p> <p>17 <b>There is nothing about that, because they never</b></p> <p>18 <b>actually speak to the mother and the girl who reported</b></p> <p>19 <b>it.</b></p> <p>20 <b>The risk assessment itself, I can't say much about</b></p> <p>21 <b>because it was largely redacted.</b></p> <p>22 Q. Not by us.</p> <p>23 <b>A. Sorry?</b></p> <p>24 Q. Not by us.</p> <p>25 <b>A. No. So I can't say much, other than the fact that the</b></p> <p style="text-align: center;">Page 96</p>



<p>1 <b>LADO was assured that the outcome was unsubstantiated,</b>  2 <b>and I'm not sure what grounds there were, but it didn't</b>  3 <b>say that on any documents that I saw. It never came to</b>  4 <b>a conclusion.</b>  5 Q. We have the witness statement from X1. ACE027578_001.  6 Is there anything that he says in that witness statement  7 that makes you change your mind about the fact that an  8 investigation was undertaken, because he says that an  9 investigation was undertaken?  10 <b>A. So this is by the Reverend?</b>  11 Q. Yes. He identifies and indicates that the DSA did  12 undertake an investigation?  13 <b>A. You haven't got a paragraph up that says that.</b>  14 Q. No, that's my fault. It's the one paragraph I haven't  15 put down in the thing. Maybe we will come back --  16 page 8, please. Paragraph 36, I think:  17 "The report notes that [they] were asked in  18 interview ..."  19 So there's various bits and pieces and Mrs McMahon  20 liaised to put in place the safeguarding agreement. So  21 there plainly was some kind of investigation because  22 there was an interview about the appropriateness of his  23 practice. Could you go on to the top of the next page.  24 He described taking photographs in church when the  25 children had been on an activity and described children</p> <p style="text-align: center;">Page 97</p>	<p>1 as "attractive", which was noted as concerning. So it  2 does appear that there was some kind of interview and  3 some sort of management --  4 <b>A. Some interview with him, but actually, in terms of</b>  5 <b>understanding what the concerns were, you would also</b>  6 <b>need to understand the concerns from the 8-year-old girl</b>  7 <b>and the mother. You're talking about an interview with</b>  8 <b>the respondent, which would probably be part of their</b>  9 <b>risk assessment and risk management process as opposed</b>  10 <b>to an investigation. Because the photographs were</b>  11 <b>just -- you know, that's a general talk. So I doubt</b>  12 <b>that that's an investigation because, again, you can't</b>  13 <b>say whether something is substantiated or not without</b>  14 <b>actually having looked at all sides of it.</b>  15 Q. Can I turn now on to the second case in respect of  16 London, which, Ralph, is 037 of Ms Carmi's report,  17 EWM000466. If you could enlarge 14.1.1 to 14.1.2,  18 please. So somebody had worshipped for a long time when  19 a new offender manager contacted the DSA to say he  20 didn't have a safeguarding agreement, despite the fact  21 he had a conviction in 2007, those offences relating to  22 a time in the 1970s. So he wasn't known to the DSA, but  23 the vicar was aware of his offences, having been told by  24 the bishop seven to eight years previously. So that  25 would have been in about, say, 2010 to 2012, and the</p> <p style="text-align: center;">Page 98</p>
<p>1 information was also known by the Parish Safeguarding  2 Officer and the vicar's assistant.  3 So this is a situation, it seems, where the church  4 knew -- bits of the church -- the left hand knew that  5 something was going on, but hadn't bothered to tell the  6 right hand. What was your view about the practice and  7 the church's response in this particular case?  8 <b>A. Well, clearly, following on from what you're saying, the</b>  9 <b>worrying practice is the fact that the one side didn't</b>  10 <b>recognise, either eight years ago or at any time since,</b>  11 <b>that the DSA needed to be informed about this and there</b>  12 <b>needed to be a safeguarding agreement in place, and</b>  13 <b>I think it's worrying, with everything that's going on,</b>  14 <b>including, you know, IICSA, that actually this wasn't</b>  15 <b>identified at any time.</b>  16 <b>On the positive side, the DSA actually did quite</b>  17 <b>a good risk assessment and she actually did talk to him</b>  18 <b>and actually discovered that he still insists he wasn't</b>  19 <b>guilty of the offence and, therefore -- which heightens</b>  20 <b>that he has been found guilty and that he had a lack of</b>  21 <b>empathy to the victim.</b>  22 <b>So that sort of heightened the concerns, in terms of</b>  23 <b>risks. So whilst the practice here was good now, the</b>  24 <b>practice in terms of the local church and, you know, all</b>  25 <b>over the last eight years and bishops and priests --</b></p> <p style="text-align: center;">Page 99</p>	<p>1 <b>that actually did not think a safeguarding advisor</b>  2 <b>needed to be told about this.</b>  3 Q. If I can identify, Ms McMahon, who we are going to be  4 hearing evidence from this afternoon, identifies in her  5 witness statement the reason why the DSA might not have  6 been told. Would you mind getting up, Ralph,  7 ACE027579_005. It is paragraph 22. So she identified  8 at the time that he had slipped through the net and  9 identifies in particular that the safeguarding practice  10 in 2008 was different and that he was aware of his  11 offending and that the guidance previously had said that  12 there should be support and friendship as well as  13 supervision. So what I think Ms McMahon is trying to  14 say is, the church might have viewed that there was no  15 need to put a safeguarding agreement in place because  16 the guidance was, shall we say, somewhat ambiguous about  17 what was meant to happen upon someone's release from  18 prison?  19 <b>A. I think the danger here is how many other cases are</b>  20 <b>there like this around where actually the local church</b>  21 <b>hadn't now flagged that, actually, times have changed,</b>  22 <b>guidance has changed, and therefore they need to have</b>  23 <b>safeguarding agreements for the individuals who are</b>  24 <b>a part of their congregation in these circumstances.</b>  25 Q. Can I take you to paragraphs 28 to 30 of Ms McMahon's</p> <p style="text-align: center;">Page 100</p>

<p>1 witness statement, which, Ralph, is 010 of this same                  2 document. This talks about the relationship between the                  3 diocese and the parish in respect of reviewing risk                  4 assessments, identifying that the incumbent and the                  5 CSO -- I think that probably should read the "PSO" --                  6 are always invited to the first part of the risk                  7 assessment and the DST is then responsible for the                  8 implementation of the safeguarding agreement.                  9 Is there anything in particular you want to say                  10 about that? So this is to do with what happens when                  11 risk assessments take place.                  12 <b>A. The "DST"?</b>                  13 Q. The Diocesan Safeguarding Team?                  14 <b>A. Oh, team, right. So the incumbent invited to the first</b>                  15 <b>part of the risk assessment, yes, that's fine. What</b>                  16 <b>I think, if you're actually doing this, though, is, is</b>                  17 <b>there any time when the person is seen -- maybe, is</b>                  18 <b>there any consideration given to actually seeing them on</b>                  19 <b>their own, so they might be able to talk perhaps more</b>                  20 <b>openly and that you can do a bit more digging than maybe</b>                  21 <b>you're able to do in situations where you have,</b>                  22 <b>sometimes, people who are very supportive of them and</b>                  23 <b>protective of them.</b>                  24 Q. Can we deal with -- if maybe we can turn to case                  25 number 3, that's 039 of EWM000466. This starts at</p> <p style="text-align: center;">Page 101</p>	<p>1 15.1.1 to 15.1.4, page 36. This is someone who is                  2 employed in the context of a church setting, and in fact                  3 we heard from the individual who carried out the                  4 investigation this morning directly before you gave your                  5 evidence. So this was the situation where somebody was                  6 employed to run a church group where children were                  7 attending, so to speak, and there were concerns                  8 displayed that he may well have been engaged in some                  9 sort of sexual activity with a child. It was referred                  10 to the police. They took no further action. It was                  11 then referred to the LADO, and they, in effect, said,                  12 "It's a matter for you as a church, it isn't a matter                  13 for us as the local authority". So then, as we heard                  14 this morning, the professional concerned undertook an                  15 internal investigation which resulted in a written                  16 warning, so there was a disciplinary investigation                  17 undertaken.                  18 What was your view about the practice which took                  19 place on the facts of this particular case? So if                  20 I could take you to 15.4, which is 041, through to                  21 15.4.5?                  22 <b>A. It starts okay, but the allegation is reported</b>                  23 <b>appropriately, although the rector had -- not rector,</b>                  24 <b>but the incumbent had been unable I think to help</b>                  25 <b>themselves going and doing a little bit of talking to</b></p> <p style="text-align: center;">Page 102</p>
<p>1 <b>the person before talking to the DSA. The immediate</b>                  2 <b>decision to suspend, that was appropriate. Then the</b>                  3 <b>allegations meetings suggests an internal investigation</b>                  4 <b>was appropriate. But from there, it sort of goes in</b>                  5 <b>a different route to safeguarding.</b>                  6 <b>What I would have expected and what hadn't happened</b>                  7 <b>was that this man was an employee of the church. He had</b>                  8 <b>two roles. One was as a [redacted] and was one actually</b>                  9 <b>running this group.</b>                  10 MS SCOLDING: I think we are going to need to cut the feed,                  11 please, in respect of [redacted].                  12 Don't worry, it's fine. It's usually me.                  13 Chair, there appears to have been an inadvertent                  14 breach of the restriction order. I would remind all                  15 those currently present that a restriction order has                  16 already been made prohibiting the disclosure and/or                  17 publication of the name of any individual. And any                  18 information will be redacted as sensitive and                  19 irrelevant. If we may now continue, please, chair?                  20 Ms Carmi, this individual was an employee of                  21 the church, shall we put it that way?                  22 <b>A. He was. But for some reason, there wasn't any</b>                  23 <b>consideration given to following the guidance given for</b>                  24 <b>church officers, even though in one of these roles he</b>                  25 <b>did have a clear role in relation to children. If they</b></p> <p style="text-align: center;">Page 103</p>	<p>1 <b>had, then a core group would have been set up and</b>                  2 <b>actually things would have gone straightforwardly. The</b>                  3 <b>core group would have decided how to do -- you would</b>                  4 <b>have had an investigation and how to do an</b>                  5 <b>investigation.</b>                  6 <b>Because they didn't consider him as a --</b>                  7 Q. Could you explain, please, what a core group is and what                  8 it would have done? What would have been different                  9 about the situation had a core group been set up?                  10 <b>A. Okay. A core group is particular individuals with</b>                  11 <b>responsibilities within the church or maybe in the</b>                  12 <b>statutory authorities, which would help support the DSA</b>                  13 <b>and the work and actually make the recommendations as to</b>                  14 <b>what needs to happen. So they would decide, okay,</b>                  15 <b>you've been asked to do an investigation, who should do</b>                  16 <b>this investigation, would it be internal, would it be</b>                  17 <b>a DSA, what sort of areas needed to be covered, who</b>                  18 <b>needed to be interviewed.</b>                  19 <b>Then that investigation would go back to the core</b>                  20 <b>group and then they would decide, okay, is there -- now,</b>                  21 <b>does a risk assessment -- is a risk assessment needed,</b>                  22 <b>is a safeguarding agreement needed? So they are very</b>                  23 <b>much in the steering group, really, and help make</b>                  24 <b>decisions or make recommendations to the bishop, in</b>                  25 <b>fact, they don't make the decisions, they make the</b></p> <p style="text-align: center;">Page 104</p>

<p>1 <b>recommendations.</b></p> <p>2 <b>In this case, this did not happen. So what instead</b></p> <p>3 <b>happened was, it went back and it was treated as a case</b></p> <p>4 <b>for a nonchurch officer. So it goes back and it's</b></p> <p>5 <b>decided it's up to presumably the DSA -- I'm not quite</b></p> <p>6 <b>sure exactly how the decision, and actually, although</b></p> <p>7 <b>it's been asked for an investigation, an investigation</b></p> <p>8 <b>is not part of the guidance if you're not a church, if</b></p> <p>9 <b>you don't have a church role.</b></p> <p>10 <b>And so, therefore, in that muddle as to what</b></p> <p>11 <b>happens, because they have been asked to do</b></p> <p>12 <b>investigation, someone else, not the DSA, who does the</b></p> <p>13 <b>safeguarding investigation when it's non-internal,</b></p> <p>14 <b>instead someone else got asked to do it, who was</b></p> <p>15 <b>probably -- would have known the person, would have</b></p> <p>16 <b>probably been a colleague of the person, as far as I'm</b></p> <p>17 <b>aware, and therefore actually -- and in that report, he</b></p> <p>18 <b>refers to using the guidance for a disciplinary</b></p> <p>19 <b>investigation, and that's what it is, and it's -- he's</b></p> <p>20 <b>done a thorough investigation in terms of</b></p> <p>21 <b>the disciplinary --</b></p> <p>22 Q. But it wasn't -- there should have been some sort of</p> <p>23 safeguarding assessment which took place alongside it,</p> <p>24 instead of it, with it --</p> <p>25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 105</p>	<p>1 Q. -- involving a core group?</p> <p>2 <b>A. Yes. Because you might have wanted a disciplinary</b></p> <p>3 <b>investigation and a decision. That might have been</b></p> <p>4 <b>totally appropriate. But what you didn't have was the</b></p> <p>5 <b>safeguarding investigation. And the conclusion of that</b></p> <p>6 <b>as to what should happen and what the risk of further</b></p> <p>7 <b>harm there may be or any -- inappropriate. So it was</b></p> <p>8 <b>dealing with what had happened but not dealing with</b></p> <p>9 <b>future harm.</b></p> <p>10 Q. Do you think that this shows a lacuna in the guidance as</p> <p>11 it's currently drafted because there's not clarity about</p> <p>12 who is a church officer, who isn't, who should be</p> <p>13 counted as a church officer for the purposes of the --</p> <p>14 because there's guidance against those who are church</p> <p>15 officers and there's guidance against those who are</p> <p>16 nonchurch officers and there seems to be a differential</p> <p>17 between the two?</p> <p>18 <b>A. There's a differential between the two and also between</b></p> <p>19 <b>a church officer who does or doesn't have a role with</b></p> <p>20 <b>children. It's extremely confusing. I think it's been</b></p> <p>21 <b>done with all good intentions, but I found it very</b></p> <p>22 <b>muddling to read and I am not surprised that you get</b></p> <p>23 <b>this confusion and people trying to decide whether --</b></p> <p>24 <b>which bits of the guidance applies to which, and the</b></p> <p>25 <b>actual definitions given of a church officer vary, and</b></p> <p style="text-align: center;">Page 106</p>
<p>1 <b>in my report I've actually put two different ones that</b></p> <p>2 <b>show that actually -- I don't -- I'd have to be pointed</b></p> <p>3 <b>to it or find it over the lunch break, the different --</b></p> <p>4 <b>but they're two different definitions, and it's not</b></p> <p>5 <b>surprising it's quite confusing.</b></p> <p>6 MS SCOLDING: Thank you. I think this might be an</p> <p>7 appropriate point, with the chair's permission, if we</p> <p>8 may break for lunch now. Chair, I don't know what time</p> <p>9 you would like to return?</p> <p>10 THE CHAIR: We will return at 2.00 pm.</p> <p>11 MS SCOLDING: Thank you. Ms Carmi, you are under oath,</p> <p>12 so ...</p> <p>13 (1.04 pm)</p> <p>14 (The short adjournment)</p> <p>15 (2.00 pm)</p> <p>16 MS SCOLDING: Ms Carmi, before lunch we were dealing with</p> <p>17 the case of L1. During the lunch hour, we were provided</p> <p>18 with a full copy of the risk assessment, the fault</p> <p>19 having been there was a technical glitch, I think, in</p> <p>20 uploading it, and therefore that's why it appeared</p> <p>21 redacted, not because it was meant to be redacted.</p> <p>22 Having seen the risk assessment now in L1, is there</p> <p>23 anything different you want to say about your</p> <p>24 conclusions in respect of the risk assessment?</p> <p>25 <b>A. No. I mean, it's a reasonable -- as far as the format</b></p> <p style="text-align: center;">Page 107</p>	<p>1 <b>of the church risk assessments goes, it's been well</b></p> <p>2 <b>done. Although, again, it is this risk assessment and</b></p> <p>3 <b>management tool, although there is more risk assessment</b></p> <p>4 <b>than management, perhaps, on this one.</b></p> <p>5 <b>But, as said before, I don't see any signs of any</b></p> <p>6 <b>investigation here or anything that could have said that</b></p> <p>7 <b>the concerns were not substantiated.</b></p> <p>8 Q. Can we now go back to L3. Now, this was the situation</p> <p>9 where there had been the disciplinary investigation but</p> <p>10 not a safeguarding investigation. Now, Annette Gordon,</p> <p>11 who is one of the Diocesan Safeguarding Advisors in the</p> <p>12 Diocese of London, provides some evidence about this.</p> <p>13 Ralph, ACE027581 at paragraph 6. It is paragraph 23.</p> <p>14 It is page 6, sorry, Ralph, paragraph 23.</p> <p>15 It identified that the LADO noted that the police</p> <p>16 investigation shouldn't take any further action. It was</p> <p>17 agreed he should be interviewed by his employer.</p> <p>18 A discussion was held over what should be put to him to</p> <p>19 elicit his understanding of the impact of his behaviour.</p> <p>20 So this was the advice, in effect, that the LADO was</p> <p>21 giving to the DSA.</p> <p>22 Then, at paragraph 26, there was the meeting --</p> <p>23 there was to be internal investigation to establish his</p> <p>24 views and to determine potential risk and disciplinary</p> <p>25 proceedings and suspension and then relevant training,</p> <p style="text-align: center;">Page 108</p>

<p>1 et cetera, et cetera.</p> <p>2 Are you, therefore, of the view, having sort of seen</p> <p>3 that, that in effect what the LADO did was to agree, in</p> <p>4 effect, what then took place, and do you think that X2's</p> <p>5 investigation determined potential risks, so to speak?</p> <p>6 <b>A. Okay. I would have to actually go back to the source</b></p> <p>7 <b>material to discover if that was all the LADO's advice</b></p> <p>8 <b>as to whether or not there wasn't any discussion about</b></p> <p>9 <b>an internal investigation as opposed to just</b></p> <p>10 <b>a disciplinary one.</b></p> <p>11 <b>If that was all, that's fine, but I think what it</b></p> <p>12 <b>still did not do was give anything about the future</b></p> <p>13 <b>risk.</b></p> <p>14 Q. So it may well have established his views, but wouldn't</p> <p>15 necessarily have determined future risk?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. And Ms Gordon, in her witness statement, at</p> <p>18 paragraphs 36 to 39, Ralph, that's 009 -- in fact, it's</p> <p>19 008 on to 009. This is about the risk assessment</p> <p>20 process. There was some training delivered and then it</p> <p>21 would appear that Ms Gordon spoke with F23, who was the</p> <p>22 individual concerned where the issue had arisen,</p> <p>23 exploring his past work, not considered his position,</p> <p>24 and then, at the bottom:</p> <p>25 "From this conversation and my understanding of his</p> <p style="text-align: center;">Page 109</p>	<p>1 role, it was clear to me that the parish needed to</p> <p>2 review it and supervise. He understood that, if and</p> <p>3 when there was a concern ..."</p> <p>4 Therefore, they did undertake, in effect, even if</p> <p>5 not a formal risk assessment, they plainly undertook an</p> <p>6 informal risk assessment?</p> <p>7 <b>A. Yes, I think that, having read that, that actually, yes,</b></p> <p>8 <b>made up for the deficiencies in what -- the original</b></p> <p>9 <b>one, yes.</b></p> <p>10 Q. Can we now pass on to case number 4, which starts at</p> <p>11 page 39 of the internal pagination, chair and panel,</p> <p>12 042, Ralph, of Ms Carmi's report, EWM000466_042. If you</p> <p>13 could highlight 16.1 and 16.1.2, which is the summary of</p> <p>14 the case.</p> <p>15 So allegations were made to the Diocese of</p> <p>16 Chichester. The allegations related to a time when the</p> <p>17 man was living in London and ministering in the church</p> <p>18 in the 1970s. He was now living in Chichester. The man</p> <p>19 making the allegations didn't want a police</p> <p>20 investigation, but was happy to support a clergy</p> <p>21 discipline being administered. There was then a CDM</p> <p>22 which took place and the perpetrator agreed to</p> <p>23 a lifetime ban from practising as a cleric.</p> <p>24 In this case, it was a situation about really work</p> <p>25 between the dioceses, wasn't it?</p> <p style="text-align: center;">Page 110</p>
<p>1 <b>A. Yes.</b></p> <p>2 Q. What would you say about the appropriateness and</p> <p>3 adequacies of the way that the dioceses worked with each</p> <p>4 other to try to work out who was going to do what and</p> <p>5 when?</p> <p>6 <b>A. I thought actually that was quite impressive. I thought</b></p> <p>7 <b>there was sensitive work done on both sides. So it was</b></p> <p>8 <b>a safeguarding service in Chichester and the clergy in</b></p> <p>9 <b>London.</b></p> <p>10 <b>So from looking at the records, it was all very</b></p> <p>11 <b>good, and then -- not that it wasn't, but it was very</b></p> <p>12 <b>interesting, because this is the one case where you've</b></p> <p>13 <b>actually got a victim's voice, and he wrote a letter,</b></p> <p>14 <b>which he copied, I think, to quite a lot of people in</b></p> <p>15 <b>the church.</b></p> <p>16 Q. If we identify at 16.5.4 through to 16.5.8, that's</p> <p>17 page 044, Ralph, I think this identifies -- so we've got</p> <p>18 the victim's voice here, and what did the victim say</p> <p>19 about the work that was undertaken by London and</p> <p>20 Chichester?</p> <p>21 <b>A. I think he was actually fine about the work being</b></p> <p>22 <b>undertaken. I think -- what I think comes through is</b></p> <p>23 <b>the pain when you don't know what's happening, and so it</b></p> <p>24 <b>wasn't what was not done or not done, it was there were</b></p> <p>25 <b>times of silence where he didn't know what was</b></p> <p style="text-align: center;">Page 111</p>	<p>1 <b>happening. So I felt that was actually a very good</b></p> <p>2 <b>reminder about the need to communicate, even if there's</b></p> <p>3 <b>nothing to communicate.</b></p> <p>4 <b>And I just suppose it also just highlights how the</b></p> <p>5 <b>victims can give a very different perspective to what</b></p> <p>6 <b>you read in the records.</b></p> <p>7 <b>I would also say here, what was also particularly</b></p> <p>8 <b>good practice was that the -- I think it is Archdeacon</b></p> <p>9 <b>in London, actually lodged the CDM complaint themselves</b></p> <p>10 <b>rather than actually expecting the victim to do so,</b></p> <p>11 <b>which I think was very -- was good.</b></p> <p>12 Q. Is what is identified here, that the victim identified,</p> <p>13 is this something which is similar to that which had</p> <p>14 been identified in the SCIE victims and survivors</p> <p>15 reports in terms of needing communication, even if it's</p> <p>16 "Nothing's happening"?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. The need for sort of regular updates?</p> <p>19 <b>A. Yes, the regular updates, to know what is or isn't</b></p> <p>20 <b>happening and why it's not happening, and whenever he</b></p> <p>21 <b>was told, he felt, you know, that's okay, but I think</b></p> <p>22 <b>it's something about being forgotten about.</b></p> <p>23 Q. Can we turn --</p> <p>24 <b>A. There's also something about formal and informal.</b></p> <p>25 <b>Because what happened here, he was offered an authorised</b></p> <p style="text-align: center;">Page 112</p>

<p>1 <b>listener, which, in general, we know from SCIE isn't the</b>  2 <b>most popular service in many places --</b>  3 Q. No.  4 <b>A. -- but -- which he turned down. And he had a supporter,</b>  5 <b>but what he was talking about, what he missed, having</b>  6 <b>been a lifetime in church, was actually the informal</b>  7 <b>support from the local congregation and people popping</b>  8 <b>in for coffee. So I think that's the other thing about</b>  9 <b>how you support victims locally within their own church.</b>  10 Q. That's quite hard, isn't it, because there's all sorts  11 of issues to do with confidentiality and things like  12 that. I mean, you don't necessarily want to go around  13 saying, "Well, everyone is having a bit of a hard time.  14 Why don't you go and have a coffee?", because he could  15 well get upset about that?  16 <b>A. No, I think you have to discuss it with them what they</b>  17 <b>would like, really, what help and support, rather than</b>  18 <b>thinking about, what is it we can offer, what is it that</b>  19 <b>they want and would help them.</b>  20 Q. Can we now turn, if we may, to the York Diocese, and  21 let's start with case number 1, the summary of the case  22 being identified at 047 -- Ralph, EWM000466_047.  23 Somebody was charged with offences. He was found not  24 guilty. But even in that respect, there was then a risk  25 assessment and a safeguarding agreement was put in place</p> <p style="text-align: center;">Page 113</p>	<p>1 before the court case, and there was then a new  2 assessment, a new agreement, which was undertaken after  3 the court case.  4 You in fact identify, if we can take it to 18.5.1,  5 please, the DSA's practice throughout this case was very  6 good.  7 <b>A. Yes.</b>  8 Q. Is there anything you want to say other than that it was  9 very well handled?  10 <b>A. Okay. This is a DSA, because you can see this isn't the</b>  11 <b>only case where -- this whole issue about what is</b>  12 <b>a church officer.</b>  13 Q. Yes.  14 <b>A. Actually, she interprets it much more widely than maybe</b>  15 <b>her colleagues elsewhere. So this was a server in the</b>  16 <b>church, and she decided to actually initiate a core</b>  17 <b>group. I think one of the reasons why this case went</b>  18 <b>well is because she initiated a core group, even though</b>  19 <b>the core group themselves were dubious about whether or</b>  20 <b>not they should be a core group in this case, whether he</b>  21 <b>met the criteria.</b>  22 Q. Because of the nature of the role he was undertaking?  23 <b>A. Yes, because he might not have a direct role with</b>  24 <b>children and families. So then I think other things she</b>  25 <b>did was, as you said about the risk assessment and</b></p> <p style="text-align: center;">Page 114</p>
<p>1 <b>safeguarding agreement, she actually sat in court and</b>  2 <b>heard the evidence, and that's what actually made her</b>  3 <b>feel that she needed to do another risk assessment and</b>  4 <b>agreement at the end of the court, having actually heard</b>  5 <b>the evidence, and realised that there was a difference</b>  6 <b>in the threshold in court and that actually, you know,</b>  7 <b>there was still doubt about what had happened.</b>  8 <b>Then she also offered support to both the respondent</b>  9 <b>and to the victim. So, all in all, she actually did</b>  10 <b>a good job, although the risk assessment, there was</b>  11 <b>actually very little about his own attitude to the</b>  12 <b>offences, but of course he was pleading not guilty and</b>  13 <b>that was his -- that would have been as far as you would</b>  14 <b>have got, probably.</b>  15 Q. I mean, I would probably say, is that a counsel of  16 perfection? Because, if he's pleading not guilty,  17 I think that possibly shows his attitude towards his  18 offending?  19 <b>A. Indeed.</b>  20 Q. Ms O'Hara, who was the Diocesan Safeguarding Officer,  21 identifies in this case that where -- there was an issue  22 with multi-agency information sharing. There was an  23 issue about information sharing between the police and  24 the diocese. Ralph, would you mind getting up  25 ACE027585_020, paragraph 78:</p> <p style="text-align: center;">Page 115</p>	<p>1 "I have identified two areas of potential  2 improvement; the first being working relationships with  3 partner agencies, in this instance the police. I was  4 unable to access information ... as there was no  5 information sharing agreement in place. This is part of  6 a broader issue ..."  7 So they work with eight local authorities, four  8 police areas and a number of mental health areas.  9 Ralph, would you mind going to the top of the next  10 page. It says it's not consistent. So, again, I think  11 the issue that you have seen in a number of dioceses is  12 that there is a sort of difference in view between  13 agencies as to what information gets shared, and  14 particularly in this case, given that there was an  15 ongoing criminal investigation, you may have expected  16 potentially the police to have wanted to share  17 information with an organisation where the individual  18 would be present?  19 <b>A. Indeed. The police didn't actually tell them that this</b>  20 <b>was happening, and they might not have even known that</b>  21 <b>he was a server at the church and it was the man himself</b>  22 <b>who inadvertently disclosed to somebody else, when</b>  23 <b>asking for a reference, that it was happening.</b>  24 <b>I mean, I think there are two areas. One is what</b>  25 <b>can be done nationally, but there is, two, about what</b></p> <p style="text-align: center;">Page 116</p>

<p>1 <b>can be done locally, and, three, it's about when the</b>  2 <b>need to escalate when it happens locally.</b>  3 Q. But where would you escalate that to? For example, on  4 the particular facts of this particular case, the only  5 reason the diocese found out was because he asked for  6 a reference and then accidentally let slip that he was  7 in the process of being investigated for criminal  8 offending at the same time?  9 <b>A. Yes. I think that this is somewhere where actually you</b>  10 <b>could, yourself, go to other officers, but I think</b>  11 <b>actually you could put this up to the bishop to actually</b>  12 <b>liaise with the LSCB or its successor and actually</b>  13 <b>liaise with more senior people within the police.</b>  14 <b>I mean, quite often with the police you will get one</b>  15 <b>officer who won't share and another who will, you know,</b>  16 <b>and – which, you know, crazy as that sounds, but,</b>  17 <b>therefore, you have to fight hard. So I think all the</b>  18 <b>other steps need to be done, but you shouldn't let it</b>  19 <b>not go unnoticed within the local agencies.</b>  20 Q. Can we move to the second case in respect of your --  21 this starts at 048, EWM000466_048. This is about  22 a retired priest who had PTO. He applied to renew it  23 and there was a blemished confidential declaration in  24 that his daughter had made allegations of abuse against  25 him. If one then goes -- Ralph, if we could go to the</p> <p style="text-align: center;">Page 117</p>	<p>1 top of the next page. The DSA reviewed the record and  2 had established that these allegations were made by the  3 daughter at a time when she was unwell. The police saw  4 the daughter, decided not to investigate, as she  5 withdrew her allegation, and the DSA concluded that the  6 matter had been dealt with appropriately in 2012 and  7 therefore there needed to be no further investigation.  8 What do you think about that?  9 <b>A. I think that the difficulty was that, actually, in 2012,</b>  10 <b>it hadn't necessarily been dealt with appropriately and,</b>  11 <b>therefore, although information was passed about the</b>  12 <b>allegation, before the police had decided not to</b>  13 <b>investigate, in actual fact he was given PTO despite</b>  14 <b>that without any -- at that time. And there was no</b>  15 <b>attempt to see whether it was possible to either speak</b>  16 <b>to him about it or the daughter, who may not have wished</b>  17 <b>to, and it might not have been right to, but actually to</b>  18 <b>speak to him about it.</b>  19 <b>When it came back again years later, the difficulty</b>  20 <b>is, and I think, you know, it's really difficult because</b>  21 <b>it hadn't been dealt with properly in the first place.</b>  22 <b>I think that was the first issue, was actually</b>  23 <b>recognising it hadn't been dealt with, and, therefore,</b>  24 <b>as it hadn't been dealt with, should anything else be</b>  25 <b>done, given that there has been no concerns, and would</b></p> <p style="text-align: center;">Page 118</p>
<p>1 <b>it, or wouldn't it, be right to now go back and bring it</b>  2 <b>up.</b>  3 Q. This, again, I think we can see this is a pattern which  4 has emerged over a number of the cases, that, what do  5 you do if things have been inappropriately dealt with in  6 the past? So if somebody comes along and says, "Well,  7 in 2008, nobody said anything to me about this. Why on  8 earth should I do something about it now 12 or 13 years  9 later?"  10 <b>A. Yes.</b>  11 Q. "And I haven't done anything wrong in the intervening  12 period?"  13 <b>A. I think this one is particularly difficult because of</b>  14 <b>the circumstances around the allegation being made and</b>  15 <b>withdrawn and actually considering -- I mean, the</b>  16 <b>conclusion obviously from the police was, there was</b>  17 <b>nothing there at all. And I sort of -- I think that</b>  18 <b>this is a really difficult one. I personally would</b>  19 <b>probably go back again and just -- and ask the man and</b>  20 <b>ask to speak to his daughter, but I think --</b>  21 Q. Do you think that was a sort of counsel of perfection?  22 <b>A. I think that's a counsel of perfection. I think what</b>  23 <b>she did was acceptable here.</b>  24 Q. Can we turn to York 3. This starts at EWM000466_050.  25 If we can go and get up, Ralph -- thank you. This is</p> <p style="text-align: center;">Page 119</p>	<p>1 in September 2017, somebody called F71 submitted  2 a confidential declaration which identified that, in  3 1997, he'd been convicted of indecent assault. He had  4 a number of roles within a church: leading a house  5 group, worship team, et cetera, et cetera. And it  6 identified -- the DSA, when looking at it, identified  7 that concerns had been expressed both in 1999 and in  8 2011 in relation to that individual having been groomed  9 and the abuse having taken place, and you say at 21.1.3  10 that the response of two rectors and other church  11 officers was hostile to the victim in both 1999 and 2011  12 and overly protective of what was perceived as the  13 alleged perpetrator's emotional welfare.  14 So a safeguarding agreement was set up. However, it  15 was never reviewed. Then you say at 21.1.4:  16 "The DSA and two Assistant DSAs spent a considerable  17 period ..."  18 Could we pick the story up there and could you tell  19 us, on the facts of this case, what the DSAs did from  20 2017 onwards when the confidential declaration was  21 submitted and what you think about that?  22 <b>A. I think what they were trying to do was to undertake</b>  23 <b>a risk assessment and safeguarding agreement, and this</b>  24 <b>went over -- on for many months, until the summer of</b>  25 <b>the next year, I think. What they were trying to do was</b></p> <p style="text-align: center;">Page 120</p>

<p>1 meet -- initially, what they were just asking was to                  2 meet with the rector and the man concerned, and,                  3 basically, the rector was very, very protective about                  4 this person and was very concerned that he would be                  5 upset by this, and initially was blocking agreements to                  6 meet.                  7 Q. So in fact, if we go to 21.3.3 at 051, the DSA looked                  8 into matters, eventually found the safeguarding                  9 agreement -- I think there were some difficulties in                  10 trying to find the safeguarding agreement in the first                  11 place. It was eventually found. But then they spoke to                  12 the rector to say, "Look, we need to put in place                  13 a safeguarding agreement, a risk assessment", and the                  14 rector became angry and refused.                  15 A. Yes. And the DSA was going backwards and forwards                  16 working with the archdeacon to try and get some support                  17 here with the rector, and also the Bishop of Whitby, who                  18 had actually been involved as an archdeacon in 2011.                  19 Eventually, the rector accepts that there needs to be                  20 a meeting with the DSA. It talks about it being very                  21 distressful for the respondent. But there also has to                  22 be a DBS application because he's a member of the PCC.                  23 So they agree to do that first, which delays, again,                  24 everything, and then eventually what happens is, you've                  25 got the planned meeting -- oh, the DBS gets returned to</p> <p style="text-align: center;">Page 121</p>	<p>1 the individual, who shares it with the incumbent, the                  2 rector, but the rector doesn't note anything down from                  3 it or take a copy, but, actually, he recollects, when he                  4 talks to the DSA, that it's four counts of indecent                  5 assault, each sentence nine months, running                  6 concurrently.                  7 There was about to be a meeting. So a meeting                  8 nearly happened between the DSA and rector and it was                  9 postponed. Now, there was redactions here in terms of                  10 explaining what the whole postponement was about.                  11 I worked out, I think, eventually, and it was confirmed                  12 by the DSA's subsequent witness statement, that this was                  13 all about whether or not the respondent should --                  14 whether it was legal for the respondent to be a member                  15 of the PCC, given his convictions and, in March 2018,                  16 there's a meeting between the rector, DSA and archdeacon                  17 and it says he's got to step down immediately.                  18 Q. Because, in fact, what happened is, prior to 2017, you                  19 weren't automatically disqualified. In 2017, various                  20 changes were made to the rules, so that you are not                  21 permitted to be a member of a PCC if you are convicted                  22 of various child sex offendings, in effect?                  23 A. So it only sort of -- people -- I mean, the problem here                  24 is, everything is changing so much. What we also get is                  25 people not realising that things have changed. So here</p> <p style="text-align: center;">Page 122</p>
<p>1 they realised then in February. I'm not sure why they                  2 had to cancel their meeting, because that was a pity,                  3 that a meeting had actually been arranged, and I'm not                  4 sure you should have cancelled it for that reason. But                  5 still it was cancelled. And the rector went off not                  6 happy at either ceasing the PCC membership immediately,                  7 he wanted to wait until -- so that there would be one                  8 more meeting and then they came up for renewal anyway,                  9 and not sure he had complied with the safeguarding                  10 agreement process.                  11 Q. Thank you.                  12 A. Then, when the DSA next chases it up, three months                  13 later, by that point, the respondent has decided to                  14 leave the church. So it sort of gets solved in that                  15 way, for the moment.                  16 Q. I mean, as far as you were concerned, what's the overall                  17 message that comes from this case? I think you can see                  18 the DSA trying to put in place the things which are set                  19 out in the guidance and which would be good safeguarding                  20 agreement. But you've got a rector who's very                  21 protective and who's saying, "That isn't going to                  22 happen". What message --                  23 A. Okay. Well, the message here sort of is very clear that                  24 when you actually have -- this whole bit about, you                  25 know, incumbents, bishops, deans, they are all in charge</p> <p style="text-align: center;">Page 123</p>	<p>1 of what happens in their churches, and that, actually,                  2 you can't -- the difficulty, even when you have support                  3 of senior clergy, and you might have thought that maybe                  4 somebody would -- you know, if you were in another                  5 setting, might be thinking about disciplinary                  6 proceedings, but nobody is at that point.                  7 Q. So there's nothing in any of the records which identify                  8 that the incumbent was written to or that there was an                  9 informal chat which said something like, "Look, unless                  10 you behave in a different way, I'm afraid we might be                  11 thinking about a clerical discipline measure"?                  12 A. Nothing that I could find. And then there's                  13 a development here because actually the victim comes                  14 back again. And what I think is very interesting, in                  15 terms of thinking about core groups, is, the victim then                  16 comes back and makes another complaint, at which point                  17 the DSA decides to convene a core group, presumably                  18 because this is about the rector's behaviour as opposed                  19 to anything else.                  20 One should say here that what comes through loud and                  21 clear from the victim in each of these times, in 1999,                  22 2011 and here again, is how he is trying to get people                  23 to listen to the need -- he's not thinking of himself,                  24 but the need to safeguard the church where this person                  25 attends.</p> <p style="text-align: center;">Page 124</p>

<p>1 <b>So at that point, a core group is held, and it is</b>                  2 <b>interesting how, from a core group, once you have got</b>                  3 <b>the backing of a core group, so much more happens.</b>                  4 Q. Right. Then, suddenly, everything happens. The                  5 agreement was made and everything -- well, in fact, the                  6 individual decided to leave the church rather than --                  7 <b>A. Had already decided to leave the church, but at this</b>                  8 <b>point, what is being looked at is actually the behaviour</b>                  9 <b>of the church in the response and the behaviour of</b>                  10 <b>the rector, and there is actually a recommendation from</b>                  11 <b>the core group for disciplinary proceedings of some</b>                  12 <b>sort, which end up being resolved with capability</b>                  13 <b>measure rather than anything else, as far as I can see.</b>                  14 Q. Right.                  15 <b>A. But there's also an apology to the victim. I think</b>                  16 <b>I put in the report about "not enough". But, therefore,</b>                  17 <b>it is looked at. So I think it's the power of having</b>                  18 <b>a core group makes quite a substantial difference.</b>                  19 Q. Ms O'Hara has given some witness evidence about this, in                  20 which she explains, as I identified earlier, that she                  21 had gone off to seek some legal advice as to whether or                  22 not he could, or could not, be automatically                  23 disqualified. I think this shows, as you have                  24 identified, that there were some issues around which                  25 rules applied. Does anything else Ms O'Hara says assist</p> <p style="text-align: center;">Page 125</p>	<p>1 you or identify any extraneous issues you hadn't already                  2 known about to make you reach a different conclusion to                  3 that which you did?                  4 <b>A. No, I don't think so.</b>                  5 Q. Ms O'Hara reflects on her actions at paragraphs 165 to                  6 168 of her witness statement. That's ACE027585 at                  7 pages 40 to 42. If we could go down to the next page,                  8 please -- ah, here, no, paragraph 161, sorry, Ralph:                  9 "Upon reflection, I recognise that I should have                  10 made direct contact with F71 and asked him to                  11 participate in the risk assessment process ... when                  12 I was unclear of the risk represented to the parish.                  13 I did, however, escalate my concerns ... to the                  14 Archdeacon of Cleveland who reminded him of his duty to                  15 have due regard for the House of Bishops' guidance.                  16 This was reinforced by the Bishop of Whitby."                  17 So it does appear that some steps were taken, shall                  18 we say, towards the beginning of Clerical Discipline                  19 Measures?                  20 <b>A. Well, we don't know -- I don't think we know that. We</b>                  21 <b>know that some steps were taken to try and encourage him</b>                  22 <b>to cooperate -- is it him or her? I don't know the</b>                  23 <b>rector. But we are not sure how far -- how effective</b>                  24 <b>that was and whether that was in terms of steps towards</b>                  25 <b>the Clergy Discipline Measure or not. I don't know.</b></p> <p style="text-align: center;">Page 126</p>
<p>1 Q. We also have a witness statement from Bishop                  2 Paul Ferguson. Ralph, ACE027587_014, paragraph 49.                  3 Do you have any comments you would like to make                  4 about the management? So what he says is, really, that                  5 the way in which the individual behaved in that case was                  6 unusual, but it does illustrate that people who have                  7 a strong conversion theology -- I'm not entirely sure                  8 what that means, but I'm assuming that means that people                  9 can be sort of reborn after their sins, so their sins                  10 can quite literally be scrubbed away and/or they should                  11 be treated charitably.                  12 Do you have any comments you wish to make about the                  13 advice that you have given us, your opinion, your expert                  14 opinion, in the light of that?                  15 <b>A. He complied with the instruction received and the legal</b>                  16 <b>requirements. I'm not quite sure that I know whether</b>                  17 <b>that happened or not, because the person chose to leave,</b>                  18 <b>and I'm not sure what the compliance was there.</b>                  19 Q. We also have a statement from AN-X7, the parish priest,                  20 and I'm asked on behalf of Herbert Smith Freehills to                  21 show you paragraphs 43 to 49, please, Ralph,                  22 ACE027637_011, please. So it's paragraphs 43 to 46 and                  23 48 to 49. Is there anything, if you sort of re-read                  24 those, in there, which makes you reach a different                  25 conclusion? In essence, essentially, what is said --</p> <p style="text-align: center;">Page 127</p>	<p>1 obviously I don't want to stop you reading all of it --                  2 <b>A. No, you tell me.</b>                  3 Q. But essentially, what they're saying is, there were lots                  4 of reasons for the delay which weren't necessarily to do                  5 with the rector's intransigence but were to do with, for                  6 example, to go off and get another DBS check for various                  7 bits and pieces to do with the safeguarding process                  8 generally?                  9 <b>A. Well, certainly forgetting the DBS check caused delay,</b>                  10 <b>although from my reading of the records, initially, they</b>                  11 <b>were prepared -- the request to meet would have been</b>                  12 <b>without waiting for that. I could be wrong. You will</b>                  13 <b>need to check with the DSA.</b>                  14 <b>I think afterwards there was a certain delay because</b>                  15 <b>of the cancellation of the proposed meeting, and then</b>                  16 <b>putting in place a meeting without the respondent so</b>                  17 <b>they could discuss the illegality of him being a member</b>                  18 <b>of the PCC, and then you've got intransigence again,</b>                  19 <b>though, because the rector went off and said that he or</b>                  20 <b>she wouldn't -- didn't know whether they were going to</b>                  21 <b>agree with doing what they were being told to do.</b>                  22 Q. So having had a chance to read the witness statement of                  23 X7, would you have reached any different conclusions?                  24 <b>A. I'd have to ...</b>                  25 Q. You've had an opportunity to read it and give us an</p> <p style="text-align: center;">Page 128</p>



<p>1 answer today?</p> <p>2 <b>A. Yes, and I'm just looking to see whether -- did I say</b></p> <p>3 <b>anything?</b></p> <p>4 Q. No.</p> <p>5 <b>A. No. Well, in which case, no.</b></p> <p>6 Q. Yes. In fact, what you say in your addendum report is:</p> <p>7 "The various statements provide a great deal of new</p> <p>8 information, possibly because of the large amount of</p> <p>9 redactions that were in the documents provided for</p> <p>10 review. However, despite this, the evaluations in the</p> <p>11 report remain the same."</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. Could I turn now to York 4. This is the last case.</p> <p>14 EWM000466_055. I mean the last case for the</p> <p>15 Church of England. This is about how you manage</p> <p>16 a high-risk offender who had previously held -- he'd</p> <p>17 previously held leadership roles. Ralph, do you mind</p> <p>18 just getting up the bottom of the page, please, 22.1.1.</p> <p>19 He was convicted in 2015 of a number of offences. In</p> <p>20 the previous 30 years, he's held a number of roles to do</p> <p>21 with children and young people at which he had abused</p> <p>22 his position of trust. And when he was released, he</p> <p>23 sought to worship at a church and, in effect, this case</p> <p>24 is all about how three different churches -- the</p> <p>25 Church of England, the Methodist Church and the United</p> <p style="text-align: center;">Page 129</p>	<p>1 Reform Church -- tried to work together.</p> <p>2 Ultimately, you say it was all appropriate and</p> <p>3 adequate. Is there anything that comes out of this</p> <p>4 that -- are there any lessons to be learned that come</p> <p>5 out of this particular case?</p> <p>6 <b>A. As I say, it was good, the way they all liaised</b></p> <p>7 <b>together. The United Reform Church was going to</b></p> <p>8 <b>commission an independent risk assessment, and they</b></p> <p>9 <b>suggested that this be split between the churches.</b></p> <p>10 Q. What, the cost of it?</p> <p>11 <b>A. The cost of it. It would be shared anyway, and they</b></p> <p>12 <b>never took away the sharing, but the costs would be</b></p> <p>13 <b>shared. The Church of England decided not -- I mean,</b></p> <p>14 <b>the DSA sought advice from the NST, and decided that it</b></p> <p>15 <b>didn't fulfil the criteria of practice guidance in the</b></p> <p>16 <b>Church of England because he was not a church officer</b></p> <p>17 <b>and, therefore, he would not be -- he would not fit the</b></p> <p>18 <b>criteria for an independent assessment, so they wouldn't</b></p> <p>19 <b>be able to contribute to the cost and, therefore, the</b></p> <p>20 <b>DSA did her own assessment.</b></p> <p>21 This seemed to me really quite a pity, because you</p> <p>22 were getting a very thorough independent assessment done</p> <p>23 and, actually, risk -- what they risked was that,</p> <p>24 actually, he wouldn't agree with having yet another one</p> <p>25 done. I mean, in actual fact, there were -- there was</p> <p style="text-align: center;">Page 130</p>
<p>1 <b>an internal assessment done that was also good and,</b></p> <p>2 <b>therefore, you had two good risk assessments, but it</b></p> <p>3 <b>seemed to be a waste of resources and actually risking</b></p> <p>4 <b>the fact that he wouldn't cooperate.</b></p> <p>5 Q. So in fact, in that case, what appeared to have happened</p> <p>6 is, it was, like, well, you don't meet our criteria,</p> <p>7 instead of sitting there and thinking it might actually</p> <p>8 be a cheaper way in terms of how long it would take to</p> <p>9 do an internal one instead of saying, okay, we will</p> <p>10 split the costs three ways of an independent one?</p> <p>11 <b>A. It seemed a very bureaucratic response.</b></p> <p>12 Q. Can we now turn to the Church in Wales. This starts at</p> <p>13 page 57. There are six cases. I am not going to go</p> <p>14 through all of them in the same way that I did, because</p> <p>15 we went through a number of them on Friday with various</p> <p>16 individuals from the Church in Wales. But I'm going to</p> <p>17 simply highlight those areas which you found were good</p> <p>18 and those which were not so good.</p> <p>19 Now, the first issue is a case known as WA1. This</p> <p>20 is EWM000466_060. Now, this is about the individual who</p> <p>21 allegedly had sex -- well, had performed oral sex on</p> <p>22 a 17-year-old boy and was living rent free in the</p> <p>23 particular house, and so we dealt, with Ms Howe and</p> <p>24 Archbishop John Davies on Friday, with the idea of</p> <p>25 the fact that there were some issues, shall we say,</p> <p style="text-align: center;">Page 131</p>	<p>1 about the way in which the incumbent managed this</p> <p>2 process.</p> <p>3 You, in effect, criticise the delay in putting in</p> <p>4 place, in effect, disciplinary processes against the</p> <p>5 vicar for their failure to comply with what the</p> <p>6 Provincial Safeguarding Officers thought was</p> <p>7 appropriate. Is that right?</p> <p>8 <b>A. Well, not just delay. I don't think there were any --</b></p> <p>9 <b>anything done about the fact that she wasn't cooperating</b></p> <p>10 <b>at all, other than the bishop eventually -- is this the</b></p> <p>11 <b>right one?</b></p> <p>12 Q. Yes. Well, it was the bishop eventually sort of got</p> <p>13 involved but didn't actually do anything?</p> <p>14 <b>A. Yes, and eventually an independent risk assessment is</b></p> <p>15 <b>agreed.</b></p> <p>16 Q. Yes.</p> <p>17 <b>A. But up until then, the vicar had insisted that she had</b></p> <p>18 <b>done her own risk assessment and she had done this</b></p> <p>19 <b>without any discussion or consultation with the DSA, and</b></p> <p>20 <b>she felt she had put her own things into -- her own</b></p> <p>21 <b>measures in place, although there really was no evidence</b></p> <p>22 <b>of a risk assessment or the measures, other than one</b></p> <p>23 <b>letter from her to the respondent.</b></p> <p>24 Q. Okay.</p> <p>25 <b>A. So, no, I don't think there was ever anything -- it</b></p> <p style="text-align: center;">Page 132</p>

1 **wasn't just delay, nothing was done.**  
 2 Q. At 24.5.1, 063, please, Ralph, you identify that the  
 3 vicar's responses in this case were inappropriate and  
 4 poor practice.  
 5 **A. Yes.**  
 6 Q. Is there anything which comes out of this case about the  
 7 approach -- Ralph, would you mind -- yes, thank you very  
 8 much. Would you mind just identifying if there's any  
 9 wider lessons that can be learned from this case?  
 10 **A. I mean, like the case in York, you have, again, got**  
 11 **a DSA who seems to be helpless in terms of, even despite**  
 12 **the involvement of senior clergy, in actually pushing**  
 13 **things on. There's a delay in moving things on, and**  
 14 **only when, actually, it is agreed to forget about the**  
 15 **suspension, any disciplinary proceedings, that it just**  
 16 **moves into a risk assessment.**  
 17 **The other side of it which was interesting in terms**  
 18 **of the Church of Wales -- because the Church of Wales**  
 19 **have actually got a national system, as far as I could**  
 20 **understand.**  
 21 Q. I believe, in fact, it is the Church in Wales rather  
 22 than the Church of Wales?  
 23 **A. My apologies.**  
 24 Q. Don't worry, I have had to be corrected on a number of  
 25 occasions as well.

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1 somebody who was a cleric and he then propositioned  
 2 someone and it wasn't reported to the police and he was  
 3 then convicted of such later on, and he then, during  
 4 a church service, asked somebody about the size of their  
 5 penis and, as a result, he was no longer allowed to do  
 6 so and he was also found guilty of that. You in fact  
 7 praised the actions of the church in that way. There is  
 8 only one issue you raise at 25.3.1, which is 065,  
 9 please, Ralph, which is simply that there is earlier  
 10 mention of an incident which had been reported to the  
 11 previous vicar about there having been previous  
 12 inappropriate comments during Scouts, and you say that  
 13 that should have been taken forward?  
 14 **A. Yes, that should have been taken forward.**  
 15 Q. Other than that, is there anything you want to say --  
 16 **A. I think other than that, and this was probably my**  
 17 **naivety and lack of knowledge, but I was surprised, when**  
 18 **I read this, to discover that he was still a priest.**  
 19 **And despite having convictions and serving time in**  
 20 **prison. So although he didn't have permission to**  
 21 **officiate, he was still a priest. And that surprised**  
 22 **me, because I think in any other profession there would**  
 23 **have been professional action taken to actually disbar**  
 24 **or whatever. So it was maybe my naivety, but I was**  
 25 **shocked at that.**

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1 **A. So the Church in Wales appear to have a good system**  
 2 **because their safeguarding service here, the Provincial**  
 3 **Advisors and Head of Safeguarding, is national. They**  
 4 **also have a Safeguarding Panel which, from what I could**  
 5 **gather, looking at the cases, seems to be like a core**  
 6 **group but acts in every single case. So that is all**  
 7 **good. But even with -- and here a lawyer was also**  
 8 **involved. But even with the advice and recommendation**  
 9 **of the panel, the head of safeguarding, the Provincial**  
 10 **Safeguarding Officer and a lawyer, actually were unable**  
 11 **to move things forward, and the bishop didn't take**  
 12 **a strong line and, in fact, some of the times -- and**  
 13 **I noticed when reading the statements there was stuff**  
 14 **that actually wasn't in the record. So I'm not sure**  
 15 **what the PSO even knew about meetings between the bishop**  
 16 **and the incumbent at the church, and letters which were**  
 17 **provided.**  
 18 **So it was -- it just reinforced to me how difficult**  
 19 **this really is in terms of incumbents, in terms of**  
 20 **clergy, and the power that they have and the relative**  
 21 **lack of power of the safeguarding service.**  
 22 Q. Can we now turn to case WA2, which starts at 064.  
 23 Ralph, 25.1.1 to 25.1.2. Now, in fact, we heard the  
 24 Reverend Watkins, who came to give us evidence on  
 25 Friday, who spoke about this case. This was about

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1 Q. Can we turn now to Wales 3. Now, this starts at  
 2 EWM000466\_066. This is a case, again, chair and panel,  
 3 you will remember from Friday. This is a case about the  
 4 head teacher whose husband was convicted of offending  
 5 and then there was an issue about what to do about her  
 6 in her ministerial role, not because there were any  
 7 allegations against her, but simply because of her  
 8 behaviour during and after her husband's sentencing,  
 9 which were felt to be inappropriate.  
 10 Now, just briefly, what was your view about the  
 11 church's reaction and what you thought was good or not  
 12 so good about this, and you identify this at 26.4, if  
 13 you don't mind, Ralph, 068?  
 14 **A. Yes, this is a very lengthy case. We had 910 pages of**  
 15 **documents supplied to us. Again, I will say with the**  
 16 **Church in Wales there was a lack of case logs, of**  
 17 **contacts. It was just -- our records were all in terms**  
 18 **of reports to the case panel which were cut and paste**  
 19 **emails, or bits of letters sometimes with no dates,**  
 20 **sometimes with no letters, and we never knew exactly**  
 21 **what the outcome of the panel was. Sometimes you get**  
 22 **something put there, but not always. So it was quite**  
 23 **difficult to work out the history here, and it was**  
 24 **obviously extremely complicated.**  
 25 **But what you have at the outset from the period that**

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<p>1 we started to look at was the fact that it's a decision                  2 to have a risk assessment done as to whether or not this                  3 PTO should be granted to the wife, and what you have is                  4 a PSO --                  5 Q. That's the Provincial Safeguarding Officer?                  6 A. Safeguarding Officer, and a panel who have all made it                  7 clear that, even if the risk assessment is positive,                  8 they would not be able to support her being given PTO                  9 again.                  10 Q. Yes.                  11 A. But, despite that -- and, therefore, you have to think,                  12 well, surely, what's the point of doing a risk                  13 assessment at that point? But the bishop decides to do                  14 that, and it goes on for some years.                  15 Q. Yes. I mean, I think it's about five or six years in                  16 total?                  17 A. In total. And it just feels very unfair to the woman                  18 concerned that actually she does not know what the worry                  19 is and why that decision was taken. But also, I can see                  20 from the side -- from the diocesan -- from the PSO's                  21 side there's the problem about what can actually be                  22 shared. Now, I think it is the head of safeguarding                  23 dealing with this. What can be shared? Because the                  24 concerns are in an independent report that was done on                  25 her by her employers, and for which immediately she</p> <p style="text-align: center;">Page 137</p>	<p>1 didn't cooperate with that on the advice of her union,                  2 but she did actually take early retirement immediately                  3 afterwards, and there's content of that which would have                  4 raised concerns, and they spend these years every so                  5 often trying to get -- trying to be able to share this                  6 report with the independent risk assessors, never                  7 managing it, so the risk assessment is done -- not done.                  8 So the whole thing is extremely unsatisfactory, but it's                  9 sort of solved because the woman withdraws herself, and                  10 you just feel this has been terribly unfair to everybody                  11 concerned, but actually to her, that she did not know                  12 what the concerns were, and also what that means in                  13 terms of her continuing behaviour which caused rise to                  14 some of those concerns.                  15 Q. If we deal quite shortly with the next case, which is                  16 Wales 4, this is EWM000466_069, this was a referral                  17 after a concern from a child from a volunteer who was                  18 attending an ecumenical prayer spaces session at a local                  19 school. It was all about, what do you do? And the                  20 concerns that you have identified at 27.4.1 onwards,                  21 that's, Ralph, EWM000466_071, is, really, about the fact                  22 that the local authority and the church bounced around                  23 who should be responsible?                  24 A. Yes.                  25 Q. Your identification appears to be that the local</p> <p style="text-align: center;">Page 138</p>
<p>1 authority didn't really understand what it was that was                  2 going on, and basically said, well, this is nothing                  3 really to do with us when possibly it was to do with                  4 them?                  5 A. It's that, but also they seem to be blaming the head of                  6 safeguarding for not telling them things which he seemed                  7 to have told them. I just say we are only looking at                  8 one side of the picture here, we are not seeing the                  9 other side of the records, which might be quite                  10 illuminating. From the records I saw, it would seem                  11 there was real difficulty understanding how a volunteer                  12 from the Church in Wales could be involved in something                  13 that wasn't run by the Church in Wales, but was run by                  14 somebody else, and who else, and this person, I think,                  15 possibly, who was running it, had been an employee of                  16 the Church in Wales but wasn't anymore. So there was                  17 just total confusion about who was responsible for this                  18 and was it the Church in Wales or wasn't it and what was                  19 the Church in Wales' role if it wasn't, although it was                  20 a Church in Wales volunteer, so they did have a role.                  21 Q. Doesn't this become more difficult if you're dealing                  22 with a situation whereby increasing amounts of work is                  23 undertaken by lay people rather than by clerics, and                  24 also a situation whereby ecumenical work is increasing,                  25 so you've got people working across different parts of</p> <p style="text-align: center;">Page 139</p>	<p>1 the church, doesn't this show that maybe the local                  2 authority needs a little --                  3 A. A little help to understand this, yes.                  4 Q. What lessons does this teach us about information that                  5 local authorities might need to gain about what                  6 religious groups are operating in their area?                  7 A. Yes. I mean, especially as more and more is done by                  8 voluntary groups and -- as well as religious groups, and                  9 how these all interact and who is reasonable for                  10 undertaking checks and actually thinking about whether                  11 or not somebody is okay to be involved in activity, and                  12 it is extremely complicated and, therefore, yes, there                  13 needs to be increased understanding of that. How that's                  14 done, I'm not quite sure.                  15 Q. So Wales 5 is all about the interrelationship between                  16 all the dioceses, and in fact that was identified -- you                  17 identified that as good practice?                  18 A. Yes.                  19 Q. As you did with Wales 6, finding that the actions of                  20 the church were entirely appropriate and adequate --                  21 A. Yes.                  22 Q. -- in respect of responding to a young man who had                  23 learning disabilities, who had tried to hug a much                  24 smaller child and, therefore, there were all sorts of                  25 issues about the vulnerability of the young man as well</p> <p style="text-align: center;">Page 140</p>

<p>1 as the vulnerability of the child, which you say were 2 very well handled? 3 <b>A. Yes, I think they handled it well, very sensitively to 4 all sides.</b> 5 Q. So, overall, I think we've gone through the headline 6 issues that you raise, which is, risk assessment issues, 7 issues because the incumbent -- if the incumbent doesn't 8 want to play ball, so to speak, if they want to be 9 obdurate, it can cause significant difficulties and 10 delay. Although I think in all these cases, even though 11 there's been potential obduracy, things were eventually 12 sorted out one way or the other. 13 What conclusions, if any, does this lead you to 14 think about what changes or what alterations there might 15 need to be made to safeguarding practice in the 16 Church of England or the Church in Wales generally? 17 <b>A. When writing the overview report for SCIE on the 18 diocesan audits, I think -- I talk about the fact that 19 the safeguarding service ought to be a national service, 20 and that was --</b> 21 Q. What do you mean by a National Safeguarding Service? Do 22 you mean something run by the central team of 23 the Church of England or do you mean something run 24 completely independently of the Church of England? 25 <b>A. I think what we were thinking then was something that is</b></p> <p style="text-align: center;">Page 141</p>	<p>1 <b>part of the Church of England. This is in the SCIE</b> 2 <b>report. And that would be based in localities,</b> 3 <b>regionally and, therefore, you would still have DSAs as</b> 4 <b>part of the diocese, but who would be supervised and</b> 5 <b>managed, and it got rid of all the supervision and</b> 6 <b>management issues that are unsatisfactory in the current</b> 7 <b>situation, and also would give more power to the</b> 8 <b>safeguarding service, so that, when things go wrong, or</b> 9 <b>where they are having difficulties with their bishops,</b> 10 <b>and perhaps will probably have more difficulties,</b> 11 <b>because I think at the moment a lot gets submerged</b> 12 <b>because everybody agrees with each other rather than</b> 13 <b>actually disagrees.</b> 14 <b>Now, when I -- when we are looking at this case,</b> 15 <b>I suppose what hit me was, again, how difficult it is,</b> 16 <b>even as time has moved on, we have three cases here, two</b> 17 <b>in Wales and one in York, where, with actually very good</b> 18 <b>safeguarding services, there was a problem of pushing</b> 19 <b>things forward because of opposition by an incumbent.</b> 20 <b>And, therefore -- and actually very weak</b> 21 <b>interference. Although there was very gentle prodding</b> 22 <b>by senior clergy, it's very, very gentle in comparison,</b> 23 <b>perhaps, with the world that most of us live in and</b> 24 <b>organisations we live in.</b> 25 <b>So -- and I was thinking about Wales, which has that</b></p> <p style="text-align: center;">Page 142</p>
<p>1 <b>national setup. Even with the national setup, you</b> 2 <b>can't -- you still have that problem. And that's made</b> 3 <b>me think, actually, you need even more.</b> 4 <b>So we know that now in the Church of England you're</b> 5 <b>going to have a Director of Safeguarding. Would that do</b> 6 <b>it? And I don't think it does. I think one person</b> 7 <b>sitting at the senior table, you know, depends upon</b> 8 <b>power and dynamics, but I don't think that would.</b> 9 <b>My opinion probably is that you have to do two</b> 10 <b>things. One is, you have to be absolutely clear about</b> 11 <b>where the responsibility for making safeguarding</b> 12 <b>decisions is, and although since the interim overview</b> 13 <b>report the church has been clear that making referrals</b> 14 <b>to the police and the local authority is in the hands of</b> 15 <b>the safeguarding service, other than that, the bishops</b> 16 <b>or the incumbents retain the power to do what they think</b> 17 <b>and what they want. Even core groups make</b> 18 <b>recommendations, don't make decisions. And I think that</b> 19 <b>there has to be a move that actually this is taken out</b> 20 <b>of the hands of clergy.</b> 21 Q. Right. In other words, decision making should lie with 22 safeguarding professionals? 23 <b>A. Decision making should lie with safeguarding</b> 24 <b>professionals, and I think we're asking too much of</b> 25 <b>clergy, because there's a conflict of interest. They,</b></p> <p style="text-align: center;">Page 143</p>	<p>1 <b>on the one side, have -- they are supporting</b> 2 <b>safeguarding, but on the other side they also are</b> 3 <b>supporting the people -- the perpetrators, the</b> 4 <b>offenders, the alleged offenders, and they have those</b> 5 <b>dual responsibilities, and that's quite a lot,</b> 6 <b>therefore, to ask, that they also have the leadership.</b> 7 <b>I think they have the spiritual leadership for</b> 8 <b>safeguarding, but they shouldn't have the operational</b> 9 <b>leadership.</b> 10 Q. So you would say an individual who is currently 11 a Diocesan Safeguarding Advisor, a gentleman called 12 Mr Colin Perkins, who is the Diocese of Chichester, his 13 solution to this is to have something called the 14 Diocesan Safeguarding Officer, who would have basically 15 the roles and responsibility for making safeguarding 16 decisions; administering safeguarding issues; if 17 necessary, suspending clergy and initiating disciplinary 18 proceedings against clergy in the context of 19 safeguarding. Would that be enough? Do you think that 20 that sounds like the sort of thing -- 21 <b>A. It would certainly be an improvement, but my worry about</b> 22 <b>this being -- happening in a diocesan level only is that</b> 23 <b>sometimes you can have a very cosy relationship in</b> 24 <b>a diocese, and that everybody -- you know, the ability</b> 25 <b>of a safeguarding -- sometimes the only safeguarding</b></p> <p style="text-align: center;">Page 144</p>

1 **person there to always have the strength and the**  
 2 **challenge, and sometimes when people tell me they have**  
 3 **a wonderful relationship and in fact, oh, no -- when the**  
 4 **auditors have gone in and said, "Oh, no, no, there were**  
 5 **no problems" is what they were being told, sometimes I'm**  
 6 **more worried about that than where there's openly**  
 7 **debate.**  
 8 **So I'm not sure about that. I still think that**  
 9 **needs to be on a more national level.**  
 10 Q. So you would say that the person -- even if they are  
 11 operating in a diocese -- needs to be reporting to the  
 12 national team and needs to be able to say, "Well, I'm  
 13 not happy about this. I can go up the food chain"?  
 14 **A. Absolutely. And, now, whether or not that would be**  
 15 **enough -- it might be enough if they've got the power to**  
 16 **suspend and to institute disciplinary proceedings, but**  
 17 **the problem is whether they'd have that power, because**  
 18 **that's sort of employer's power.**  
 19 Q. Yes.  
 20 **A. If they haven't, then I think it's very difficult.**  
 21 **I think, yes, if they have that power. If they haven't,**  
 22 **then I think you need to begin to think about an**  
 23 **independent service.**  
 24 Q. But what would an independent service look like?  
 25 Because, you know, one of the issues is, Mr Greenwood,

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1 **that -- now, I still have a problem that people**  
 2 **internally won't probably be open and speak to them**  
 3 **about their concerns, because, when you go and inspect,**  
 4 **you might not see the things that are most concern.**  
 5 Q. But isn't that the concern with everything, that --  
 6 **A. Yes.**  
 7 Q. I mean, the concern that you have identified of cosiness  
 8 in relationships and things like that, that's possible  
 9 in any agency, in any body, so I'm just thinking about  
 10 a school. You could have the designated safeguarding  
 11 lead in a school and the head teacher in a school. They  
 12 might be terribly chummy with each other?  
 13 **A. This is true, yes.**  
 14 Q. And, really, the only external inspection there would  
 15 either be Independent Schools Inspectorate or Ofsted.  
 16 That's just the organisation and agency that I know  
 17 best.  
 18 **A. I think that is an interesting idea, and it might work.**  
 19 Q. But it would need --  
 20 **A. It might do. I think, if you have faith in inspectorate**  
 21 **services working, it might work.**  
 22 Q. That presupposes that you might not have faith in  
 23 independent inspectorates working?  
 24 **A. My experience of going into lots of local authorities**  
 25 **and boards is that the inspectorate is very wise after**

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1 for example, and his victims and survivors, have always  
 2 advocated a wholly independent service. But what would  
 3 that look like, in practice, as a safeguarding  
 4 professional?  
 5 **A. Now, I haven't given it a huge amount of thought,**  
 6 **because this was as I was writing -- as you know, this**  
 7 **report is very recent. As I was writing this report and**  
 8 **I got to what was happening in the Church in Wales,**  
 9 **I began to think, "Hang on a minute, they have got what**  
 10 **we are advocating". Therefore, I thought, "Can this**  
 11 **work if you're internal?" It can if you've got the**  
 12 **power of suspension and disciplinary, but if you haven't**  
 13 **got that, there is a real problem, if you're internal,**  
 14 **because you can't speak out. Where, as an independent**  
 15 **organisation, you can speak out and say, "This has**  
 16 **happened and the church hasn't done this".**  
 17 Q. Could that level of independence be satisfied by having  
 18 an organisation, not necessarily SCIE, AN Other  
 19 organisation whose job it is to quality assure and  
 20 inspect, in effect, those facilities which are operated  
 21 by the church on a fairly regular basis, an inspection  
 22 model you will be familiar with from a number of other  
 23 statutory perspectives?  
 24 **A. That's an interesting idea that I hadn't thought of. It**  
 25 **might. It might, but I'm not -- if there is some way**

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1 **an event, in telling you what was wrong that they**  
 2 **actually didn't identify beforehand. And, therefore --**  
 3 **and then it's a self-fulfilling prophecy that actually**  
 4 **it seems to get worse after they have been and sort of**  
 5 **decided that things aren't good.**  
 6 **But that -- I mean, I might have a biased view**  
 7 **there, and it might be because the way I go in is**  
 8 **normally where -- I'm very surprised sometimes, having**  
 9 **been into the very good places and been into not such**  
 10 **good places, and I find the practice isn't all that**  
 11 **different, but I find the inspectorate finds these great**  
 12 **variations, and very often doesn't find what I am**  
 13 **finding when I do audits, say, on supposedly very good**  
 14 **authorities. The inspectorate quite often doesn't do**  
 15 **that. But I may not be the most -- much of a believer**  
 16 **here in the ability of inspectorate. I think**  
 17 **Graham Tilby will be a lot stronger on that.**  
 18 Q. You also identified about the fact that there might need  
 19 to be some sort of managerial system or oversight of  
 20 clerics. Now, that's quite difficult because they're  
 21 office holders, so you don't have a direct line of  
 22 command and control. I don't expect you to have an  
 23 answer to that question, because that's not something  
 24 that you're an expert in, but you do identify the fact  
 25 that there needs to be potentially more -- that these

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1 cases highlight maybe the need for more powers of  
 2 management, shall we say?  
 3 **A. I think there needs to be more powers of management and**  
 4 **it is very gentle. I think there seems to be very**  
 5 **gentle nudges done, as opposed to a management thing.**  
 6 **The problem is, the clergy -- as far as I understand it,**  
 7 **the clergy disciplinary procedure is perhaps more like**  
 8 **a professional body.**  
 9 Q. Yes, the clergy discipline procedure, the closest thing  
 10 for you would be something like the HCPC. It would be  
 11 like the HCPC disciplinary processes or other sorts of  
 12 regulatory processes. It is not really a -- it is not  
 13 really about capability in management, it is about  
 14 discipline?  
 15 **A. Therefore, there is a feeling that -- because, of**  
 16 **course, they aren't employees in that sense. But**  
 17 **there's a feeling that you're lacking that employer**  
 18 **responsibility, so rather than relying on a complaint**  
 19 **against somebody, actually the employer should be**  
 20 **proactive in thinking, "This person is not doing what**  
 21 **they need to do".**  
 22 Q. So instead of saying there should be a Clergy Discipline  
 23 Measure, they should be sort of, not hauled in, but it  
 24 should be said, "Right, there's one, two, three, four,  
 25 five you need to do, because we are concerned and

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1 THE CHAIR: In the instances we heard about earlier, I think  
 2 you suggested that escalation in one example could take  
 3 place and it might have changed something, but in fact  
 4 it might change a general view about a procedure but it  
 5 wouldn't change the individual decision.  
 6 **A. I think with the LSCB, it wouldn't. But, for example,**  
 7 **if you went to a higher level officer in the police,**  
 8 **then it could actually change --**  
 9 THE CHAIR: I just wanted to clarify that neither the boards  
 10 nor the partnerships have any powers to do that.  
 11 **A. No.**  
 12 THE CHAIR: Thank you very much. Sir Malcolm?  
 13 PROF SIR MALCOLM EVANS: Thank you. You mentioned a few  
 14 moments ago the difficulties of occasionally people  
 15 being wise after events. We have heard a great deal,  
 16 both in your evidence and from elsewhere, about looking  
 17 back on how safeguarding arrangements within churches  
 18 should be monitored and noting the inadequacies of them.  
 19 What would be quite helpful is if, based on your  
 20 experience, you might be able to say a little bit in  
 21 advance of the problem, to say what did you consider, in  
 22 your experience, an appropriate form of monitoring  
 23 a safeguarding arrangement in a church setting would be.  
 24 **A. Yes, how do you monitor? I mean, there is the**  
 25 **monitoring of agreements, where I think actually**

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1 worried about you"?  
 2 **A. Yes.**  
 3 Q. That sort of thing?  
 4 **A. Absolutely. And actually, they should be able to**  
 5 **decide, you know, to actually instruct an incumbent or**  
 6 **another priest as to actually, at times, they have to do**  
 7 **what they are being advised to do.**  
 8 MS SCOLDING: I have no further questions for you, Ms Carmi.  
 9 Chair and panel, I don't know whether you have any  
 10 questions for Ms Carmi.  
 11 THE CHAIR: Yes, there are a couple.  
 12 Questions by THE PANEL  
 13 THE CHAIR: Could I take you back to the issue of  
 14 information sharing and escalation, Ms Carmi, just to  
 15 clarify a point there.  
 16 It was my understanding that LSCBs and the successor  
 17 partnerships could not, cannot, override the decision of  
 18 a single agency member, such as the police, for example.  
 19 We have heard about that earlier on. They might have  
 20 a view and they might influence, but they can't direct  
 21 any of the members to change their decisions?  
 22 **A. No, they can't direct. They could have a view they had**  
 23 **expressed, but they also could be thinking about how**  
 24 **they do their information sharing protocols or policy in**  
 25 **their own procedures.**

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1 **something should be passed back to the safeguarding**  
 2 **service of how it goes on. But in the overall**  
 3 **monitoring of diocesan safeguarding service or -- yeah,**  
 4 **are you asking about the diocesan or the parish or the**  
 5 **church as a whole?**  
 6 PROF SIR MALCOLM EVANS: No, I'm asking the absolutely  
 7 practical question of, when you have a safeguarding  
 8 agreement in place, and we often hear people, "But have  
 9 you got the systems in place to be able to monitor that  
 10 person X does only what is within the agreement?", and  
 11 we so often hear it said, "Well, it is inadequate".  
 12 What would be adequate?  
 13 **A. I think the adequate one is where it goes into quite**  
 14 **a lot of detail about, when person X attends**  
 15 **a particular service, who -- how that is --**  
 16 **specifically, has somebody got to be with them by their**  
 17 **side, be with them by their side when they go and have**  
 18 **coffee and socialise, or whether it is just that they**  
 19 **can attend particular services? Similarly, actually**  
 20 **specifying what type of house group they attend. So**  
 21 **I think it's getting down into real detail and actually**  
 22 **having enough people with the knowledge.**  
 23 **So, for example, one of them was a bell ringer,**  
 24 **amongst other things -- I think this is the person with**  
 25 **the six roles. But, actually, I wasn't certain that the**

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1 person -- that the bell ringing captain, or whatever  
 2 they're called, knew what the risks were. So the person  
 3 that has to be monitoring has to have full knowledge of  
 4 what the risks are and be involved in that and have  
 5 signed up to the safeguarding agreement.  
 6 Similarly, in every single role, there has to be  
 7 somebody that has that understanding and understands  
 8 what their role is to monitor it, which is one of  
 9 the things you see that doesn't happen.  
 10 You then also need to have a reviewing system that  
 11 is somehow real, that has a proper meeting. I noticed  
 12 that quite a few of them were, "Well, is everything all  
 13 right?" "Yes". "That's okay, then". And something  
 14 written to show there's been a review, what's been  
 15 looked at.  
 16 I believe, according to the guidance, it's meant to  
 17 be a new risk assessment when there's a review. But you  
 18 didn't see that -- well, I didn't see reviews. And, in  
 19 actual fact, the guidance says initially at least three  
 20 monthly, and, again, you weren't seeing that.  
 21 So it's got to be done often to be meaningful. If  
 22 you let it go a few years, it's not meaningful at all.  
 23 PROF SIR MALCOLM EVANS: Thank you.  
 24 THE CHAIR: Thank you. We have no further questions. Thank  
 25 you very much, Ms Carmi.

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1 it is behind my tab A1 of the bundle -- that you have  
 2 had an opportunity to read this witness statement  
 3 recently?  
 4 **A. Yes, I have.**  
 5 Q. And that it is true, to the best of your knowledge and  
 6 belief?  
 7 **A. It is, yes.**  
 8 Q. Mrs McMahon, you have been a Diocesan Safeguarding  
 9 Advisor in the Diocese of London from June 2015. Is  
 10 that correct?  
 11 **A. That's correct, yes.**  
 12 Q. And you work currently on a part-time basis?  
 13 **A. I do, yes.**  
 14 Q. Prior to your coming to the diocese, you worked in  
 15 a MASH. I think the chair and panel know what a MASH  
 16 is, but for the purposes of the general public, could  
 17 you briefly explain what that means?  
 18 **A. I worked for Victim Support and it was the first time**  
 19 **after the Laming Report that Victim Support went into**  
 20 **a multi-agency safeguarding, and I worked there in**  
 21 **Guildford Police Station.**  
 22 Q. Prior to working at the MASH, what jobs had you  
 23 undertaken?  
 24 **A. I was with the Probation Service for 20 years and I took**  
 25 **early retirement in 2009, after being a Senior Probation**

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1 (The witness withdrew)  
 2 MS SCOLDING: Chair, I'm going to suggest we take the break  
 3 slightly earlier, with your permission, and then when we  
 4 come back we will be dealing with Ms McMahon from the  
 5 Diocese of London.  
 6 THE CHAIR: We will return at 3.25 pm.  
 7 (3.10 pm)  
 8 (A short break)  
 9 (3.25 pm)  
 10 MS SCOLDING: Good afternoon, chair and panel.  
 11 MRS MARGARITE MCMAHON (affirmed)  
 12 Examination by MS SCOLDING  
 13 MS SCOLDING: Just a few preliminaries. Firstly, this isn't  
 14 a test of memory. Please feel free to refer to any  
 15 documents or notes you might have brought into the  
 16 witness box with you. Secondly, we can stop as often as  
 17 you wish and for any reason. Last, there is a bundle in  
 18 front of you, which should have your witness statement  
 19 in and other relevant documents, but also you will see  
 20 there is also a screen next to you, and if I refer to  
 21 any documents and refer to Ralph, that therefore means  
 22 the document will then appear on screen, and sometimes  
 23 it is easier to read on screen.  
 24 So, Mrs McMahon, can I ask you to confirm that the  
 25 witness statement that we have -- and, chair and panel,

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1 **Officer covering two sites in the Wandsworth area.**  
 2 Q. So you've got a degree in social work but also some  
 3 qualifications in forensic mental health issues and you  
 4 have also undertaken specialist training and work on  
 5 victims, child protection, working with sex offenders  
 6 and risk management?  
 7 **A. That's correct.**  
 8 Q. Since joining the church, you have also undertaken the  
 9 C3 and C4 Church of England safeguarding modules?  
 10 **A. That's correct, yes.**  
 11 Q. I am going to deal with two things with you this  
 12 afternoon. Firstly, some general points about  
 13 safeguarding in the Diocese of London, if I may, and  
 14 then, secondly, to ask you comment upon some of  
 15 the safeguarding cases which Ms Carmi has spoken about,  
 16 to see it from the Diocesan Safeguarding Advisor's  
 17 perspective, if that makes sense.  
 18 **A. Yes.**  
 19 Q. You provide quite an extensive annex to your witness  
 20 statement which identifies various facts about  
 21 safeguarding in the Diocese of London, which is  
 22 ACE027579\_013 onwards.  
 23 Just to identify here, the Diocese of London is  
 24 absolutely enormous?  
 25 **A. It is. That's correct.**

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1 Q. Perhaps you'd like to tell us a little bit about the  
 2 challenges of trying to manage safeguarding in the  
 3 context of 500-plus worshipping communities, 1,000  
 4 clerics, 200 men and women training for ministry, 75,000  
 5 adults on the electoral roll, 70,000-plus regular  
 6 worshippers and an area of 277 square miles from Staines  
 7 to the Isle of Dogs and back again?  
 8 **A. Apart from that, we also cover 18 local authorities and**  
 9 **we work directly -- we have a good single point of**  
 10 **contact within the Metropolitan Police, but we also work**  
 11 **with Two Cities Police, Essex Police on some cases and**  
 12 **Surrey Police. So we have 18 local authorities, four**  
 13 **police forces, several prisons, several medium secure**  
 14 **units and, as you say, over 500 worshipping communities**  
 15 **and 1,000 clergy and ministers, and I think it is 200**  
 16 **currently in training.**  
 17 Q. As well as some of the more unusual things, in that  
 18 you've got Heathrow, Canary Wharf and football clubs who  
 19 you also look after?  
 20 **A. Yes, we do.**  
 21 Q. Because of the size of the diocese, you have a specific  
 22 policy, as I understand it, called "Towards a Safer  
 23 Diocese". Is that still in place or has that been  
 24 replaced by the national policies now?  
 25 **A. No, we're guided by the national policy, but we**

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1 There's a whole raft of bespoke material available  
 2 largely online through your website?  
 3 **A. There is, yes.**  
 4 Q. Again, was that material which you developed in advance  
 5 of the national church providing and issuing you with  
 6 that guidance, or is that something you do slightly  
 7 separately in London?  
 8 **A. We follow national guidance, but obviously every diocese**  
 9 **is different. So you have to adapt everything to what's**  
 10 **going on in your particular diocese. But it's basically**  
 11 **guided by national and we adapt to what resources are**  
 12 **available within our area.**  
 13 Q. There's also the parish safeguarding handbook which was  
 14 issued towards the end of last year, and I believe we  
 15 heard this morning from one of the vicars who is in the  
 16 Diocese of London about the fact that it was given to  
 17 him online. Do you find -- have parishes told you that  
 18 they find the safeguarding handbook useful or not  
 19 useful?  
 20 **A. It appears to me they find it useful. It went online,**  
 21 **but we also sent it out, hard copies, in February 2019**  
 22 **to every diocese, I think, or at least --**  
 23 Q. By "every diocese", you mean every parish?  
 24 **A. Every parish, I apologise. Every parish, or at least**  
 25 **470. I think we were a few short and then had to follow**

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1 **obviously adapted our policy to take on the ten core**  
 2 **principles of the Diocese of London.**  
 3 Q. So can I just ask, why do you have one which is  
 4 different from national policies?  
 5 **A. Well, it's not actually different. It's actually -- it**  
 6 **follows on from that. It's based on the House of**  
 7 **Bishops' safeguarding policy and it was approved by the**  
 8 **Bishops' Council in 2018 and it's -- obviously it's the**  
 9 **same policy, but it takes on our core principles.**  
 10 Q. Those core principles, are they any different to any  
 11 principles you would expect to find in any other  
 12 diocese?  
 13 **A. No, they're no different.**  
 14 Q. Could you give us a couple of examples of the core  
 15 principles?  
 16 **A. Well, the welfare of the child and the vulnerable adult**  
 17 **is paramount. Obviously, the active management of risk,**  
 18 **accountability, collaboration with key statutory**  
 19 **authorities and other partners. It's basically the same**  
 20 **principles that are across national.**  
 21 Q. You also have bespoke documents which have been created  
 22 by the team at various stages, including safeguarding  
 23 leaflets, survivors' leaflets?  
 24 **A. Yes, we do.**  
 25 Q. DBS evidence check forms, model application forms.

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1 **them up later on.**  
 2 Q. Do you find it a useful document when you're trying to  
 3 explain things to parishes, when you're trying to  
 4 provide them with advice. Do you say, "Could you just  
 5 go to the parish safeguarding handbook and have a look  
 6 in there"?  
 7 **A. I refer to it quite often, but obviously most of**  
 8 **the information is held in your head when you're working**  
 9 **with safeguarding on a daily basis, and I have**  
 10 **a particular role within the safeguarding team in**  
 11 **London. Mine is around risk assessment and risk**  
 12 **management. So effectively, that's my specialism, and**  
 13 **each one of us has a different kind of specialism within**  
 14 **the team.**  
 15 Q. There's also something called the Diocesan Safeguarding  
 16 Steering Group?  
 17 **A. Correct, yes.**  
 18 Q. Is that the same as would be called the Diocesan  
 19 Safeguarding Advisory Panel in other dioceses or is it  
 20 a different beast?  
 21 **A. Well, we have a diocesan safeguarding team meeting,**  
 22 **which encompasses all of the team, and the adult and**  
 23 **children's workforce and a bishop, which -- well, it**  
 24 **will be the Bishop of Stepney, when she arrives, or it**  
 25 **may not be -- the decision is made should she really be**

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1 **on the DSSG, which is similar to what you're talking**  
 2 **about. That involves independent -- it's -- basically,**  
 3 **it's an independent chair with independent people from**  
 4 **various statutory organisations, clergy, the head of HR**  
 5 **and safeguarding and the safeguarding manager and the**  
 6 **DSA.**  
 7 Q. Do you find them useful? Do you find the national --  
 8 not the national, the Diocesan Safeguarding Steering  
 9 Group, do you find it useful?  
 10 **A. What comes from that, I don't attend them, so what**  
 11 **I take from my colleague is that, yes, they're useful.**  
 12 **It's useful to take forward various policies,**  
 13 **procedures, what we require in terms of resources to get**  
 14 **their support. Quality assurance has been agreed. And**  
 15 **various aspects of safeguarding and changes that are**  
 16 **going on go through that steering group.**  
 17 Q. So you've now got -- before 2011, all posts in respect  
 18 of safeguarding in the Diocese of London were voluntary  
 19 advisors.  
 20 **A. Yes.**  
 21 Q. And there was an archdeacon and something called  
 22 a children's ministry advisor. Then in 2012, there was  
 23 a sort of professionalisation, I suppose you would say,  
 24 of the role, in that it became a paid, full-time role?  
 25 **A. Yes.**

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1 cover service, I understand, that thirtyone:eight  
 2 provide for you; is that right?  
 3 **A. That's correct, yes.**  
 4 Q. Do you think you're adequately resourced at the moment?  
 5 **A. I don't think anyone would ever say they're adequately**  
 6 **resourced.**  
 7 Q. But is it good enough?  
 8 **A. Not quite. Not quite.**  
 9 Q. What do you think needs to change in terms of  
 10 resourcing, either in terms of people or in terms of  
 11 money, or both?  
 12 **A. In terms -- to develop robust safeguarding practice,**  
 13 **I think you need to have -- we would need another member**  
 14 **of the team, I would suggest, in order to be able to run**  
 15 **the core groups effectively, to put in place all the**  
 16 **agreements, to look at basically what needs to be done**  
 17 **in terms of the new PCR2s, I'm not sure whether you have**  
 18 **heard about those.**  
 19 Q. Yes.  
 20 **A. And we now have to report -- we have already reported on**  
 21 **one occasion to the Charity Commissioners. We have also**  
 22 **been involved in two Learning Case Reviews, which are**  
 23 **significant pieces of work. And we have undertaken**  
 24 **several reviews. So in order to achieve everything to**  
 25 **a higher standard, I think we need more resourcing,**

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1 Q. And now, as I understand it, your team -- there are 2.4  
 2 full-time equivalents, as I understand it?  
 3 **A. That's correct, yes.**  
 4 Q. And there's going to be a new role of a safeguarding  
 5 manager?  
 6 **A. There is already a safeguarding manager.**  
 7 Q. Your spend has gone up from £50,000 in 2013 to £300,000  
 8 this year?  
 9 **A. 281, yes.**  
 10 Q. Yes, 281. I said "nearly 300,000". Sorry. There are  
 11 approximately 350 -- you call them Church Safeguarding  
 12 Officers?  
 13 **A. Right.**  
 14 Q. We would know them within the context of this hearing as  
 15 a Parish Safeguarding Officer?  
 16 **A. Parish Safeguarding Officer.**  
 17 Q. In larger churches, it's identified in this annex, some  
 18 of them are even paid?  
 19 **A. There are some. Where it's a large church -- you've got**  
 20 **various churches which have a high number of -- in the**  
 21 **congregation they attract a large number of worshipping**  
 22 **worshippers and, of course, some of those are paid**  
 23 **safeguarding officers.**  
 24 Q. You offer, I'm assuming, training for clerics and for  
 25 parish safeguarding officers and you also offer a 24/7

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1 **although the standard we're achieving now is excellent.**  
 2 Q. Can I just identify, your particular system, because  
 3 there are a number of you and there are five different  
 4 episcopal areas, I understand you're each notionally  
 5 allocated a particular episcopal area, so that's  
 6 a geographic area in effect --  
 7 **A. Yes.**  
 8 Q. -- which you should really try and develop  
 9 a relationship with. Perhaps you would like to explain  
 10 to us how that works and whether you think that's been  
 11 effective?  
 12 **A. Well, it's a relatively new thing because we have only**  
 13 **just taken on the extra member of staff. Previous to**  
 14 **that, in 2018, there was 1.4, and that was**  
 15 **Annette Gordon and myself. We have only recently taken**  
 16 **on another Diocesan Safeguarding Advisor and, as**  
 17 **a result of that, we have been able to split the five**  
 18 **episcopal areas between us so that we then have**  
 19 **a responsibility to that episcopal area so we can answer**  
 20 **to them directly in terms of safeguarding, in terms of**  
 21 **support, in terms of taking them through and**  
 22 **understanding what due regard for safeguarding and what**  
 23 **robust safeguarding looks like.**  
 24 Q. Do I assume that all your training is outsourced to an  
 25 external organisation who provides it for you?

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1 **A. It is, except for specialist training. We deliver**  
 2 **specialist training ourselves.**  
 3 Q. What's specialist training? Would that be things about  
 4 grooming?  
 5 **A. We have delivered two mental health training, we have**  
 6 **delivered one domestic abuse training and we have**  
 7 **delivered two sex offenders and grooming, we have**  
 8 **delivered that along with a police officer who**  
 9 **specialises in internet abuse.**  
 10 Q. Obviously, as a team, you deal both with children and  
 11 vulnerable adults?  
 12 **A. Correct.**  
 13 Q. And you deal with the whole gamut of safeguarding?  
 14 **A. Correct.**  
 15 Q. Of the cases that your team might look at in any one  
 16 year, what percentage of them, roughly, relate to sexual  
 17 abuse against children or allegations?  
 18 **A. So three out of four will be adults.**  
 19 Q. Right.  
 20 **A. So it's just one out of four would be children.**  
 21 Q. So 75 per cent of your case work is to do with  
 22 vulnerable adults?  
 23 **A. It is, yes.**  
 24 Q. And only around 25 per cent is to do with children?  
 25 **A. Correct.**

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1 **the diocese. And the new officer that we've taken on,**  
 2 **the Safeguarding Advisor, is an ex-detective sergeant,**  
 3 **so he's brought his contacts. So we have probation,**  
 4 **local authority and police contacts.**  
 5 Q. Do you have formal information sharing agreements or  
 6 relationships or protocols with the local authorities,  
 7 the police, the public protection, the probation side of  
 8 it?  
 9 **A. We have adopted the Working Together information sharing**  
 10 **principles, in that --**  
 11 Q. Do you have a formal protocol?  
 12 **A. We don't have a formal --**  
 13 Q. So do you and the Met have a Memorandum of Understanding  
 14 about when they will give things to you and when you'll  
 15 give things to them?  
 16 **A. No, we ask the police to ask for information from us**  
 17 **using their forms.**  
 18 Q. How about vice versa?  
 19 **A. Well, we just adopt the Working Together principles.**  
 20 Q. I'm going to ask you about some of the safeguarding  
 21 cases that Ms Carmi was asked to look at. One of them  
 22 you have written about extensively in your evidence and  
 23 the other couple not. But I'm asking you, really, as  
 24 the sort of London DSA representative, so to speak, as  
 25 far as you're able. So I'm going to turn, firstly, to

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1 Q. What threshold do you have for referring things to  
 2 Social Services in respect of children or to the police,  
 3 if you think there's been a criminal offence?  
 4 **A. There's no threshold. We refer everything. We don't**  
 5 **seek permission to refer. We do third party reporting.**  
 6 Q. So you would automatically refer anything through to the  
 7 LADO from the local authority. What's your relationship  
 8 like with LADOs and with the police? We've obviously  
 9 heard -- you would have heard Ms Carmi give at least  
 10 some of her evidence, and she raised some issues about  
 11 the relationship between LADOs and DSAs, LADOs not  
 12 really knowing what role they might play in church-based  
 13 issues. How have you found that?  
 14 **A. I think there's 18 LADOs, so they're all different and**  
 15 **all have different thresholds of what they perceive to**  
 16 **be abuse in any form, whether it is physical,**  
 17 **psychological or emotional. So we are guided by each**  
 18 **borough on what they feel is abuse. The police, we are**  
 19 **developing a much better relationship with the police.**  
 20 Q. Is that because it was bad in the past or just because  
 21 it was absent?  
 22 **A. I don't think -- it was absent. It was absent. And**  
 23 **I was fortunate to have contacts before and I was also**  
 24 **fortunate in that colleagues have had contacts as well.**  
 25 **So we have been able to develop those to work for us in**

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1 case L1. Now, the first thing to say about the Diocese  
 2 of London is that Ms Carmi identifies some concerns  
 3 about record keeping?  
 4 **A. Yes.**  
 5 Q. But I believe that's because you operate an electronic  
 6 case management system. Can you tell us why things  
 7 might have looked a little bit all over the place and  
 8 missing, some things looked as if they were missing in  
 9 respect of London?  
 10 **A. I have to say that, from the SCIE audit, it was one of**  
 11 **the considerations that they put forward to us as**  
 12 **a diocese, was to develop a system. So we took on the**  
 13 **Canterbury system, which is a Microsoft access system.**  
 14 **Basically, it has several tabs. Initially, trying to**  
 15 **embed the system in caused enormous difficulties. It**  
 16 **kept crashing in 2017. We ended up with problems in**  
 17 **2018. Fortunately, the licensing of that has enabled us**  
 18 **to develop ways of looking at all of the problems and**  
 19 **planning a way forward so that the system works more for**  
 20 **us rather than against us.**  
 21 **So, at the moment, everything can be recorded on**  
 22 **there. It's just not everything can be printed. So you**  
 23 **can print off emails, reports, various documents, but**  
 24 **you can't print off a telephone call and you can't print**  
 25 **off an office visit and you can't print off an overview**

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<p>1 <b>of the case or contacts. So we're working towards that.</b>                  2 <b>It also, for some unknown reason, doesn't kind of</b>                  3 <b>print chronologically. We're trying to adapt that as</b>                  4 <b>well.</b>                  5 Q. So, in other words, you printed off what could have been                  6 printed off --                  7 <b>A. We printed what could be printed off, yes.</b>                  8 Q. And then I think there was sort of maybe                  9 a misunderstanding about whether Ms Carmi -- well,                  10 I think we didn't know that there was other material                  11 which she could view and, had we known that, we                  12 obviously would have asked her to go and view it in your                  13 offices, if that was possible.                  14 <b>A. Yes.</b>                  15 Q. So that maybe explains why there are some gaps in terms                  16 of what she would have expected to see that she didn't                  17 necessarily see. Can I turn now to the case of L1. I'm                  18 going to call it L1. This was the individual where it                  19 was in a church and there was an issue of inappropriate                  20 hugging, shall we say, of a young child by a member of                  21 the church community.                  22 Now, your involvement was that you dealt with it                  23 straight away, you met with the cleric, you discussed                  24 matters then with the individual who had undertaken the                  25 hugging, and you had completed a risk assessment and you</p> <p style="text-align: center;">Page 169</p>	<p>1 chased signing of it. That's my understanding of your                  2 involvement in the case. Is that right?                  3 <b>A. I think you need to -- yeah, I think you need to</b>                  4 <b>understand that the risk assessment -- when people refer</b>                  5 <b>to a safeguarding agreement, that is the management,</b>                  6 <b>that is your risk management tool. The risk assessment</b>                  7 <b>is a completely separate document, so you complete the</b>                  8 <b>risk assessment to get to the management tool so that</b>                  9 <b>you can then effectively manage that case. So, yes,</b>                  10 <b>I did that, but it was what's called a cause for</b>                  11 <b>concern, so it was a covenant of care in 2017, not</b>                  12 <b>a safeguarding agreement.</b>                  13 Q. Can you explain what the difference between the two is,                  14 yes?                  15 <b>A. Yes, a covenant of care is different, in that it is</b>                  16 <b>somebody who has not been convicted of an offence. It</b>                  17 <b>is somebody who maybe has just been arrested or there's</b>                  18 <b>been concerns raised within the church. Basically, the</b>                  19 <b>management of that, instead of having two supporters,</b>                  20 <b>would only require one supporter and the Church</b>                  21 <b>Safeguarding Officer. So that you can limit</b>                  22 <b>confidentiality and breaches of confidentiality.</b>                  23 Q. So it's a sort of slightly kind of lighter-touch                  24 process?                  25 <b>A. It is a lighter touch but it's informed by the risk</b></p> <p style="text-align: center;">Page 170</p>
<p>1 <b>assessment.</b>                  2 Q. So you, in effect -- your risk assessment was meeting                  3 with the cleric, meeting with the individual subject to                  4 the agreement and I think Ms Carmi has seen your risk                  5 assessment that was undertaken; is that right?                  6 <b>A. Yes, and the church safeguarding officers.</b>                  7 Q. Is this a pretty typical example of the cases which                  8 you're asked to do covenants of care for? Is there                  9 anything particularly unusual about this case or is this                  10 quite a frequent problem?                  11 <b>A. They range. The cases range. We have high risk, low</b>                  12 <b>risk. They all range. They're considerably different.</b>                  13 <b>Particularly because of the demographic area that we</b>                  14 <b>cover.</b>                  15 Q. One of the critiques that Ms Carmi identified was that                  16 there hadn't really been an investigation. But then,                  17 I think we have heard you said you spoke to the cleric                  18 and you spoke to the individual. Did you think about                  19 speaking to the mother and child concerned?                  20 <b>A. This was a difficult case, because what doesn't clearly</b>                  21 <b>come out is that, at the instance of the information</b>                  22 <b>being provided to us, there was also allegations that</b>                  23 <b>there was a possibility of domestic abuse within the</b>                  24 <b>household. As everybody knows, when there's domestic</b>                  25 <b>abuse, risk is so dynamic, and you have to tread</b></p> <p style="text-align: center;">Page 171</p>	<p>1 <b>carefully about how you approach that. So we had two</b>                  2 <b>matters running alongside.</b>                  3 <b>The referral from my colleague went into the</b>                  4 <b>multi-agency safeguarding hub which was the appropriate</b>                  5 <b>place for it to go. Why it was chosen that a LADO</b>                  6 <b>should take the case, I'm not quite sure, but that</b>                  7 <b>happened. From that, we were guided by the LADO</b>                  8 <b>instructions about what the police had found. There was</b>                  9 <b>a police investigation. They decided there was no case</b>                  10 <b>to answer.</b>                  11 <b>So in terms of, one, working with the victim, this</b>                  12 <b>was an 8-year-old child and the parents did not want us</b>                  13 <b>to become involved with them. They didn't want access</b>                  14 <b>to us. Whether that was around the other issues that</b>                  15 <b>were going on, which Social Services were dealing</b>                  16 <b>with -- we were dealing purely with the risk within the</b>                  17 <b>church. So what happened was, we spoke to three</b>                  18 <b>clergy -- well, I personally spoke to three clergy, the</b>                  19 <b>Church Safeguarding Officer and the subject himself, to</b>                  20 <b>ascertain what the risk was and what needed to be put in</b>                  21 <b>place to manage that risk effectively.</b>                  22 Q. So you would say that that was -- would you say that                  23 that was an adequate investigation?                  24 <b>A. In terms of this particular case, yes. Had the risk</b>                  25 <b>been higher, that would not have been the steps I would</b></p> <p style="text-align: center;">Page 172</p>

1 **have taken.**  
 2 Q. Now, we have had a witness statement from X1. He  
 3 identifies that there was some delay in managing and  
 4 implementing the safeguarding -- the covenant of care  
 5 and putting them in place. Do you agree with that?  
 6 **A. There wasn't a delay in managing the covenant of care.**  
 7 **What we have to do is, when the police are**  
 8 **investigating, we wait for the police to tell us we can**  
 9 **approach that person so that we are not interfering with**  
 10 **due process. Otherwise, we're alerting people to that**  
 11 **there's an issue. Once the police have investigated,**  
 12 **they then say to us, "Yes, you can go ahead".**  
 13 Q. So the delay is explicable?  
 14 **A. The delay was around the police.**  
 15 Q. Who then reviewed the covenant of care? Who would  
 16 review it?  
 17 **A. The review is normally undertaken -- so why I do the**  
 18 **interview with the incumbent -- you need to separate out**  
 19 **that there's a pastoral element that the clergy**  
 20 **undertake, that's their role, and then the Church**  
 21 **Safeguarding Officer and the supporters monitor that.**  
 22 **Because you can't expect a member of clergy who's giving**  
 23 **a sermon to see what's going on. So you need other**  
 24 **people to monitor that person in the church when they're**  
 25 **attending at specific times. Then, every three months,**

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1 Q. Can I now turn to L2. This was something that you were  
 2 directly involved in?  
 3 **A. Yes.**  
 4 Q. This is just to remind you, chair and panel, this is the  
 5 gentleman where everybody had known in the parish but  
 6 you were the last person to know that he had in fact  
 7 been convicted of a number of offences. So you found  
 8 out via, I think, the police -- the offender manager  
 9 contacted you in October 2017. In fact, everybody in  
 10 the parish had known for at least 10 or 11 years that  
 11 there was an individual who had been convicted of sexual  
 12 offending worshipping in the parish?  
 13 **A. That's correct. I don't think everybody. I think what**  
 14 **the email specifically said, and what I understood, was,**  
 15 **the previous bishop and the previous incumbent and the**  
 16 **Parish Safeguarding Officer knew, and the new incumbent**  
 17 **now knew, but which were not informed of this until the**  
 18 **police contacted us.**  
 19 Q. What did you think about that?  
 20 **A. Well, it was a very difficult situation, because it's**  
 21 **really concerning that in the current climate people**  
 22 **were not coming to us with that information, but I can**  
 23 **only assume that they were operating under the 2006**  
 24 **Protecting All God's Children. When you review that, it**  
 25 **stipulated at that time that if an offender was released**

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1 **they review that. If they have any concerns, they can**  
 2 **call us in to do another risk assessment.**  
 3 **Ideally, I'd like a risk assessment that you can**  
 4 **update every week, but we don't have the facilities to**  
 5 **do that. Within this situation, they monitor. If they**  
 6 **have any concerns, they raise it with us. If there's no**  
 7 **change to circumstances, then they do the review and**  
 8 **send that in to the team.**  
 9 Q. Do you think it's appropriate for them to do the review,  
 10 rather than you to do the review?  
 11 **A. They're the ones that are seeing the person every week.**  
 12 **They're the ones with the most knowledge about what's**  
 13 **currently occurring.**  
 14 Q. Because Ms Carmi has identified one of her things was  
 15 the fact that the reviewing of safeguarding agreements  
 16 should be something which the Safeguarding Officers  
 17 should do, Safeguarding Advisors should do, rather than  
 18 the church team, so to speak?  
 19 **A. If we were to follow that and implement that -- can I go**  
 20 **back to the resources and say, "Could we have three or**  
 21 **four DSAs"? I think it would be virtually impossible.**  
 22 **Obviously, if there's any increase in risk or if there's**  
 23 **any change in circumstances whatsoever, we will review,**  
 24 **but to review every single agreement would be extremely**  
 25 **difficult.**

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1 **from custody, then the parish should set up a support**  
 2 **group around that person to offer him support and**  
 3 **advice. So I can only imagine that they were operating**  
 4 **under those principles, rather than the later**  
 5 **legislation.**  
 6 Q. Is this something that you come across very often?  
 7 **A. Not really, but I don't think any diocese can safely say**  
 8 **that everyone that's worshipping with previous**  
 9 **convictions for sexual offences they know about. You're**  
 10 **actually dealing with the most devious, manipulative**  
 11 **group in society, so obviously, we would like to try and**  
 12 **ensure, through training, through access, through being**  
 13 **available, that we get all the appropriate referrals in.**  
 14 **And this week we had a referral in from a member of**  
 15 **clergy who'd just attended training, safeguarding**  
 16 **training, and the index offence wasn't a sexual offence,**  
 17 **but they'd discovered that he'd previously had a sexual**  
 18 **offence. And because of the training, he felt he should**  
 19 **report that in. So that's what we're hoping, that by**  
 20 **getting out into the parishes, we can start to develop**  
 21 **that relationship so that nothing slips through the net,**  
 22 **so to speak.**  
 23 Q. Why didn't you ask the Offender Management Service for  
 24 previous risk assessments?  
 25 **A. We get confused here. Offender manager, to me, I feel**

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1 **is a probation officer and a police officer is in the**  
 2 **Jigsaw Unit or the Public Protection Unit. So the**  
 3 **offender manager, the Probation Service, would not be**  
 4 **able to provide me with any information because all**  
 5 **probation records after seven years are gone.**  
 6 **The offender police officer had -- I had a telephone**  
 7 **conversation -- undertaken a risk assessment in 2017,**  
 8 **September 2017, and he was low risk. And that was the**  
 9 **basis of the information exchange.**  
 10 Q. So you didn't ask for any previous risk assessment  
 11 because (a) you knew there wouldn't have been any?  
 12 **A. There wouldn't have been any in probation.**  
 13 Q. And you had the telephone conversation which obviously  
 14 Ms Carmi wouldn't have seen --  
 15 **A. No, can't print out --**  
 16 Q. -- because you can't print telephone records out, which  
 17 would have identified the fact that you had had that  
 18 discussion.  
 19 She identifies, Ms Carmi, however, that your risk  
 20 assessment, you showed good practice and that your  
 21 safeguarding agreement is very detailed and very  
 22 specific, is what she says. Is that your practice?  
 23 I mean, what she told us in evidence, I think you may  
 24 have heard, because I saw you outside, was that  
 25 safeguarding agreements, really, the devil is in the

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1 **who will write to them and say, "You really should**  
 2 **adhere to this". We have had several who have said,**  
 3 **"I'm not going to sign that", and vanished. All you can**  
 4 **do is alert the statutory authorities -- police,**  
 5 **probation, Social Services, et cetera. We have looked**  
 6 **at the legislation and we are aware that you can request**  
 7 **a churchwarden to sit by them if they attend any**  
 8 **services. I mean, there are lots of things, but,**  
 9 **really, we have no powers whatsoever if they decide not**  
 10 **to sign the agreement and attend the church.**  
 11 Q. From your perspective, the advice you are given is,  
 12 whilst you can say that somebody has to be sitting by  
 13 their side, you can't physically prevent them from  
 14 entering a place of worship?  
 15 **A. Not while it's a service, as far as I understand.**  
 16 **I think you can prevent them outside of a service.**  
 17 Q. Yes, so you can just get a standard injunction,  
 18 I suppose, outside of a service, but not during worship?  
 19 **A. Not during worship.**  
 20 Q. That causes quite a lot of practical difficulties,  
 21 I would imagine. How much of your time is spent chasing  
 22 people -- these examples are all, relatively speaking,  
 23 medium risk or low -- medium/low risk offending. What  
 24 do you do about people who are at high risk of  
 25 offending, so people who use the church as a mechanism

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1 detail. You need to be really clear about what somebody  
 2 can do, what they can't do, who they're going to be  
 3 with, who they aren't going to be with, because then  
 4 they're more likely to be monitored and enforced. Do  
 5 you agree with her about that?  
 6 **A. Yes, I do.**  
 7 Q. So in fact, yours was really quite detailed, in terms of  
 8 what he could do, what he couldn't do, where he could  
 9 be, at what times, et cetera, et cetera. That's right,  
 10 isn't it?  
 11 **A. Yes.**  
 12 Q. Why do you have a review every six months rather than  
 13 every three months?  
 14 **A. It depends on the case. In this particular case, we had**  
 15 **somebody who had been worshipping without any issues for**  
 16 **eight years. I think it would be futile to say to him,**  
 17 **"Right, in the next three months, we review again". As**  
 18 **far as I knew, he'd not been convicted of any further**  
 19 **offences. So, basically, he'd been there for eight**  
 20 **years. It would have been futile to bring him to three**  
 21 **months.**  
 22 Q. What happens when people don't stick by safeguarding  
 23 agreements? What can you do about that practically?  
 24 **A. The difficulty is, I mean, you can try and enforce it,**  
 25 **and we've got some really, really wonderful archdeacons**

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1 to meet people in order to sexually offend against  
 2 children?  
 3 **A. Thankfully, we usually work hand in hand with the Jigsaw**  
 4 **teams, because when they're high risk, it's invariably**  
 5 **there will be a police officer. They'll be on the sex**  
 6 **offenders register, they will be subject to regulations.**  
 7 **We have two where there's -- in the Sexual Harm**  
 8 **Prevention Order it actually stipulates about their**  
 9 **attendance at church. So we can use that. And we have**  
 10 **had one who went to various churches, and we kind of**  
 11 **kept track, and we liaised with the police and he was**  
 12 **recalled to prison because he was really trying to beat**  
 13 **the system in terms of the regulations in the Sexual**  
 14 **Harm Prevention Order.**  
 15 Q. Would you like it if all Sexual Harm Prevention Orders  
 16 where individuals are engaged in religious institutions,  
 17 where the police, or those involved in making those  
 18 orders, think about, come and see you or other sorts of  
 19 religious organisations so that that net is closed, so  
 20 to speak?  
 21 **A. I think you can have that impact if you're around when**  
 22 **they're arrested, if they're a part of the church when**  
 23 **they're arrested. You can have the impact pre sentence.**  
 24 **Post sentence, it would be really difficult to get that**  
 25 **attached to a Sexual Harm Prevention Order after the**

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1 event. So all you can do is work with the police.  
 2 I share with the police and probation the risk  
 3 assessments and the safeguarding agreements, so  
 4 everybody is aware of what's actually going on. I think  
 5 we'd rather know where they are than where they're not.  
 6 Q. Can I ask you a little bit about the case of L3. I'm  
 7 just going to ask you a couple of questions, which is  
 8 why no core group was assembled in that case. That's  
 9 Ms Carmi's thing is, shouldn't there have been a core  
 10 group?  
 11 A. I think Ms Carmi also said she had two sort of -- she  
 12 had two descriptions of what a church officer is. I've  
 13 actually got four. So you can understand in terms of  
 14 what actually is the criteria for a church officer, and  
 15 under the different regulations it's really quite  
 16 difficult to pin that down. So, for us, what it's about  
 17 is about risk. So what we do is, we look at -- we base  
 18 our view on risk but, more importantly, on whether  
 19 they're stipended or not. When they're stipended, you  
 20 can use --  
 21 Q. What do you mean by stipended? This is for the general  
 22 public. Everyone in this room knows that.  
 23 A. When they're really members of clergy, you can use -- or  
 24 where you can use the Clergy Discipline Measure.  
 25 I think that's the criteria for us, that that's when we

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1 actually asked him to look after the child whilst they  
 2 were packing to move the next day. So, in the whole  
 3 context of everything, and all the investigations that  
 4 had taken place, we did have a full-case discussion  
 5 about whether a risk assessment was required and felt  
 6 not.  
 7 Q. Again, that may well be the reason that Ms Carmi's come  
 8 to the conclusion she has, is because we will have seen  
 9 some of that information but not all of it?  
 10 A. Yes. Unfortunately, yes.  
 11 Q. Can I just ask you a few questions as a Diocesan  
 12 Safeguarding Advisor, some general thoughts you might  
 13 have. Do you think the current system of safeguarding,  
 14 of it operating in a diocese and via a diocese, do you  
 15 think that works, or would you rather be a national  
 16 officer in a national organisation?  
 17 A. The difficulty is, the dioceses are so different.  
 18 Consistency and transparency is wonderful when you're  
 19 working in a safeguarding environment. However, each  
 20 diocese is so different. For the London diocese, I've  
 21 not had any difficulties with the bishops. They have  
 22 got such due regard for safeguarding that it's not an  
 23 issue that's been raised for us. I'm not -- I can't  
 24 comment on other dioceses.  
 25 It works well if it's resourced well and if you're

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1 bring them into the core group. Otherwise, for the  
 2 London area, we would be running 12 core groups a week.  
 3 Q. So, again, it is just a case of practicability?  
 4 A. It's practical -- I think every decision has to be  
 5 a defensible decision based on risk.  
 6 Q. As far as risk management, what Ms Carmi also says is,  
 7 there was a very thorough disciplinary investigation,  
 8 but it wasn't necessarily a risk-based investigation in  
 9 the way that, for example, you would do it, Ms McMahon.  
 10 It was a different sort of investigation.  
 11 With the benefit of hindsight, which is a wonderful  
 12 thing, do you think there should have been some greater  
 13 form of risk assessment or greater form of safeguarding  
 14 assessment by somebody like yourself?  
 15 A. I think it's difficult because you had two section 47s  
 16 undertaken by Social Services both on him and on the  
 17 family. So that meant you also had a police  
 18 investigation. You had the disciplinary investigation.  
 19 How much investigation do you really need to do on  
 20 a case like this?  
 21 I can assure you if, at any point, myself or my  
 22 colleague thought there were any risks, we would have  
 23 gone along the lines of a risk assessment. But we were  
 24 aware, in the context of this case, this chap had known  
 25 this family for a long time and it was the mother that

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1 supported well, and I'm just fortunate to be in  
 2 a diocese where it is working well and we are supported  
 3 well.  
 4 Q. If you were to give some advice to a bishop, would he or  
 5 she follow it?  
 6 A. They have to have due regard, and I would have no qualms  
 7 in saying so, that they really need to have due regard.  
 8 Q. By which I mean, do you think you should have the power  
 9 to say to the bishop, "This is the decision that's going  
 10 to be made", and not just provide him with advice?  
 11 A. Well, we don't just provide with advice in London. We  
 12 work collaboratively. We're really fortunate. We work  
 13 collaboratively and we make those decisions with the  
 14 bishops, not giving them advice, but with them.  
 15 Q. If you disagreed with your bishop about something, what  
 16 would you do?  
 17 A. I would tell them.  
 18 Q. But not just telling them. Where would you go?  
 19 A. I would go to my manager and my manager would go to the  
 20 Director of Safeguarding and HR. We would find a way to  
 21 work through that. But I think, given the experience of  
 22 myself and my colleagues, which amounts to over  
 23 70 years' experience of child practice, risk assessment,  
 24 risk management, I think they'd be well advised to take  
 25 what we say.

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1 Q. But do you think that's largely because of your  
 2 personality and your expertise?  
 3 **A. Probably.**  
 4 Q. Some people might say that Mrs McMahon wouldn't be  
 5 somebody who you would necessarily want to disagree  
 6 with, for example. But other individuals operate in  
 7 different ways?  
 8 **A. I believe in constructive confrontation, so I think,**  
 9 **with the DSAs I've met -- and many of them are very**  
 10 **similar; probably not as vocal as I am, but they're very**  
 11 **passionate about safeguarding. So if they need support**  
 12 **from any other DSA, then we'd be happy to provide that.**  
 13 Q. Do you consider that senior staff and bishops in your  
 14 diocese understand safeguarding?  
 15 **A. They do now.**  
 16 Q. Do you have any views about -- have you ever had  
 17 a situation where an incumbent or a rector or a church  
 18 officer has said to you, "I'm not going to follow your  
 19 advice, Mrs McMahon"?  
 20 **A. When I first began. The culture shift is significant.**  
 21 **The culture shift in the Diocese of London, for me, is**  
 22 **significant. So, yes.**  
 23 Q. So from what to what?  
 24 **A. From kind of a kind of hostility of, "What do you**  
 25 **know?", to -- I think it takes time to embed**

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1 **safeguarding, and everybody is responsible for that, and**  
 2 **I think, when you spend the time to talk to them and**  
 3 **talk through the risks and they recognise that you know**  
 4 **what you're talking about, then they decide to work**  
 5 **alongside you, and that's a much healthier place to be.**  
 6 Q. Do you have any other views about the ways in which the  
 7 Church of England could improve safeguarding practice  
 8 and process?  
 9 **A. Give it the resources it requires. It's come a long way**  
 10 **and it's still got a long way to go. And there will be**  
 11 **mistakes. But I am aware that, whilst I've been in**  
 12 **safeguarding, nobody has been placed at risk as far as**  
 13 **I've been aware of, in the Diocese of London, and that's**  
 14 **what we want to get to across the church. Of course**  
 15 **we've got a lot of work to do. There was a lovely**  
 16 **saying by somebody who said, "The past is a different**  
 17 **country and it's a different language".**  
 18 MS SCOLDING: Thank you very much, Mrs McMahon. I have no  
 19 further questions for you. Chair and panel, do you have  
 20 any questions?  
 21 THE CHAIR: No, we have no questions. Thank you very much,  
 22 Mrs McMahon.  
 23 **A. Thank you.**  
 24 MS SCOLDING: Chair and panel, that concludes our evidence  
 25 for today. Thank you very much, Mrs McMahon.

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1 (The witness withdrew)  
 2 (4.08 pm)  
 3 (The hearing was adjourned to  
 4 Tuesday, 9 July 2019 at 10.00 am)  
 5  
 6  
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