

<p>1 Friday, 12 July 2019</p> <p>2 (10.00 am)</p> <p>3 (Proceedings delayed)</p> <p>4 (10.14 am)</p> <p>5 THE CHAIR: Good morning, everyone, and welcome to the final</p> <p>6 day of this public hearing. Ms McNeill?</p> <p>7 MS McNEILL: Good morning, chair. Our final witnesses for</p> <p>8 this investigation will be heard together. We have</p> <p>9 Mr David Bonehill, who has been recalled, having given</p> <p>10 evidence to us last week, and in the witness box with</p> <p>11 him is Mr John Titchener.</p> <p>12 MR JOHN TITCHENER (affirmed)</p> <p>13 MR DAVID BONEHILL (sworn)</p> <p>14 Examination by MS McNEILL</p> <p>15 MS McNEILL: Good morning, both. Just to confirm, and for</p> <p>16 everybody listening to this evidence, Mr David Bonehill,</p> <p>17 is it right that you are the UK Claims Director for the</p> <p>18 Ecclesiastical Insurance Group?</p> <p>19 MR BONEHILL: I am indeed.</p> <p>20 MS McNEILL: Mr John Titchener, are you the Group Compliance</p> <p>21 Director of the Ecclesiastical Insurance Office?</p> <p>22 MR TITCHENER: Yes, I am.</p> <p>23 MS McNEILL: Mr Bonehill, you have given the inquiry three</p> <p>24 witness statements which we have previously been through</p> <p>25 and which have already been published on our website.</p> <p style="text-align: center;">Page 1</p>	<p>1 MR BONEHILL: Yes.</p> <p>2 MS McNEILL: I won't need to be taking you through them</p> <p>3 today. Mr Titchener, you have provided a witness</p> <p>4 statement to this inquiry dated 10 July 2019; is that</p> <p>5 correct?</p> <p>6 MR TITCHENER: It is.</p> <p>7 MS McNEILL: The reference for that is EIO000150. Chair,</p> <p>8 I am going to ask that that be published in full on our</p> <p>9 website.</p> <p>10 Mr Titchener, I should confirm that that statement</p> <p>11 is endorsed with a statement of truth and signed by you.</p> <p>12 Did you confirm that the contents of that statement are</p> <p>13 true, to the best of your knowledge and belief?</p> <p>14 MR TITCHENER: Yes, I do.</p> <p>15 MS McNEILL: Thank you. I will, throughout your evidence,</p> <p>16 try to indicate to which of you I am addressing my</p> <p>17 questions. But if at any point you feel one or the</p> <p>18 other of you would be better placed to answer it, please</p> <p>19 let me know.</p> <p>20 Mr Bonehill, I am going to start with you. Just to</p> <p>21 refresh anyone's memory about the evidence given last</p> <p>22 week, or some of the evidence you gave last week.</p> <p>23 Can we start, please, it is right, isn't it, that</p> <p>24 the Ecclesiastical Insurance Office was involved in the</p> <p>25 Church of England's response to a case brought by an</p> <p style="text-align: center;">Page 2</p>
<p>1 individual we call A4?</p> <p>2 MR BONEHILL: It was.</p> <p>3 MS McNEILL: And that the church commissioned and published</p> <p>4 an independent review by Mr Ian Elliott about the</p> <p>5 church's handling of that case?</p> <p>6 MR BONEHILL: Yes.</p> <p>7 MS McNEILL: I'm going to ask Ralph to display at the same</p> <p>8 time two public statements made following the</p> <p>9 publication of that report. The first is at</p> <p>10 EIO000139_004. Chair, that's in tab 5 of the bundle,</p> <p>11 and, witnesses, that's at tab 5. At the same time,</p> <p>12 Ralph, can we have on screen EIO000135_002. Chair, this</p> <p>13 one is at tab 6. Thank you very much, Ralph.</p> <p>14 If we look on the left, we have a press statement</p> <p>15 issued by the Church of England, and it says:</p> <p>16 "A spokeswoman for the Church of England said:</p> <p>17 'advice was given to the bishop to cut off pastoral</p> <p>18 contact with the survivor because he had started legal</p> <p>19 action. We now recognise that proper provision needs to</p> <p>20 be made for the pastoral needs of survivors in such</p> <p>21 circumstances. We therefore published new guidance ...</p> <p>22 to that effect ...", et cetera, et cetera.</p> <p>23 On the right, we have a comment from the</p> <p>24 Ecclesiastical Insurance Office, and it's down towards</p> <p>25 the bottom of the page, which says:</p> <p style="text-align: center;">Page 3</p>	<p>1 "We agree with the broad thrust of</p> <p>2 the Elliott Review in promoting the needs of survivors</p> <p>3 and the importance of listening to them. But its</p> <p>4 assertion that Ecclesiastical instructed the</p> <p>5 Church of England to deny a survivor pastoral care is</p> <p>6 untrue. Unfortunately, we were not asked to participate</p> <p>7 in the review, and so had no opportunity to provide the</p> <p>8 evidence that showed this. On the contrary, we have</p> <p>9 always been clear that pastoral care and counselling</p> <p>10 can, and should, continue in parallel with an insurance</p> <p>11 claim."</p> <p>12 Ms Scolding QC asked you last week, and I think you</p> <p>13 agreed, that it could be said that there was a public</p> <p>14 disagreement between the church and the Ecclesiastical</p> <p>15 Insurance Office in response to the Ian Elliott review.</p> <p>16 MR BONEHILL: I think that's correct, and I think there was</p> <p>17 a misunderstanding, you know, between the two parties,</p> <p>18 in terms of the civil claim and the pastoral support.</p> <p>19 MS McNEILL: We will look at the detail of that during your</p> <p>20 evidence today. You were asked last time, and I'm not</p> <p>21 sure the answer was quite clear: do you now accept that</p> <p>22 the EIO did not have sufficient regard, in conducting</p> <p>23 this public debate about the Ian Elliott review, about</p> <p>24 the way that might affect A4, who was the victim,</p> <p>25 overall?</p> <p style="text-align: center;">Page 4</p>

<p>1 MR BONEHILL: That question was put to me last week, as you 2 rightly say, and I think that, at the time, I said that 3 was a fair comment, and that is something that we 4 would -- it would never happen again, but in the 5 unlikely event it did, we would certainly put the victim 6 at the heart of our response to these public questions. 7 MS McNEILL: Again, sticking with the chronology, Ralph, can 8 we bring up ACE027039_038. I don't need to go through 9 it in great detail with you. 10 MR BONEHILL: Sorry, which tab is this under? 11 MS McNEILL: This one is not in a tab. It is only by way of 12 setting out a bit of background. 13 Is it right that, prior to your giving evidence last 14 week, this inquiry wrote to you, through your 15 solicitors, to indicate that it wished to consider in 16 full the correspondence between the Ecclesiastical 17 Insurance Office and the church in the response to the 18 case of A4? 19 MR BONEHILL: I believe that's correct. 20 MS McNEILL: Ralph, can we go to page 38 of the document 21 that's on the screen and have a look at page 38. By way 22 of demonstration, we can see towards the bottom of that 23 page an email from a Michael Angell: 24 "Dear Bishop Paul. 25 "Thank you for your letter ... concerning A4.</p> <p style="text-align: center;">Page 5</p>	<p>1 I have passed this to our specialist claims team who 2 deal with such matters and they will be in contact. 3 I look forward to seeing you at the National 4 Conference." 5 Below that, we can see "LPP" redacted. There are 6 various LPP redactions through that document, and 7 Ms Scolding took you through some of it last week. Is 8 that right? 9 MR BONEHILL: She did, yes. 10 MS McNEILL: Again, for anybody who is not a lawyer, I'm 11 going to try to explain LPP in the simplest of terms. 12 In short, is it right that communications between 13 solicitors and their clients generally would remain 14 confidential, except for in certain exceptions, and 15 that, as it applies to this inquiry, it is open for the 16 a lawyer or the client to ask that we redact out 17 privileged, confidential information from documents 18 before they are disclosed? 19 MR BONEHILL: Well, I'm also not a lawyer, so I just make 20 that point. I don't know whether that one you could 21 pick up, John. 22 MR TITCHENER: Yes, that is right. 23 MS McNEILL: We will talk about the circumstances in which 24 that happened here. 25 Can we look -- before we move on to the transcript,</p> <p style="text-align: center;">Page 6</p>
<p>1 is it right that, as part of its consideration, the 2 inquiry said, "Well, in these circumstances, would the 3 EIO like to waive their privilege", to give us the 4 permission to take off those redactions and disclose the 5 advice given by the Ecclesiastical Insurance Office? 6 MR BONEHILL: I understand so, yes. 7 MS McNEILL: Mr Titchener has accepted in his statement, of 8 course, that we sent the same request to the 9 Church of England, who indicated that, insofar as the 10 privilege was theirs, they would be willing to do that. 11 MR BONEHILL: Yes. 12 MS McNEILL: Thank you. Ms Scolding asked you -- can we 13 look at the transcript of Mr Bonehill's evidence from 14 2 July, and this is behind tab 4 in the bundle. I'd 15 like to look at page 100. Ralph, it is on the bottom 16 right of the page you have up. At the bottom, it is 17 page 25 of the PDF. Do you see the bottom right square? 18 Thank you very much. 19 Ms Scolding said. 20 "Question: Can you explain why you've chosen to 21 continue with that?" 22 Meaning the privilege. Your answer was: 23 "Answer: I think the difficulty is, with legal 24 privilege, you know, we need to be consistent in our 25 approach. We can't, and won't, pick and choose what</p> <p style="text-align: center;">Page 7</p>	<p>1 documents we choose to release and what we don't choose 2 to release." 3 MR BONEHILL: Yes. 4 MS McNEILL: I think the next sections may be better 5 answered by you, Mr Titchener. Following Mr Bonehill's 6 evidence to this inquiry, is it right that the 7 complainant in this case, A4, provided this inquiry with 8 two recordings of telephone calls between 9 representatives from the Ecclesiastical Insurance Office 10 and a member of the press? 11 MR TITCHENER: Yes, I believe so. 12 MS McNEILL: From the website Exaro, I understand the 13 journalist was from; is that right? 14 MR TITCHENER: Yes. 15 MS McNEILL: The individuals on the telephone, who were 16 they? I don't need their names, but their positions 17 within the EIO? 18 MR TITCHENER: The two individuals were the head of PR and 19 comms and someone who worked in the PR and comms 20 department at Ecclesiastical Insurance Office. 21 MS McNEILL: The telephone calls were dated 22 June 2016; is 22 that right? 23 MR TITCHENER: Yes. 24 MS McNEILL: And the second was 28 June 2016. 25 MR TITCHENER: Yes.</p> <p style="text-align: center;">Page 8</p>

<p>1 MS McNEILL: Chair, just for the avoidance of doubt, there's 2 a typo in Mr Titchener's witness statement at 3 paragraph 7, which says that the second call was 4 28 June 2018. That should read 2016. 5 I'm just going to play now, Mr Titchener, just an 6 extract of the second of those telephone calls, if we 7 can. Ralph, it's at INQ004364, and I'd like to pick it 8 up at nine minutes into the actual recording. This is 9 the telephone call between the comms team for EIO and 10 the journalist for Exaro. 11 (Recording played) 12 MS McNEILL: I'm asked by your legal representatives to 13 correct a mistake that I made, just for the avoidance of 14 doubt. The first call was on 22 June 2016 with Exaro. 15 There was a second call on 28 June 2016, which was not 16 recorded, and we have just listened to the third call, 17 dated 30 June 2016, which was recorded. Is that right? 18 MR TITCHENER: Yes. 19 MS McNEILL: During that telephone call we have listened to 20 an extract of, do we hear a representative from the PR 21 team of Ecclesiastical Insurance Office providing to 22 a member of the press the very advice that this inquiry 23 asked you to allow us to disclose? 24 MR TITCHENER: Yes. You hear the head of PR read out from 25 an email.</p> <p style="text-align: center;">Page 9</p>	<p>1 MS McNEILL: Is it right that she reads out internal advice 2 that was provided within the Church of England by their 3 own lawyers as well as advice provided by the EIO to the 4 church? 5 MR TITCHENER: She refers to legal advice from the in-house 6 counsel of the church. 7 MS McNEILL: You've accepted in paragraph 8 of your witness 8 statement that the information that was read out was 9 both confidential and subject to legal professional 10 privilege; is that right? 11 MR TITCHENER: Yes. 12 MS McNEILL: And that that privilege belonged not just to 13 the Ecclesiastical Insurance Office, but to the church 14 as well? 15 MR TITCHENER: There was a common interest. 16 MS McNEILL: Did anybody from the Ecclesiastical Insurance 17 Office contact the church before they provided the 18 confidential material to the press? 19 MR TITCHENER: As far as I'm aware, no. 20 MS McNEILL: Bearing in mind this call was by the PR team of 21 the Ecclesiastical Insurance Office, was the purpose of 22 this telephone call to protect the reputation of 23 the Ecclesiastical Insurance Office by managing the 24 press response to the Elliott Review, or at least 25 seeking to influence it?</p> <p style="text-align: center;">Page 10</p>
<p>1 MR TITCHENER: As I understand it, the purpose of this call 2 was to provide background, or deep background, to 3 a journalist about those matters, yes. 4 MS McNEILL: Two questions arise from that. First of all, 5 what is the relevance of background or deep background? 6 Why does that matter when it is confidential information 7 that's being provided? 8 MR TITCHENER: Well, I'm not sure I know the answer to that 9 myself. I think it was described as a practice that 10 journalists have to brief using deep background. 11 MS McNEILL: Going back to my specific question, whether it 12 is by way of background or deep background, was the 13 purpose of providing this information to protect the 14 reputation of Ecclesiastical Insurance Office by 15 influencing or managing the press reporting about the 16 Elliott Review? 17 MR TITCHENER: Well, clearly, it was to provide information 18 for the purpose of briefing a journalist about those 19 matters, yes. 20 MS McNEILL: Is it right that you knew about this telephone 21 call and the recording in September 2017? 22 MR TITCHENER: Yes, it is right. We were sent the recording 23 in September by A4. 24 MS McNEILL: So it would be right to say, wouldn't it, that 25 at the time the Ecclesiastical Insurance Office, as an</p> <p style="text-align: center;">Page 11</p>	<p>1 organisation, declined to allow this inquiry to disclose 2 that information unredacted, it knew that the PR team 3 had already given it to the press? 4 MR TITCHENER: Well, we had received the tapes 5 in September 2017, and the request was made of us by the 6 inquiry's legal team in June or July 2019. So that's 7 some time afterwards. And I'm afraid that it just 8 wasn't at the forefront of our minds that we had 9 received those recordings. 10 MS McNEILL: Looking at your witness statement -- chair, 11 it's paragraph 16 of the witness's statement, at 12 page 3 -- what you say in relation to the inquiry's 13 contact for a request to waive privilege is that, first 14 of all, the EIO was aware that the church's position had 15 been -- was already in the public domain, but, most 16 importantly, you say: 17 "EIO did not consider that the inquiry's factual 18 investigation would be materially hampered by its 19 decision not to waive privilege." 20 Is that right? 21 MR TITCHENER: It is right, yes. 22 MS McNEILL: We have just established with Mr Bonehill and 23 looked back again at the questions that were asked of 24 Mr Bonehill. It was clear to you, wasn't it, there had 25 been a public and lengthy dispute about the accuracy of</p> <p style="text-align: center;">Page 12</p>

1 Mr Elliott's comments on the advice given to the church.
 2 Is that right?
 3 MR TITCHENER: Yes.
 4 MS McNEILL: And it would be possible, wouldn't it, for this
 5 inquiry, this chair and panel, to reach a view about the
 6 accuracy of Mr Elliott's report if it was able to see
 7 the unredacted advice?
 8 MR TITCHENER: Yes, I'm sure that is right. But I see
 9 a distinction between claiming legal privilege and
 10 whether or not a document is, as a matter of fact,
 11 privileged.
 12 MS McNEILL: You're going to have to explain that to me.
 13 MR TITCHENER: Well, what I'm saying is, this document
 14 clearly now is not confidential and, therefore, it is
 15 not privileged.
 16 MS McNEILL: I'll pick up on that, and then -- I'm not sure,
 17 necessarily, that answers my question. Are you saying
 18 the only reason we now have this unredacted is because
 19 the privilege no longer exists because you'd already
 20 given it away, not because the EIO thinks we should have
 21 it unredacted?
 22 MR TITCHENER: Well, it is not privileged because it's lost
 23 its confidentiality, and we have always endeavoured to
 24 help the inquiry as best we can.
 25 MS McNEILL: Well, then I'm going to circle back to my

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1 that you now accept that this conduct has made this
 2 inquiry's work more difficult?
 3 MR TITCHENER: It is a source of regret that these documents
 4 were not disclosed sooner, and that probably would have
 5 saved everyone time and effort, so we regret that and we
 6 are very sorry for it.
 7 MS McNEILL: Specifically, what you say in your witness
 8 statement is:
 9 "The inquiry's work has been made more difficult as
 10 a result."
 11 It's in your witness statement.
 12 MR TITCHENER: Yes.
 13 MS McNEILL: Do you accept that sentiment?
 14 MR TITCHENER: I do.
 15 MS McNEILL: Mr Bonehill, I am going to move back to you.
 16 We do now have unredacted copies of the correspondence,
 17 and I would like to take a look at just some extracts of
 18 it, in particular focusing on that which we heard read
 19 out on the telephone call. Can we ask you to turn to
 20 tab 8 of your bundle. Chair and panel, it is a little
 21 bit fiddly to go through. Ralph, can you bring up
 22 ACE027739_006.
 23 This is an extract, so we didn't have to disclose
 24 the whole thing, of the contact log we looked at
 25 a moment ago that was previously covered with the words

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1 original question, which is, how can you say that we
 2 wouldn't be hampered in our investigation of the facts
 3 where it would have been possible to resolve the
 4 dispute, or at least seek to resolve the dispute,
 5 between the church and the EIO had we received the
 6 information?
 7 MR TITCHENER: Well, clearly, if we had had at the forefront
 8 of our minds that we had received these tapes and we
 9 were aware that the documents were not privileged, we
 10 would have provided them to the inquiry. In fact,
 11 I think we would have provided them to the inquiry
 12 rather sooner than we did.
 13 MS McNEILL: But, again, that's because the horse had
 14 already bolted, so to speak, and I appreciate that
 15 point. I'm going to ask you one last time about this
 16 sentence in your statement, which is how the
 17 Ecclesiastical Insurance Office could really reach the
 18 view that this inquiry's factual investigation would not
 19 be materially hampered by the decision to maintain
 20 redactions over those documents?
 21 MR TITCHENER: Well, it's a source of deep regret that these
 22 documents were not disclosed sooner.
 23 MS McNEILL: I'm looking at paragraph 22 of your witness
 24 statement, and wonder if it is something you'd like to
 25 say. When you talk about the EIO's regret, is it right

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1 "LPP". Starting on page 6, which is what Ralph has
 2 brought up, we have an email from the Bishop of Durham
 3 to Sheryl Kent on 15 January 2015 at 12.33. The
 4 Bishop of Durham says:
 5 "I sent the lawyers' letter to Ecclesiastical as
 6 well, but clearly you need to liaise with them. A4 has
 7 now also corresponded with Stephen Platten ... to Truro.
 8 "I am unclear that now a solicitor is involved,
 9 exactly how we correspond with A4. I don't want to stop
 10 doing so if at all possible."
 11 Just above that is the reply, which is from
 12 a Mr Stephen Slack within the church's in-house legal
 13 them. He says:
 14 "Bishop Paul.
 15 "Sheryl and Gill may have comments from the wider
 16 safeguarding policy point of view, but from the legal
 17 point of view, I think the position has changed now that
 18 a claim has come in: in such a situation, the persons
 19 against whom the claim has been made and those acting
 20 for them need to have the carriage of any correspondence
 21 with the claimant because of the potential implications
 22 for the claim of anything said to the claimant."
 23 Now, that's the church internal legal advice. Is
 24 that what we heard, on the telephone call, your PR team
 25 referring to?

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<p>1 MR BONEHILL: I believe so.</p> <p>2 MS McNEILL: Over the page, please, Ralph, back to page 5 of</p> <p>3 this document, so we're going backwards, chair and</p> <p>4 panel. An email from the Bishop of Durham on 15 January</p> <p>5 at 13:01 to Sheryl Kent and Stephen Slack:</p> <p>6 "Yes, thank you. I suspected this was the case.</p> <p>7 Presumably, if I write to him explaining this, that</p> <p>8 would be fine. I also wondered about phoning Dave</p> <p>9 Greenwood (whom I know) ..."</p> <p>10 Who was the representative of A4:</p> <p>11 "... to check from his perspective ... and to ask</p> <p>12 that he makes plain that not responding will be because</p> <p>13 of the legal claim having been submitted."</p> <p>14 Just above that, we have, again, Stephen Slack from</p> <p>15 the legal office saying:</p> <p>16 "Yes to both, but I suggest you await hearing via</p> <p>17 Sheryl of the London registrar's or the EIG's view</p> <p>18 before doing so."</p> <p>19 Yes? Now, the letter of claim was sent to the EIG,</p> <p>20 we know. I'm leaving it there with them saying, "Better</p> <p>21 check with the EIG what's going on". Ralph, can we go</p> <p>22 to page 7 of this document? Last time, we looked at the</p> <p>23 email that trails over on the top of the page from</p> <p>24 Michael Angell:</p> <p>25 "I have passed this to our specialist claims team",</p> <p style="text-align: center;">Page 17</p>	<p>1 et cetera. Below that, we see the advice from your</p> <p>2 casualty claims team, an email:</p> <p>3 "Dear Sheryl, thanks for providing a copy of the LOC</p> <p>4 sent on behalf of A4. The advice you have received is</p> <p>5 correct; you should not be in any further contact with</p> <p>6 the claimant as he has now instructed ..."</p> <p>7 Then it goes on about the machinations in relation</p> <p>8 to it. We will stick with the chronology. You will get</p> <p>9 to answer a question in a moment. I just want to</p> <p>10 establish it for everybody, because these documents are</p> <p>11 difficult.</p> <p>12 Ralph, page 33 of that same document, please.</p> <p>13 We went through last time, Mr Bonehill, and I'm sure</p> <p>14 you will remember, there was a lot of back and forth in</p> <p>15 the church following that email --</p> <p>16 MR BONEHILL: Yes.</p> <p>17 MS McNEILL: -- obviously we didn't see it last time --</p> <p>18 about, "We are not very happy about this. I feel really</p> <p>19 bad. I'd like to be able to speak to A4. Shall we</p> <p>20 speak to Colin down in Chichester? Colin has done a lot</p> <p>21 of these", and we will be disclosing a letter,</p> <p>22 Mr Perkins has explained what he meant by "thrashed this</p> <p>23 through", essentially they had talked about it back when</p> <p>24 Chichester was dealing with theirs and he'd agreed an</p> <p>25 ecclesiastical position going forward.</p> <p style="text-align: center;">Page 18</p>
<p>1 MR BONEHILL: I think it is a bit more than that. I think</p> <p>2 it demonstrates how supportive Ecclesiastical were of</p> <p>3 supporting the victim through the civil claim process.</p> <p>4 MS McNEILL: That's absolutely right and we will come to</p> <p>5 Colin's email. I'm just sticking with the chronology</p> <p>6 for a moment.</p> <p>7 MR BONEHILL: Okay.</p> <p>8 MS McNEILL: So we had that tussle backwards and forwards.</p> <p>9 At the bottom of page 33, we've got Colin Perkins</p> <p>10 emailing back to Paul Butler and Sheryl Kent. He says,</p> <p>11 essentially, "I've got in touch with Paula Jefferson</p> <p>12 from DAC Beachcroft", whom you had appointed to manage</p> <p>13 this. "She's emailed me, I'm going to speak with her</p> <p>14 later and we'll sort this out". I paraphrase, but</p> <p>15 that's what he's saying?</p> <p>16 MR BONEHILL: Yes.</p> <p>17 MS McNEILL: Over the page to 34. Paula then, did she</p> <p>18 not -- at the bottom of page 35, we can see an email</p> <p>19 from Paula Jefferson dated 29 January at 15:13 in which</p> <p>20 she said, over the page to 36 -- we will look at this</p> <p>21 also in more detail:</p> <p>22 "It is still possible for there to be offers of</p> <p>23 pastoral support, but they must be on the same basis as</p> <p>24 they would for anyone who came seeking such support</p> <p>25 irrespective of where any alleged abuse occurred."</p> <p style="text-align: center;">Page 19</p>	<p>1 We can see the confusion really lasted between</p> <p>2 15 January and 29 January, which is the date of</p> <p>3 Paula Jefferson's email. Is that right?</p> <p>4 MR BONEHILL: Yes.</p> <p>5 MS McNEILL: Is that now representing the bulk of the key</p> <p>6 correspondence on this matter?</p> <p>7 MR BONEHILL: Yes. I think the only thing you haven't seen</p> <p>8 there obviously is the internal legal advice from the</p> <p>9 Church of England, which I think is not in there,</p> <p>10 I don't think, in its entirety.</p> <p>11 MS McNEILL: We had the email from Stephen Slack who said,</p> <p>12 "Don't have contact with them but you'd better check</p> <p>13 with EIG what they say about that".</p> <p>14 I'd like to look behind tab 2 of our bundle in more</p> <p>15 detail at the email from Sheryl Kent to Ecclesiastical</p> <p>16 asking for some help. It's EIO000151_002. The bottom</p> <p>17 half, please, Ralph:</p> <p>18 "Happy new year ...", et cetera, et cetera.</p> <p>19 Third paragraph:</p> <p>20 "One of the National Church lawyers has advised</p> <p>21 that, now that this claim has been made, we should no</p> <p>22 longer respond to emails/contact the alleged victim.</p> <p>23 Can I clarify what Ecclesiastical's viewpoint on this</p> <p>24 is, please?"</p> <p>25 MR BONEHILL: Yes.</p> <p style="text-align: center;">Page 20</p>

1 MS McNEILL: The question for you is, it is clear from that
 2 that she is asking for EIG to be the one to provide
 3 clarity about what they should be doing.
 4 MR BONEHILL: Yes.
 5 MS McNEILL: If the advice from the church lawyers was
 6 wrong, should the individual who responded to this email
 7 have said, "No, that's wrong".
 8 MR BONEHILL: I think the question related -- and this is
 9 the way we interpreted it -- to the civil claim. On the
 10 basis that a civil claim at that stage had been made,
 11 then I think the advice we gave in response to the
 12 question we were asked was accurate. Could we have gone
 13 further and referred specifically to pastoral care?
 14 Yes, we could. But that wasn't the question we were
 15 asked, I think it's fair to say.
 16 MS McNEILL: That is, in fact, the point your PR team were
 17 making to Exaro when --
 18 MR BONEHILL: Just looking at the evidence, that's what was
 19 put to us.
 20 MS McNEILL: That's not precisely the question I asked, so
 21 I'm going to go back to the question I asked. If the
 22 advice that the church's internal lawyers had given was
 23 wrong, should Ecclesiastical have said, "That's wrong.
 24 This is the correct advice".
 25 MR BONEHILL: If it was wrong, yes.

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1 MS McNEILL: The response is over the page to page 4,
 2 please, Ralph -- chair and panel, it is in your bundle
 3 overleaf -- I would like to look at the second
 4 paragraph, from your claims handler:
 5 "The advice you have received is correct; you should
 6 not be in any further contact with the claimant as he
 7 has now instructed solicitors to represent him ..."
 8 It doesn't say, "You can't contact the complainant
 9 about the claim", does it?
 10 MR BONEHILL: That's the point I made. If we went further,
 11 and maybe we should have done that, but at the time we
 12 responded to -- it was all about the civil claim,
 13 unfortunately.
 14 MS McNEILL: Do you accept that somebody reading this would
 15 say, "Well, 'should not have any further contact', so
 16 I'd better not have any contact" --
 17 MR BONEHILL: I can understand that.
 18 MS McNEILL: Can you also understand that it would be
 19 impossible to provide pastoral support to somebody
 20 without having contact with them?
 21 MR BONEHILL: Correct.
 22 MS McNEILL: Do you think, in your role as the claims
 23 director, that this advice was good enough or clear
 24 enough?
 25 MR BONEHILL: I think we could have gone further, in terms

Page 23

1 MS McNEILL: If the question asked by Sheryl Kent to
 2 Ecclesiastical was not sufficiently clear, should
 3 Ecclesiastical have clarified what she wanted before
 4 providing a response?
 5 MR BONEHILL: Well, I think, when we responded to that, we
 6 thought it was clear. You know, we wouldn't know what's
 7 in Sheryl Kent's mind at that point in time. And we
 8 just assumed it related to the civil claim.
 9 MS McNEILL: That's the point, isn't it?
 10 MR BONEHILL: It is.
 11 MS McNEILL: It was an assumption.
 12 MR BONEHILL: Yes.
 13 MS McNEILL: It doesn't say "relating to the civil claim".
 14 It says, "Should we no longer respond to emails or
 15 contact the alleged victim".
 16 MR BONEHILL: But it also makes mention to a letter of
 17 claim.
 18 MS McNEILL: That's because there was one.
 19 MR BONEHILL: Exactly.
 20 MS McNEILL: But the question doesn't relate to the claim.
 21 The question is, "Should we no longer respond to emails
 22 or contact the alleged victim?".
 23 MR BONEHILL: I can only repeat what I said: that is correct
 24 in relation to the civil claim. On that basis, we
 25 responded to the letter.

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1 of, you know, clarifying that pastoral care could have
 2 been provided alongside the civil claim and, in terms of
 3 the civil action, the church should have no contact
 4 because A4 is legally represented. So, yes, we could
 5 have gone further, but we responded to it, as I've said,
 6 you know, on the basis of the civil action alone.
 7 MS McNEILL: I'm sorry to sound repetitive, but, again, the
 8 question I asked was, did you think this advice was good
 9 enough?
 10 MR BONEHILL: With hindsight, no.
 11 MS McNEILL: Can we take that down off the screen, please.
 12 Now, when the Elliott Review came out and the EIO
 13 put out the press statements that we have already looked
 14 at, and in your evidence even to this inquiry, why
 15 didn't anybody just say, "Well, we have looked at it.
 16 The advice wasn't clear enough. It wasn't our intention
 17 for them to withdraw pastoral support, but we can see
 18 how they would have misunderstood it"? Why didn't
 19 anybody just say that?
 20 MR BONEHILL: I think that's a fair observation, and I can't
 21 answer that.
 22 MS McNEILL: I'm reading from your transcript last time, and
 23 what you said is, and the only thing you said is:
 24 "Answer: ... the assertions ... made [in the
 25 review] were inaccurate ... we had never instructed the

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1 church to withdraw pastoral care and support ..."

2 MR BONEHILL: And that's factually correct.

3 MS McNEILL: But do you think that answer to questions by

4 Ms Scolding was sufficiently full and frank?

5 MR BONEHILL: I think in relation to the question we were

6 asked, yes.

7 MS McNEILL: So bearing in mind we have just been through

8 all of this and the advice that was given says, "You

9 should have no contact at all", it doesn't say, "You can

10 give him pastoral support, but please don't communicate

11 about the claim", do you think that your evidence, in

12 repeatedly saying, "We never told them to withdraw

13 pastoral support", has been sufficiently full and frank

14 to assist this inquiry in its investigations?

15 MR BONEHILL: I think, in terms of the advice we gave to the

16 church, it could have been wider, in terms of

17 referencing specifically pastoral care and support.

18 But, you know, it does come back to the question we were

19 asked --

20 MS McNEILL: I appreciate that, Mr Bonehill.

21 MR BONEHILL: -- you know, at the point in time.

22 MS McNEILL: But, again, we weren't allowed to disclose the

23 unredacted information so we were asking the questions

24 we were able to ask.

25 MR BONEHILL: Yes.

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1 Mr Slack and confirmed by the Ecclesiastical Insurance

2 Office. This is the only passage in which he makes

3 comment of this. It is almost word for word what your

4 email said, and yet, Ecclesiastical has repeatedly and

5 publicly called Mr Elliott's review inaccurate. Do you

6 think that was right?

7 MR BONEHILL: In terms of the advice we gave, as I have

8 said, I think it could have been wider, but at the time,

9 it's what we were responding to, the question we were

10 being asked at the time --

11 MS McNEILL: I'm about to move on, but I'm only

12 interrupting -- Ralph, can we bring up alongside that

13 paragraph the document that we just had up, which is the

14 email at EIO000151. Thank you. Page 4:

15 "You should not be in any further contact with the

16 complainant", is what it says on the right. What

17 Mr Elliott wrote was "advised to have no further contact

18 with B and to suspend all communication with him."

19 My question is, is it fair, then to call

20 Mr Elliott's comments inaccurate?

21 MR BONEHILL: I think, on reflection, I would accept that.

22 MS McNEILL: Thank you. We are disclosing the email from

23 Colin Perkins. Colin Perkins was contacted by A4

24 following your evidence last week and you were asked

25 questions about an observation that he said they had

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1 MS McNEILL: I repeat my question: do you think, now that we

2 have been through it, your evidence and the

3 Ecclesiastical's position on this in general, has been

4 sufficiently full and frank?

5 MR BONEHILL: I think it's been -- I think the evidence we

6 gave in response to the point you've asked me on was

7 true and frank, again, responding to the question we

8 were asked. Could it have been wider? I think it could

9 have been, in terms of the response.

10 MS McNEILL: Can we please bring up the Elliott Review?

11 Chair and panel, this is in your bundle at tab 7, just

12 one page: INQ000457_008. I am going to take it up at

13 paragraph 28.

14 Bearing in mind you have repeatedly and publicly

15 called Mr Elliott's report inaccurate, what it says is:

16 "When this information came to the attention of

17 Bishop D, he was instructed by the church's advisers to

18 have no further contact with B and to suspend all

19 communication with him."

20 That is almost exactly, is it not, word for word,

21 what that email we just looked at shows?

22 MR BONEHILL: Yes. Legal advisers, presumably they mean the

23 church advisers, do they?

24 MS McNEILL: That's the point. He just said "legal

25 advisors" throughout and the advice had been received by

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1 thrashed it out with you. I'm going to paraphrase most

2 of it and read the one important paragraph.

3 He said, "Yes, we went through all of this at the

4 time", and this panel have heard evidence from

5 Mr Perkins about the very sophisticated arrangements

6 they put in place to provide pastoral support with the

7 ISVA and the helplines and the offering of counselling,

8 and he said:

9 "An initial discussion between myself and a member

10 of staff at EIG about this approach raised some

11 questions. This was, looking back, unsurprising.

12 I cannot think of a situation prior to this when

13 a diocese would have learned so many details of an

14 investigation whilst it was ongoing. Our involvement

15 with the police was particularly unique. I did not

16 intend to imply that we had a major struggle with EIG to

17 get them to agree what we had proposed. What I can be

18 clear about is that when we explained our new approach,

19 EIG were entirely supportive and have remained so

20 since."

21 I am asked by your representatives to make sure that

22 is plain.

23 MR BONEHILL: Okay.

24 MS McNEILL: But that's in relation to what happened in

25 Chichester. The evidence you were called to give last

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1 week was about A4.
 2 MR BONEHILL: Yes.
 3 MS McNEILL: Do you think -- these are my concluding
 4 questions -- A4, as the victim, should have had to wait
 5 or fight as long as he has in order for this to be
 6 clarified on the record?
 7 MR BONEHILL: No.
 8 MS McNEILL: Finally, I want to read directly, if I can, the
 9 guiding principles that you told us about last week from
 10 Ecclesiastical. The first of those guiding principles
 11 is that policyholders -- I appreciate that's not you --
 12 should respond to victims and survivors in such a way
 13 that it is not experienced or seen as negative,
 14 resistant or unhelpful, because this can create
 15 relationship difficulties and may worsen their
 16 well-being. Do you think that in managing this entire
 17 issue, Ecclesiastical has lived up to that guiding
 18 principle?
 19 MR BONEHILL: I think those guiding principles relate to the
 20 civil claim. Could we have done it better? Yes,
 21 I accept that point.
 22 MS McNEILL: I appreciate these relate to a civil claim.
 23 I don't in any way say they are binding on you. But as
 24 a statement of principle, it is a good one, isn't it?
 25 MR BONEHILL: Yes, it is. I agree entirely.

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1 (The witnesses withdrew)
 2 MS McNEILL: The only other thing in your timetable today
 3 are closing speeches. I will hand over to you, chair,
 4 but I look at the time. It is 11.00 am. It is entirely
 5 a matter for you whether you want to get cracking and
 6 perhaps have one before the break.
 7 THE CHAIR: Yes. We will do that. We will begin with
 8 Mr O'Donnell.
 9 Closing statement by MR O'DONNELL
 10 MR O'DONNELL: Chair, thank you very much. We have heard
 11 from counsel to the inquiry in opening to this case
 12 study that the Anglican Church provided the inquiry with
 13 a list of 390 church personnel who have been convicted
 14 of sexual offending against children in the past.
 15 The information that was also provided shows that,
 16 until December 2018, of the 231 claims issued, 122 of
 17 them involved abuse by clerics, 86 by nonclerics,
 18 including church volunteers, and 36 of the alleged
 19 perpetrators had more than one claimant make an
 20 allegation against them.
 21 So it seems perfectly plain that the Anglican Church
 22 has an ongoing problem with child abuse.
 23 Now, we know church abusers often have access to all
 24 aspects of the life of the child. We have heard in this
 25 and other case studies that they often are held in high

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1 MS McNEILL: Do you think that you lived up to that
 2 principle?
 3 MR BONEHILL: I think we could have done better.
 4 MS McNEILL: Thank you. Chair and panel, that concludes my
 5 questions. Do you have any questions for this witness?
 6 THE CHAIR: Mr Frank?
 7 Questions by THE PANEL
 8 MR FRANK: Just one question, please. In relation to the
 9 recording, the tape recordings we have heard about, as
 10 I understand it, you had them in September 2017? Is
 11 that correct?
 12 MR TITCHENER: That's correct.
 13 MR FRANK: Who had them?
 14 MR TITCHENER: We were sent them by A4.
 15 MR FRANK: When you say "we", they went into somebody's
 16 possession.
 17 MR TITCHENER: Yes, they were sent to our group chief
 18 executive's email account.
 19 MR FRANK: How long were they there?
 20 MR TITCHENER: We listened -- we knew that they'd been
 21 received and we realised that they were recordings.
 22 MR FRANK: Yes, thank you. That's all I ask.
 23 THE CHAIR: Thank you. There are no further questions.
 24 MS McNEILL: Chair, that concludes the evidence for this
 25 hearing, and for this investigation.

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1 esteem, hold positions of real power. That's the
 2 culture of the Anglican Church. It is a family. And
 3 that family continues to protect its own, we say.
 4 A4 gave evidence about the abuse perpetrated by F15
 5 and then the response he faced when he disclosed this to
 6 the church. He told various church leaders repeatedly
 7 from the 1970s until 2012, including the Bishop of
 8 Hereford, the Bishop of Salisbury, the Bishop of Durham,
 9 the then Archbishop of Canterbury, Rowan Williams, and
 10 he said the church response to his numerous disclosures
 11 was effectively to ignore them and then, as he put it,
 12 to totally blank the issue of secondary abuse within the
 13 church, that being a reference to the secondary abuse he
 14 felt being ignored.
 15 A88's evidence was moving. She was sexually abused
 16 by Victor Whitsey. She learned at her mother's funeral
 17 that her brother had suffered similar abuse by Whitsey.
 18 The fact that an Anglican vicar, Elaine Chegwin Hall,
 19 overheard them talking about that is less important than
 20 the fact it took Ms Chegwin Hall over 15 months
 21 thereafter to report what she'd heard to the police.
 22 A88 told the panel that if mandatory reporting had
 23 been in place, her brother, whom she said had passed
 24 away a year after their discussion, would have died
 25 knowing that the sexual abuse inflicted upon him had

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<p>1 been disclosed to the proper authorities. No 2 satisfactory reason was given for that 15-month delay. 3 In her statement, Ms Chegwin Hall described what she 4 overheard as being "odd" rather than a safeguarding 5 concern, despite A88 giving entirely clear evidence to 6 the panel that her brother's words were, "That bastard 7 abused me". 8 If hearing that type of phrase doesn't constitute 9 a safeguarding concern, then we wonder what does. 10 Reverend Matthew Ineson gave compelling evidence of 11 the church response to his disclosures of being 12 repeatedly raped by an Anglican vicar as a child. He 13 told the Bishop of Doncaster in July 2012, the Bishop of 14 Sheffield in December 2012 and February 2013, and then 15 Bishop Martyn Snow. He then told Bishop Steven Croft, 16 the Bishop of Beverley, and the Archbishop of York in 17 2013. Yet his evidence was very clear that nothing 18 happened until the police took action a few years later. 19 What makes the church's response even more shameful, 20 in his case, is that it left Reverend Ineson's abuser 21 free to continue potentially to abuse for five years 22 after his original complaint in 2012. 23 We say all of this is clear evidence of the church 24 continuing to cover allegations up and refusing to 25 engage with survivors in the modern era. But what's the</p> <p style="text-align: center;">Page 33</p>	<p>1 Anglican Church's official safeguarding policy? 2 In our opening, Mr Scorer quoted Mandate Now and 3 their description of the Anglican Church's safeguarding 4 policy as "a thicket of inconsistent, discretionary 5 guidance which carries with it the risk of confusion, 6 mistake and non-compliance". Well, we say the fact that 7 this thicket of inconsistent guidance is discretionary 8 is the real problem. 9 Ian Elliott, from whom you heard evidence, who 10 worked in child safeguarding for 45 years, described how 11 A4's case was handled. He said initially he was 12 impressed by the enlightened policies of 13 the Anglican Church, but he described "a very clear 14 difference between what the policies stated and what the 15 practice was on the ground". He said that whether or 16 not official church policy was followed "seemed to be 17 a matter which was entirely up to them". There wasn't 18 anyone within the church that actually would hold them 19 to account in any way against the stated policies. 20 If the church does acknowledge a complaint, how does 21 it act upon it? Well, the Safeguarding Advisor for York 22 Diocese, Julie O'Hara, gave evidence. She described the 23 difficulties she faced in dealing with a Reverend of 24 the church, X7, in relation to X7's treatment of one of 25 his parish church group leaders, ciphered as F71, who</p> <p style="text-align: center;">Page 34</p>
<p>1 had been convicted of indecent assault in 1997. 2 Further allegations against F71 were raised in 2011, 3 14 years later, by A143, but despite those further 4 allegations, by 2017, F71 had been promoted to 5 membership of the parochial church council. 6 Early last year, Ms O'Hara said she told X7 that F71 7 needed to step down. She said Reverend X7 was upset by 8 this, and he responded by telling her he felt quite 9 strongly that the abuser, F71, had changed and the 10 decisions that they were making were unfair. Then 11 Reverend X7 gave his evidence. 12 First, he admitted that when he spoke with A143, who 13 had come to him with those further allegations in 14 2011 -- well, he told him he needed to learn to forgive 15 himself, principally, and learn about the principle of 16 forgiveness more generally. He didn't offer any 17 pastoral support, saying he wasn't aware that he should 18 have offered it. He didn't consult his Safeguarding 19 Advisor because he wasn't aware of the existence of 20 a Safeguarding Advisor. He said he was unaware of 21 the House of Bishops' guidance and that, when he heard 22 A143's further allegations against F71 in 2011, he 23 "never thought of going to the police". 24 He said he'd never heard of risk assessments and he 25 couldn't understand why F71 might need to be risk</p> <p style="text-align: center;">Page 35</p>	<p>1 assessed. This was in September 2017. 2 He also confirmed, in answer to questions put by 3 Ms Sharpling, that he didn't ask about the age of F71's 4 victims. He didn't know who they were. He'd had no 5 contact with them. And he didn't bother to contact the 6 police for any information about them. 7 In summary, we say X7's evidence was entirely 8 consistent with the criticism levelled by survivors at 9 the Anglican Church that it's still spending more time 10 looking after the perpetrators of crime than it is the 11 victims. 12 As I say, this example wasn't historic. X7's 13 evidence was in relation to safeguarding concerns that 14 were still ongoing last year. 15 Well, the X7 evidence related to an abuser at parish 16 group level. But what about the Anglican Church's 17 formal approach to the investigation and discipline of 18 alleged abusers in higher positions of authority? Well, 19 the panel has heard a lot about the CDM in this wider 20 case study, but we say it is hard to know what 21 disciplinary proceedings are ever actually taken against 22 the clergy because they are not made public. Bishop 23 Alan Wilson put his concerns about clergy discipline 24 characteristically well. He said: 25 "I think a lot of CDM proceedings are conducted in</p> <p style="text-align: center;">Page 36</p>

<p>1 a dense cloak of secrecy, so nobody knows what's 2 happened. And, therefore, in terms of the church 3 learning from disciplinary lapses by clergy, that can't 4 possibly happen because nobody knows, when anything has 5 wrong gone, what it was." 6 What if a very senior Anglican is the perpetrator of 7 the alleged sexual abuse? What about the Peter Ball 8 type cases? Again, Alan Wilson put it well when he said 9 the church "cannot expect somebody who is a mid-range 10 employee of the bishop to hold the bishop to account". 11 The Anglican Church has made a number of positive 12 statements throughout these inquiry hearings about 13 cultural change. It all sounds very forward thinking, 14 but what's actually occurred in practice? 15 The survivors' evidence is essentially that it's 16 still more of the same: tribalism, smokescreens, no 17 engagement in the type of real cultural change that they 18 say is required to protect children. 19 The questions put by Mr Frank to Bishop Mark Sowerby 20 at the end of his evidence about the church's progress 21 towards cultural change in the context of a Working 22 Party set up by the Archbishops' Council in 2014 made 23 the point particularly clear. Bishop Selby's answers to 24 Mr Frank indicated that the Anglican Church might just 25 be trying to run down the clock, might be making all the</p> <p style="text-align: center;">Page 37</p>	<p>1 right noises whilst this inquiry is ongoing, and then 2 getting back to business as usual once these hearings 3 are finished. 4 Wales Safeguarding Officer, Faye Howe, put it well. 5 She said, "My concern is that some really great things 6 are coming out of IICSA, but once that's finished, it 7 might make bishops and everyone else quite complacent". 8 We fear she might be right. 9 In her opening address, counsel to the inquiry also 10 told the panel that in 2017 there were 1,257 complaints 11 of safeguarding concerns made to the Church of England, 12 of which over 50 per cent related to allegations of 13 sexual abuse. We know from analysis undertaken by the 14 Truth Project that, of those individuals who have spoken 15 to it, almost half disclosed abuse contemporaneously to 16 a member of the church clergy or a Safeguarding Officer. 17 Yet the panel was told that only around one-third of 18 the safeguarding concerns that were disclosed to the 19 church were then referred on to statutory authorities by 20 the church year on year between 2015 and 2017. Plainly, 21 that proportion is far too small. 22 These are the church's own statistics, but they of 23 course beg the question of what happens to the other 24 two-thirds of the safeguarding concerns that are not 25 referred on by the church?</p> <p style="text-align: center;">Page 38</p>
<p>1 Well, we have said repeatedly to this inquiry that 2 the case for externally enforced mandatory reporting is 3 overwhelming, but what do survivors actually mean when 4 they talk about mandatory reporting? What the 5 Slater & Gordon survivors mean is this: a law that 6 compels those in regulated organisations -- here that 7 would mean everyone in the Anglican Church, from the 8 lowest church officers up to archbishops -- to inform, 9 as soon as is reasonably possible, a safeguarding 10 service, but also external agencies, such as the police, 11 whenever they believe a child has been abused or they 12 have been told by a child that he or she may have been 13 abused. 14 The "mandatory" part, as the panel knows, means any 15 failure to inform is a criminal offence. That, we say, 16 would create a culture of disclosure and make people 17 feel normal when they disclose, rather than feeling that 18 by disclosing allegations they are doing something 19 abnormal. Such a law would give support to those who 20 disclose and stop them feeling, to put not too fine 21 a point on it, like whistleblowers. It would make it 22 a matter of routine, as Reverend Ineson put it, to pick 23 up the phone and call the police. 24 Well, what about the negatives that are often 25 associated with mandatory reporting? Firstly, it's said</p> <p style="text-align: center;">Page 39</p>	<p>1 that a mandatory reporting law would lead to an increase 2 in reported allegations. Well, of course it would. 3 More reporting is an obvious consequence of making 4 reporting mandatory. It's happened in every country 5 where mandatory reporting has been introduced, and of 6 course a mandatory reporting law would need to be 7 resourced. That goes without saying. 8 Well, secondly, the Charity Commission has given 9 evidence to this investigation that the increase in 10 reports that mandatory reporting might create could 11 divert attention from the most serious cases. Well, we 12 say that's an obviously bad argument, not least because, 13 how can anyone possibly know what the most serious cases 14 are if most of them are going unreported? And, as the 15 Church of England's own statistics indicate, it seems to 16 be the case now. 17 Thirdly, what about unfounded allegations? Well, 18 there will be more of those as well, if there is such 19 a law introduced, but the evidence suggests not many 20 more. The Department for Education research indicates 21 that false allegations tended to account for around 22 2 per cent of all reported allegations after reporting 23 was made mandatory in certain circumstances in schools. 24 It is a very small percentage. 25 Fourthly, what about increased costs? Well, more</p> <p style="text-align: center;">Page 40</p>

<p>1 reporting will obviously mean more resources are 2 required to cope with the additional reporting. But 3 it's far from obvious that this will lead to increased 4 cost overall. The extra cost of funding the extra 5 pressure on existing resources, such as the police and 6 Social Services Departments, has to be set against the 7 cost to society of people suffering childhood sexual 8 abuse.</p> <p>9 As the Archbishop of Canterbury put it yesterday, 10 childhood sexual abuse can destroy lives. Survivors 11 need support. They often need lifelong support. Many 12 are left entirely incapable of work as a result of their 13 psychological injuries. An increase in allegations 14 being reported as a result of a mandatory reporting law 15 will mean that more abusers are brought to justice -- 16 that seems plain -- which in turn will mean less sexual 17 abuse of children. Well, we say that's a reason in and 18 of itself for mandatory reporting, irrespective of 19 the increased costs of funding it.</p> <p>20 But when one considers the benefit to wider society 21 of fewer people being sexually abused in childhood, the 22 arguments against mandatory reporting we say look very 23 weak indeed.</p> <p>24 Now, of course the obvious practical case for 25 mandatory reporting, which was made in evidence by</p> <p style="text-align: center;">Page 41</p>	<p>1 safeguarding consultant Ian Elliott, is that the 2 machinery of child protection is reactive in nature. It 3 can only react to information shared with it, and 4 without the information, it's obviously powerless.</p> <p>5 Alan Wilson made the practical case even more 6 clearly. He said, "It's impossible to protect people 7 without some degree of mandatory reporting because if 8 you never know what happened, you can't do anything 9 about it". It really is, as he put it, as simple as 10 that.</p> <p>11 When Bishop Wilson was then asked by Ms Sharpling 12 what the current barrier was to reporting disclosures to 13 statutory authorities right now, he said he thought it 14 was because people are still anxious that they will 15 somehow, as he put it, bring shame on the church by 16 reporting one of its members.</p> <p>17 Well, we say Bishop Wilson is right about this, and 18 much else: change has to be enforced from outside or 19 more children will continue to be sexually abused within 20 the Anglican Church.</p> <p>21 Perhaps surprisingly, what's come out of this case 22 study is that the real powers in the Anglican Church 23 have endorsed a mandatory reporting law as well. We 24 have the Archbishop of York John Sentamu giving evidence 25 on oath supporting it and the Archbishop of Canterbury</p> <p style="text-align: center;">Page 42</p>
<p>1 Justin Welby endorsing it in his evidence, of course, 2 yesterday. All that's required now is a clear 3 recommendation from this inquiry that it be made into 4 law immediately.</p> <p>5 Unless I can assist further?</p> <p>6 THE CHAIR: Thank you, Mr O'Donnell. This would be 7 a convenient point to take our break, and we will return 8 at 11.30 am. 9 (11.15 am)</p> <p>10 (A short break) 11 (11.30 am)</p> <p>12 THE CHAIR: Mr Chapman?</p> <p>13 Closing statement by MR CHAPMAN</p> <p>14 MR CHAPMAN: Chair and panel, we act for ten victims of 15 Anglican clerical sexual abuse and the survivors support 16 group, MACSAS.</p> <p>17 May I deal with one matter immediately, which is 18 Archbishop Welby's letter produced yesterday in which he 19 purported to apologise to Mr Ineson in 2017. That 20 letter was provided to the inquiry yesterday, and to us 21 only a few minutes before you came in at 2.00 pm. So 22 Mr Ineson has not had an opportunity to formally respond 23 to it.</p> <p>24 But the archbishop relied on that letter as 25 suggesting that he gave an apology in 2017, and the</p> <p style="text-align: center;">Page 43</p>	<p>1 words he relied upon were in the final paragraph, and 2 I read: 3 "... deeply sorry, yes, for the abuse, from your 4 description of how this has been dealt with by the 5 church."</p> <p>6 Mr Ineson roundly rejects that as an apology for how 7 he has been treated in the church. It is mealy-mouthed. 8 It does not frankly accept that the church treated him 9 badly in the words of Bishop Hancock, "shabbily and 10 shambolic".</p> <p>11 Yesterday was an opportunity for the archbishop to 12 say before Mr Ineson in public, "I accept and 13 I apologise for the way you were treated in that shabby 14 and shambolic manner and for my part in it". That was 15 not just a discourtesy to Mr Ineson; it shows that the 16 archbishop, in his own words, still doesn't get it.</p> <p>17 May I turn to the main body of my submissions? 18 The Anglican Church is the first of the major 19 institutions to face a final reckoning, so to speak, in 20 this inquiry. The Anglican investigation we say, with 21 all its component parts, is a case study par excellence 22 for why there must be, we say, a national, 23 state-sponsored, entirely independent regulator of 24 the childcare sector and a corporate structure for those 25 who wish to care for children.</p> <p style="text-align: center;">Page 44</p>

<p>1 It is why I wish, in this address, to suggest 2 tentatively the beginnings of a more general theory of 3 institutional abuse to help answer the question which 4 institutions pose the greatest risk to children, and to 5 explain why, if the theory is correct, there is a need 6 for a national, state-sponsored independent regulator. 7 This is not to suggest that this will replace the 8 church's own steps to regulate itself. It is on top of 9 that. Our essential point is this: we do not care about 10 the peculiarities of your Byzantine institution 11 comprised of 42, in your own words, medieval fiefdoms 12 governed by centuries old tradition and Canon law. You 13 fix that, if you can. It is your responsibility in 14 every parish and every diocese. But you will comply 15 with minimum standards set by a national regulator that 16 apply to everybody, not just you. There can be no 17 special pleading. 18 Because what must not happen, and what we suggest 19 would be a fool's errand for you, is to attempt to make 20 specific recommendations on a piecemeal basis for each 21 of the immensely complicated institutions that come 22 before you, and extensive though this inquiry has been, 23 you will only consider a handful of institutions. What 24 about all those institutions that you are not able to 25 scrutinise to this degree?</p> <p style="text-align: center;">Page 45</p>	<p>1 This regulator must be completely independent and, 2 just as importantly, be seen to be independent. We 3 first suggested this idea to you a long time ago, 4 in December 2017, in the Downside investigation. At the 5 time, it seemed a bold submission. It no longer seems 6 a recommendation of the best, but one of absolute 7 necessity. 8 Others have been content to limit their 9 recommendations to mandatory reporting. Well, the 10 evidence has moved on. Even the Archbishops of York and 11 Canterbury accept that mandatory reporting is, to put it 12 colloquially, a no-brainer. 13 I will not, with great respect to all the survivors 14 I represent, be dwelling on the litany of abuse, failed 15 safeguarding and coverup that you identified in your 16 report into Chichester and Peter Ball, and have heard 17 yet more in this strand. All I will say is that this 18 evidence that you have heard in this strand confirms 19 that the church, despite being anxious to be on best 20 behaviour in front of this inquiry, the problems 21 persist. You have an Archbishop of York who tells you 22 that the voices of the abused must be heard, but in fact 23 takes advantage of a one-year limitation period under 24 the CDM procedure. 25 The same archbishop who only a few weeks ago</p> <p style="text-align: center;">Page 46</p>
<p>1 ordained his wife without, exceptionally, the very 2 training he says is so badly needed. At the very least, 3 he did not stop to think how this might be perceived as 4 an abuse of power. 5 A priest, AN-X7, who refused to accept it was wrong 6 in principle for a convicted child abuser to be on the 7 parochial church council, and how the church and its 8 principal insurer, EIG, appear to act together denying 9 pastoral support to victims and, before this inquiry, 10 refused to assist you by disclosing material which they 11 had already disclosed to the press in their own 12 interests. 13 You have heard essentially the same defensive 14 narrative: "We did not know". "We forgot we were told". 15 "I was only cc'd into the correspondence". "If we were 16 told, we just didn't believe it". "We need more 17 training, more policies", "The past is a foreign 18 country". "You are judging the past by the standards of 19 today. Give us more time". 20 They did know, they were told, they did believe it, 21 they had training. Child abuse is, and always was, 22 a grave crime. They have had so much time. 23 The real risk is that, when this inquiry dies, the 24 institutions, whether the Anglican Church or the 25 Catholic Church, revert to type or progress so slowly we</p> <p style="text-align: center;">Page 47</p>	<p>1 will have to wait a generation. It will not be 2 sufficient to pass one or two laws that require 3 mandatory reporting or extend position of trust 4 defences. Laws ossify. You need a regulator that is 5 continually applying the heat with guidance that changes 6 dynamically as we better understand through experience 7 what works and what doesn't. 8 I said I would try to identify more general factors 9 that identify high-risk institutions. These are, 10 firstly, size. Large institutions cannot change their 11 culture and practice quickly. We know, for example, in 12 the Anglican Church the church has a presence in 13 virtually every locality, from small hamlets to major 14 cities, but it is also an international organisation. 15 We heard -- we didn't hear, but it is in 16 Archbishop Welby's statement about how his typical 17 congregant is a woman in her 30s living on \$4 a day in 18 Africa. So the church has to please everyone and it 19 finds it very difficult to please everyone. It is 20 difficult to change. 21 We heard how it took five years for a Working Party 22 to come to no conclusion on the seal of the confession, 23 even though the leading clerics believe it needs to 24 change. 25 Bishop Selby was keen to say, the new ordinands,</p> <p style="text-align: center;">Page 48</p>

<p>1 they get safeguarding, but is he really suggesting we 2 are going to have to wait a generation before there is 3 significant change? 4 Secondly, powerful institutions are more dangerous. 5 Of course the Anglican Church is extremely powerful, and 6 we saw how that operated in the Peter Ball case. 7 Thirdly, and very importantly, institutions that 8 organise themselves in a loose, diffuse fashion, with 9 a high degree of autonomy at the local level -- so the 10 diocese, the bishop's totally in charge; and the parish, 11 that the priest is the one with power -- they are 12 operating in largely unregulated spaces. They organise 13 their own time. But unsupervised, unshackled. 14 How does such a large, powerful body cohere? How 15 does it stand together? This is the other important 16 point where danger arises. It can only cohere when 17 there is a very powerful ethos which holds the thing 18 together. 19 We accept, of course, that the express moral purpose 20 of the Church of England is a good one. But that is not 21 proof against error and, in fact, it is a risk because 22 people defer to good people. They assume abuse could 23 not be committed. 24 That is the factor which leads to tribalism and 25 clericalism and the desire to protect the reputation.</p> <p style="text-align: center;">Page 49</p>	<p>1 It is absolutely essential for these bodies, if they are 2 going to survive, because they are so loosely organised, 3 that their ethos is untarnished. It is an existential 4 threat to them to have it tarnished. 5 Finally, we need to look at, with an institution, 6 whether their ethos is consonant with modern child 7 safeguarding standards. The Church of England, as 8 I say, does not have an ethos that says child abuse is 9 a good thing, of course it doesn't, but there are 10 beliefs which are not consonant with good child safety. 11 One is, of course, the seal of the confessional. That 12 is a problem. If you accept mandatory reporting is 13 necessary for safeguarding, that is not consonant. 14 Forgiveness and its misguided interpretation. When 15 perpetrators are forgiven and allowed to continue to 16 pose a risk to children -- we saw an example of that 17 with Bishop Forster trying to limit the penalty for 18 somebody who had committed what, on any view, was an 19 extremely serious offence. 20 Finally, accountability. What is the accountability 21 within this organisation? We know in the 22 Church of England the archbishop accepted, "We are run 23 like a medieval fiefdom. We are a collection of 24 medieval fiefdoms". Every diocese is accountable only 25 to itself. And, of course, access to children. Any</p> <p style="text-align: center;">Page 50</p>
<p>1 institution which has access to children is a high-risk 2 institution and we know that the Anglican Church is the 3 largest provider of voluntary services to children after 4 the state. 5 We suggest this will assist you in understanding why 6 the Anglican Church is a high-risk institution, but also 7 other institutions, like the Catholic Church. There is 8 another institution with Benedictine monasteries dotted 9 about the place acting in an autonomous way, bound 10 together with a strong ethos, some of which is seriously 11 not consonant with child safeguarding. 12 Likewise, it may help you understand why the 13 response of the Church in Wales is perhaps better than 14 it was in the Church of England: smaller, more dynamic, 15 disestablished. 16 So whilst we accept, of course, that deep-seated 17 arrogance, clericalism and tribalism, prioritisation of 18 reputation over the protection of children, church 19 structures, disciplinary process, cultural change, all 20 these things which you identified in your Chichester 21 report are important, but we say there is, in fact, 22 a more general analysis which will assist you in 23 understanding the risks that we face. But we need to go 24 beyond the reasons why. We need to go beyond the 25 reasons why, because, for devotees of</p> <p style="text-align: center;">Page 51</p>	<p>1 the Church of England, and history buffs, no doubt, this 2 is all very interesting, but for the victims of abuse it 3 is simply stomach churning. It is of no interest to 4 them why the Anglican Church failed. It is of no 5 interest to them to hear archbishops quote the Bible, 6 recite platitudes or even weep in sorrow. It is of no 7 interest to them to debate theological arguments 8 surrounding the seal of the confessional. 9 We drown in a sea of platitudes and an alphabet soup 10 of child safety acronyms that even the witnesses, and, 11 forgive me Ms Scolding, even counsel to the inquiry, 12 struggle to articulate at times with confidence. 13 It is, I suggest, of limited relevance to you too, 14 because the purpose of analysing why the church failed 15 is not for you to make recommendations about how it 16 might improve matters by doing this or that, it is to 17 confirm in your own mind that the church really has 18 failed for reasons that are inherent to its very nature 19 and will not change without external, truly independent 20 state regulation. All decent people, Anglicans or not, 21 victims or not, simply want all reasonable, practical 22 measures to be taken to make it stop. That is the acid 23 test in our health and safety legislation, it is the 24 acid test, we suggest, for state regulation in this 25 area. How the church meets those minimum standards is</p> <p style="text-align: center;">Page 52</p>

<p>1 up to them. But do not, we beg you, get sucked into 2 making specific recommendations about how this Byzantine 3 institution goes about meeting those standards. It is 4 up to them and, if they fail, they face the regulatory 5 consequences like everybody else.</p> <p>6 It is no answer to a factory in breach of health and 7 safety regulations that it is special because it makes 8 specialist aircraft parts, that it believes this, that 9 and the other, or that it arranges its management 10 structure in a peculiar way. So much of this is 11 institutional special pleading and you need to guard 12 against it.</p> <p>13 When the Archbishop of Canterbury objects to our 14 proposal because it means, or might mean, radical 15 change, the subtext is this: "We are too big to fail. 16 We are special". Well, the answer is, you are not 17 special, and you may be too big to succeed. But if you 18 are saying we may not be able to meet minimum standards, 19 therefore they pose an existential threat, you are right 20 and so it should be. We have always said that we 21 envisaged a child safety regulator as a statutory body 22 akin to the Health and Safety Executive. It is 23 interesting to note that the history of the HSE is in 24 fact a long one. The first of the so-called 25 Factory Acts was passed in 1803 and they were enacted --</p> <p style="text-align: center;">Page 53</p>	<p>1 guess what? -- to protect children from exploitation in 2 the cotton mills.</p> <p>3 Having heard the evidence in this inquiry, we say 4 that it is remarkable, in 2019, that no such similar 5 body exists for the protection of children from sexual 6 and physical abuse. What will be the key features of 7 this regulator? It will be a regulator that will cover 8 all organisations which look after children whilst 9 ruling out child minders, which are already covered by 10 Ofsted. This independent statutory body would enforce 11 basic standards of safeguarding, and to do this it would 12 need to establish a register of institutions fit to look 13 after children. To be considered fit to join the 14 register, the institution would have to satisfy basic 15 safety criteria, and it would be an offence to look 16 after children without being on the register.</p> <p>17 If you wish to be on the register, you will need to 18 introduce a corporate structure that satisfies the 19 regulator. The registered institution should be forced 20 to adhere to those standards with the power to prosecute 21 for breaches, fines and mandatory orders preventing 22 working with children. This is safeguarding agreements 23 not just for individuals but for corporations, in 24 effect.</p> <p>25 All complaints will be passed to this independent</p> <p style="text-align: center;">Page 54</p>
<p>1 body. There would need to be a detailed report on the 2 complaint to satisfy the body that its investigation has 3 been proper and the body would have the power to carry 4 out its own investigations if it was not so satisfied.</p> <p>5 Investigations will be resolved on the balance of 6 probabilities and there would be no limitation. There 7 would be the power to make awards of compensation, 8 similar to the Criminal Injuries Compensation Authority, 9 and it would have power to decide on the support to be 10 offered to a complainant and a scheme established.</p> <p>11 There would be access to lawyers for complainants, 12 and a contribution to legal costs. We accept this is no 13 small undertaking, but without it, children will remain 14 at risk of terrible abuse long after this inquiry packs 15 up its bags.</p> <p>16 For those reasons, I commend our recommendation to 17 you and, unless I can assist further, I will sit down.</p> <p>18 THE CHAIR: Thank you, Mr Chapman. Mr Giffin? 19 Closing statement by MR GIFFIN</p> <p>20 MR GIFFIN: Chair, members of the panel. We shall be taking 21 the opportunity to provide the inquiry with detailed 22 written submissions in due course, and therefore I am 23 only going to develop two main themes now.</p> <p>24 The first will be to speak about some of the things 25 which the church, as represented by the</p> <p style="text-align: center;">Page 55</p>	<p>1 Archbishops' Council, feels that it has learned both 2 from the hearings of the last two weeks and from the 3 preparatory work done by the church and the inquiry in 4 connection with those hearings. My second topic will be 5 the church's engagement with survivors.</p> <p>6 In terms of learning, we believe that the exercise 7 of selecting recent sample cases from the four dioceses 8 undertaken by the inquiry, gathering the material 9 relevant to those cases, as we have done, and hearing 10 from some of the individuals involved in them has been 11 a fruitful one. It's provided, we think, quite a rich 12 seam of more up-to-date evidence, both about the 13 positive impact of changes made at a national level in 14 the last few years and about where some of the more 15 systematic or pervasive problems are likely to remain. 16 It fills out, with real-life detail, what we know from 17 the SCIE diocesan audits, and we are also grateful to 18 the inquiry for commissioning Ms Carmi's analysis of 19 the sample evidence.</p> <p>20 As you know, these sample cases have revealed 21 a variety of quality of practice in different cases. 22 Trying, however, to get an overall impression, we have, 23 on the positive side, seen a clear willingness amongst 24 many parish clergy to seek the support of DSAs quickly 25 when an issue arises, and to rely heavily upon the</p> <p style="text-align: center;">Page 56</p>

<p>1 support and advice of the DSA, and that looks like 2 a significant improvement on the position which emerged 3 from the earlier case studies, although we have also 4 seen clear evidence that getting it right in that way is 5 not yet universal.</p> <p>6 It also shows, we think, what an enormous difference 7 can be made to the quality of response to a safeguarding 8 situation where a qualified and experienced DSA is on 9 hand. But saying that highlights immediately the issue 10 of resources, both generally and, in particular, the 11 disparity that still exists between different dioceses, 12 both in terms of the demands placed on the diocesan team 13 and in terms of the resources available to meet that 14 demand.</p> <p>15 Various suggestions for how diocesan safeguarding 16 professionals can be further supported have been 17 canvassed in the evidence, and we shall want to say some 18 more about that topic in written submissions.</p> <p>19 We have seen also from the samples the value of 20 safeguarding training and its impact on practice and how 21 the need for training, both at parish level and indeed 22 for DSAs themselves, is ongoing. The rollout of new 23 policy and guidance has been very swift, and a number of 24 witnesses accepted, in effect, that they were still 25 playing catch-up.</p> <p style="text-align: center;">Page 57</p>	<p>1 We can see the importance of ensuring that key 2 people at parish level, such as the PSO, are well 3 supported by the Diocesan Safety Advisor and the Stobart 4 Training Review provides important insight here as well. 5 Also in relation to training, the sample evidence shows 6 clearly the importance of good risk assessment and risk 7 management, and it seems, too, that there are respects 8 in which safeguarding guidance could be further 9 clarified.</p> <p>10 The reason for choosing engagement with survivors as 11 the second theme for this oral closing submission is 12 quite simply that this is where the progress made over 13 the last few years seems to have been the least.</p> <p>14 You have heard the evidence about that. I am not 15 going to repeat it.</p> <p>16 Of course, the material before the inquiry shows 17 that a range of initiatives have been progressed, with 18 others in the pipeline. But it is apparent that there 19 are things that need to change and to be better 20 understood at a more fundamental level. We are thinking 21 here of, for example, the evidence that both Sheila Fish 22 and Roger Singleton gave about the dangers of pressing 23 ahead with an agenda for change without engaging 24 sufficiently with survivors about what should be on that 25 agenda, and the evidence you have heard from</p> <p style="text-align: center;">Page 58</p>
<p>1 Justin Humphreys about the risk that the church operates 2 in a vacuum, addressing what it thinks survivors want 3 rather than hearing from them about what they actually 4 need.</p> <p>5 It is ultimately about accessing the insights of 6 survivors and genuinely and properly valuing their 7 experience and perspective, what Mr Tilby referred to as 8 "the rich seam of knowledge" in the SCIE survivor 9 report, for example.</p> <p>10 So we hope that a new and better approach to 11 co-design, starting with the victims and survivors 12 charter, and using that as a benchmark for other work, 13 will help here. We have also heard the points made by 14 Sheila Fish about telling stories of abuse to the wider 15 world, not just closeting them within church training, 16 and about the imperative for survivors to be featured in 17 the story that the church tells about its safeguarding 18 journey.</p> <p>19 We want to acknowledge that imperative in these 20 closing submissions. We hope that recognising and 21 emphasising this publicly, alongside, for example, the 22 help that Archbishop Justin acknowledged yesterday 23 having received from Phil Johnson, will be one small 24 step in the right direction.</p> <p>25 We will try to say more about these tasks in our</p> <p style="text-align: center;">Page 59</p>	<p>1 written closing submissions. Can I emphasise also how 2 much the church hopes that on precisely these sorts of 3 issues the inquiry will be able to draw together from 4 its different work streams experience and further 5 insights which can be shared with institutions, 6 including the church.</p> <p>7 A short footnote. Precisely because the church 8 needs to regain the confidence of survivors so it can 9 work better with them on both redress and prevention, 10 there is one matter arising from the hearings where I do 11 need to put the true position clearly on record. It 12 seems that statements have been circulating causing some 13 disquiet following comments which one representative 14 made in his opening last week. I needn't repeat those 15 comments, but they included allegations of attempts to 16 discredit individuals or to resist recommendations which 17 the inquiry might make. It appears that the allegations 18 were based upon a particular document, whose provenance 19 the inquiry asked us to investigate, and whose content, 20 if genuine, would have been highly inappropriate, to say 21 the least.</p> <p>22 However, I do wish to place on the record that we 23 have found no evidence to suggest that this document is 24 genuine. We do not believe it is in fact authentic. 25 And, importantly, the inquiry has been able to confirm</p> <p style="text-align: center;">Page 60</p>

<p>1 to us that it, too, has been unable to verify the 2 document's authenticity and will not rely upon it in any 3 way. We hope this puts those particular allegations 4 firmly to rest.</p> <p>5 Chair, there are quite enough real flaws and 6 shortcomings in the church without its efforts to 7 improve being undermined by fake complaints.</p> <p>8 I reiterate that each and every recommendation that 9 the inquiry may in due course make will be carefully and 10 open-mindedly considered by the church. It will seek to 11 think and consult carefully where that is needed and not 12 rush to judgment, especially when it comes to the 13 engagement of survivors in the process. The church 14 needs that perspective from all angles, about which 15 Bishop Peter spoke yesterday, and which the inquiry has 16 helped to provide.</p> <p>17 In our written submissions, we proposed to focus not 18 on a further recitation of things that have been or are 19 being done -- you have ample evidence about that -- but 20 on some of the concrete issues where you have heard 21 differing views about the choices to be made and the 22 right way ahead.</p> <p>23 We hope to be able to help focus the arguments, in 24 the light of the evidence that has been heard. There 25 are some matters where, as you know, work to come up</p> <p style="text-align: center;">Page 61</p>	<p>1 with the right solution continues within the church and 2 the Clergy Discipline Measure is a prime example of 3 that. Although the Archbishops' Council will not seek 4 to pre-empt the conclusions of the CDM Working Group, we 5 hope that through the written submissions we can, at any 6 rate, make a positive contribution by formulating some 7 specific potential issues and potential changes which 8 the Archbishops' Council, for its part, will wish to see 9 considered.</p> <p>10 These may include not only the more fundamental 11 choices to be made about how the disciplinary process or 12 any related capability process should work in future, 13 but potentially also suggestions for more immediate 14 improvements, and any views which the inquiry may then 15 express on those suggestions will, of course, be 16 welcomed.</p> <p>17 Other work to improve safeguarding arrangements, 18 including work in response to the inquiry's interim 19 recommendations, will continue meanwhile, and it will 20 continue afterwards as well. As I said in opening, my 21 client believes that the impetus of progress needs to be 22 maintained after the inquiry comes to an end, and we 23 intend that it should and will be.</p> <p>24 We close these oral submissions by thanking the 25 inquiry for its efforts to date and for its case study</p> <p style="text-align: center;">Page 62</p>
<p>1 report which, as you have heard from a number of 2 witnesses, has been warmly received for its clear, fair 3 and balanced nature. We would also like to thank 4 counsel to the inquiry and the staff at the inquiry and 5 at this hearing centre for their hard work and generous 6 spirit, and, most importantly, we thank the survivors 7 who gave evidence at this hearing and at the hearings 8 last year.</p> <p>9 Archbishop Justin said yesterday that to fail at 10 safeguarding casts a profound stain across every good 11 thing that the church does, and we look forward to the 12 remainder of the inquiry's work in relation to the 13 church. Thank you.</p> <p>14 THE CHAIR: Thank you, Mr Giffin. Mr Powell? 15 Closing statement by MR POWELL 16 MR POWELL: Chair, members of the panel, can I start by 17 mentioning two outstanding matters? The first relates 18 to a question from the panel of the archbishop and of 19 the Provincial Secretary, Simon Lloyd, last Friday, 20 about the status and contents of what we call the 21 Archbishop's Registrar's List, the register. That's the 22 document that we had to create once we were no longer 23 able to share the Lambeth List. That, I think, dates 24 from probably 2006 or 2007. 25 The register is updated in Wales every five years.</p> <p style="text-align: center;">Page 63</p>	<p>1 There are currently 18 persons on the register, and of 2 those 18, 10 have committed offences or have been 3 accused of offences which would come within the ambit of 4 your inquiry.</p> <p>5 The second matter that I would like to bring to the 6 inquiry's attention relates to the anonymous letter that 7 you received earlier this week relating to allegations 8 concerning three clerics in the Province of Wales. 9 I hope that by now you have got, even if you haven't had 10 a chance to read it, the statement of Matthew Chinery, 11 who sits beside me, who is now the head of legal 12 services in Wales, setting out the position, but, in 13 essence, what he says in his statement is that the three 14 clerics mentioned, all of whom we believe to have been 15 convicted of criminal offences relating to children, all 16 of whom resigned well before the lacuna that was 17 identified had been rectified, all three of them are 18 going to be subject to, and in one case one has already 19 been subject to, a reference to the Disciplinary 20 Tribunal.</p> <p>21 I think it is only right I should say at this stage 22 that the inquiry has heard a fair bit of evidence and 23 discussion about whether the power to depose from 24 Holy Orders is really appropriate because anybody can 25 call themselves "the Reverend". We take the view in</p> <p style="text-align: center;">Page 64</p>

<p>1 Wales that it is entirely appropriate because, although 2 it may be an empty gesture towards the clerics, it is 3 anything but an empty gesture to the survivors and 4 victims. 5 I can't prejudge what the Disciplinary Tribunal will 6 do, but, as Mr Chinery says in his statement, the 7 recommendation from the archbishop in respect of the one 8 matter that has already been referred is that that 9 cleric be deposed from Holy Orders. 10 When we addressed the inquiry in 2016, we explained 11 the determination of the then Archbishop of Wales, 12 Dr Barry Morgan, to do two things. First of all, to 13 assist the inquiry as fully as possible by providing all 14 the relevant information that was in our possession to 15 the inquiry, and to assist by submitting statements from 16 witnesses who the inquiry felt to be relevant or we felt 17 to be relevant. 18 We believe, and we hope, that we have acquitted 19 ourselves of that. 20 I would like to pay tribute to Ms Chandler, who sits 21 beside me, the former head of legal services, and also 22 to Elaine Cloke, about whom you have heard, who, as you 23 know, was forced to retire because of personal 24 difficulties, for the work that they have done. 25 I recall standing in front of not you, chair, but</p> <p style="text-align: center;">Page 65</p>	<p>1 another chair and explaining, to slight surprise, 2 I think, that the Church in Wales legal team consisted 3 of two people, and the secretariat consisted of one 4 person. Mrs Chandler, Ms Cloke and the one person have 5 worked manfully -- "personfully", I suppose I should 6 say -- to assist, because it has been a massive 7 enterprise and I am personally grateful for the 8 assistance they have given me, and I am sure the inquiry 9 will echo that gratitude. 10 The second part of the archbishop promise in 2016 11 was to learn lessons, and that promise has been carried 12 on by Archbishop John Davies, from whom you heard last 13 Friday. We appreciate that it may be some time before 14 you are able finally to report, but we are determined 15 that what we have learned so far and what we think is 16 relevant to Wales will be actioned well in advance of 17 waiting for your inquiry to report. We have already 18 started the process of changing our practices, and 19 I think you heard some evidence about that last Friday. 20 In our written submissions that we intend to make, 21 we will identify the areas that we feel need changing 22 and the likely timescale for those changes to be made. 23 We are also conscious of the request made by 24 Mr Frank for a report, a progress report, and by the end 25 of January 2020, which we anticipate will be before your</p> <p style="text-align: center;">Page 66</p>
<p>1 report is finalised. By the end of January 2020, we 2 will provide you with a written document setting out 3 what we have done, what is left undone, and what we 4 ought to have done, and looking at the future so far as 5 the Church in Wales is concerned. 6 In conclusion, we, too, should echo the thanks given 7 by the Archbishops' Council to the inquiry team. They 8 have been extremely helpful, and, as you can imagine, 9 had they adopted in any way a different attitude towards 10 us, our job would have been much more difficult. 11 Bearing in mind that we will be submitting written 12 submissions, it doesn't seem to me, unless there is 13 anything you want from us, appropriate for me to say 14 anything further. Thank you very much. 15 THE CHAIR: Thank you, Mr Powell. Mr Phillips? 16 Closing statement by MR PHILLIPS 17 MR PHILLIPS: We will also deal with the issues in this 18 investigation so far as they relate to EIO in our 19 written submissions. However, I would like to take this 20 opportunity to make some points to you orally. 21 May I begin with some observations which I made in 22 my closing submissions at the end of the Chichester 23 diocese case study last year. First, and it is of 24 course obvious, the main focus of this hearing has been 25 on safeguarding and on the Anglican Church. In other</p> <p style="text-align: center;">Page 67</p>	<p>1 words, on the issues which are fundamental to your 2 investigation, rather than on questions of insurance and 3 claims. And the same was true of the two hearings last 4 year. 5 Next, and, again, as I did in March last year, 6 I would like to remind you of the limited extent of 7 the connection between EIO and those victims and 8 survivors from whom, or about whom, you have heard in 9 the course of the hearing. AN-A88 and the other 10 Bishop Whitsey claimants made claims which were 11 uninsured, like the Bishop Ball and the Bishop Bell 12 claimants in last year's hearings. 13 But the claimants whose cases were handled by EIO, 14 I should mention first the 14 claims against EIO 15 customers in the Church in Wales, about which you have 16 read in Mr Lloyd's statement, but you have heard no 17 detail at all about the claims and the topic was not 18 touched on in his oral evidence before you last week. 19 Which leaves AN-A4 and Mr Ineson and, again, you heard 20 no detailed evidence from EIO about their handling of 21 either of these cases, a point to which I will return in 22 a little while. 23 In the course of his very substantial written 24 evidence, Mr Ineson made only the briefest reference to 25 his claim, and he wasn't asked anything about it when he</p> <p style="text-align: center;">Page 68</p>

<p>1 gave evidence to you on Wednesday. So at this hearing, 2 it is only AN-A4 who gave evidence to you about the 3 experience of having his claim dealt with by EIO, 4 meaning, in turn, that you have had oral evidence about 5 this topic from a total of four claimants -- AN-A4, 6 AN-A11, Professor Macfarlane and Philip Johnson -- out 7 of the 231 whose claims, as Mr Bonehill told you, have 8 been handled by EIO on behalf of church customers. 9 Before turning to EIO's side of this, I should 10 remind you that each one of these four cases was 11 settled, either before proceedings were begun or at an 12 early stage of the litigation. Each claimant was 13 represented by a specialist solicitor, and each had the 14 benefit of legal advice when entering into the 15 settlement agreement. Each settlement was in full and 16 final settlement of the claims. 17 As far as their experiences are concerned, it's true 18 to say that, to a lesser or greater extent, each of 19 these four claimants experienced the claims process 20 negatively and made criticisms, again at varying levels 21 of intensity, of the way that their claims were handled. 22 So far as EIO is concerned, its position at the end 23 of this hearing is, again, much as it was at the end of 24 the Chichester hearing last year. In this 25 investigation, the inquiry has not explored the way EIO</p> <p style="text-align: center;">Page 69</p>	<p>1 dealt with any specific claim in real detail, and has 2 not asked EIO to deal with each and every one of 3 the claimants' criticisms. Rather, in its rule 9 4 request, the inquiry has focused on narrow or specific 5 issues arising in relation to a very small number of 6 claims, most prominently, of course, in relation to the 7 Elliott report, which itself followed on from the 8 settlement of AN-A4's claim, and I will return to that 9 in a moment, if I may. 10 But the point I wanted to make to you, as I did 11 in March last year, is that, where the inquiry has not 12 sought a specific answer to criticisms made, then, as 13 a matter of basic fairness, it is not possible for you 14 to arrive at a conclusion as to whether those criticisms 15 are well founded, because that would offend the guiding 16 principle, if I can use that phrase again, which must 17 inform all of the work of this, as of any, inquiry, 18 namely, fairness. 19 But there's a related point here, as a result of 20 other work of the inquiry which has taken place since 21 the Chichester hearing last year. As your counsel 22 acknowledged in our opening submissions, there is an 23 entire investigation given over to accountability and 24 reparations in the broader context of the civil justice 25 system as a whole. And in the case study hearings in</p> <p style="text-align: center;">Page 70</p>
<p>1 that investigation, which took place at the end of last 2 year, the inquiry did what it hasn't done in this 3 investigation, namely, to consider the claims and the 4 litigation process in depth in a handful of cases. It 5 heard evidence from the lawyers involved on both sides 6 and also from representatives of the various insurers 7 involved in those cases, and, indeed, from 8 a representative of the ABI, the insurers' organisation. 9 Now, as you know, EIO was not involved in that 10 hearing. However, it is clear from the transcripts 11 that, in contrast to the position in this investigation, 12 the inquiry did indeed conduct a very careful 13 consideration of individual cases and of the insurers' 14 conduct in handling the claims in the litigation. 15 Perhaps ironically, in the light of the criticisms which 16 you have heard from some claimants in this 17 investigation, counsel to the inquiry in that 18 investigation held EIO up, when questioning 19 representatives of other insurers, as an example of best 20 practice, as setting a standard to which the other 21 insurers should aspire, causing counsel for the RSA, at 22 the end of the hearing, to complain in his closing 23 submissions that you had received no evidence from the 24 EIO in that investigation. 25 Suffice it to say, therefore, there is a rather</p> <p style="text-align: center;">Page 71</p>	<p>1 uncomfortable overlap here between the two 2 investigations which the inquiry will have to handle 3 with considerable care, in my submission, in the next 4 stages of its work. 5 Which takes me to my final general point under this 6 heading, and to some plain speaking, which you may think 7 is particularly important in the light of the evidence 8 you heard this morning. If the lawyers in this room, 9 with genuine and substantial experience of litigation 10 for and against insurers, were allowed to give their 11 personal views rather than, as they must, take up 12 positions on behalf of their clients, I have no doubt at 13 all that they would all tell you that EIO is a genuinely 14 cooperative and sympathetic organisation with which to 15 deal, combining an ethical approach with huge reserves 16 of experience and expertise, and so that the way in 17 which your counsel in the other investigation dealt with 18 EIO is entirely unsurprising. 19 All of that leads me to the obvious question, why, 20 then, is it that some claimants regard their experience 21 of EIO's claims handling negatively? Before turning to 22 particular points which have arisen in the course of 23 this hearing, may I make some broader points and submit 24 that, to a significant extent, their experiences can be 25 attributed not so much to any particular conduct on the</p> <p style="text-align: center;">Page 72</p>

<p>1 part of EIO, but, rather, to the effect of various 2 overarching factors which are not of EIO's making and 3 lie outside of its control. 4 The first of these is the adversarial nature of 5 the civil justice system itself, with its rules and its 6 procedures, which must seem baffling and alienating to 7 anyone encountering them for the first time. But I also 8 have in mind the different relationships involved: the 9 relationship between the church customer and EIO, which 10 is determined by the terms and limits of the relevant 11 policy, and of course the very different relationships 12 which they have to the claimant. 13 As I pointed out to you at the start of this 14 hearing, EIO is an insurer. It is a commercial 15 organisation. And perhaps some of the difficulties for 16 claimants here arise because they expect EIO to behave 17 towards them rather more as if it was the church. It is 18 an unusual, if not unique, insurer with charitable 19 ownership, but it is, and always has been, in the 20 business of insurance, and so those expectations are 21 bound to be disappointed. 22 Then, turning to the church customer stuck in the 23 middle of this, its position, you may think, is much 24 more difficult. It has very likely had, or has, 25 a relationship with the claimant, founded in its place</p> <p style="text-align: center;">Page 73</p>	<p>1 within the church structure, whether a parish church or 2 a cathedral or something in between. However, it's also 3 a customer of EIO, bound by the terms of its contract. 4 One can see, in the cases you have looked at, how that 5 double role could, and did, give rise to tensions and 6 difficulties which, for obvious reasons, might be very 7 hard indeed for claimants to understand or appreciate, 8 leading to frustration and, again, unfulfilled 9 expectations. 10 Now, I should say I am not trying to explain away 11 what you have heard from claimants. EIO has never 12 presented itself to you as a paragon without blemish in 13 each and every element of its conduct of all of these 14 challenging and difficult claims. On the contrary, the 15 evidence you have is to the effect that the company has 16 learned from the sometimes bitter experience of specific 17 claims, including, and, for example, 18 Professor Macfarlane's and AN-A4's, and sought to make 19 the changes to its practices and procedures that 20 experience suggested were needed. Mr Bonehill has given 21 you evidence about the way its internal guidance had to 22 be amended and updated as the full impact of these 23 claims began to be felt in the early part of this 24 decade. 25 And, of course, you have heard how the guiding</p> <p style="text-align: center;">Page 74</p>
<p>1 principles came to be issued in 2016, in part in 2 response to the Elliott Report, in part in response to 3 Professor Macfarlane's claim, and then of course 4 reviewed and amended last September, and that process 5 will continue in the light of the work of the inquiry 6 and of EIO's experience of this investigation. 7 You won't, therefore, be surprised to hear that my 8 next topic is AN-A4's case and the Elliott Review. We 9 will deal with all of the issues arising from the 10 evidence you've now heard in our written submissions. 11 So suffice it to say at this stage that EIO fully 12 appreciates that there are lessons still to be learned 13 from its handling of this claim, both before and indeed 14 after its settlement in September 2015. 15 I'm not proposing to go over the ground on waiver of 16 privilege, which has been covered in Mr Titchener's 17 statement and, of course, in the evidence given to you 18 this morning, but I do want to express regret on behalf 19 of EIO for its part in the misunderstanding that led, in 20 early 2015, to the withdrawal of pastoral support by the 21 church. 22 You're only too aware of EIO's position on this, 23 that there was a confusion, a regrettable confusion, 24 between the correct way to deal with litigation once 25 solicitors were involved, on the one hand, and the</p> <p style="text-align: center;">Page 75</p>	<p>1 church's continuing pastoral relationship with AN-A4 and 2 the provision and funding of the counselling which was 3 required for him, on the other. 4 Again, you may think that's a clear example of where 5 the church/insured's twin relationships with the 6 claimant and with its insurer can cause difficulty and 7 indeed distress. 8 I would also like to record that EIO accepts that 9 the manner in which it sought to put its side of 10 the dispute was not sufficiently sensitive to AN-A4's 11 position. And by that I mean both in the briefing to 12 the journalist, about which you heard this morning, and, 13 perhaps more importantly, in public, in its public 14 statement, its letter to the three bishops and its 15 Church Times article. 16 Now, it did that partly to protect its good name and 17 also in an effort to dispel any impression that could 18 dissuade other victims or survivors from initiating 19 a civil claim. But I repeat: that approach was not 20 sufficiently sensitive to AN-A4's position. The lessons 21 have been learned, and EIO will not take that approach 22 in any current or future claim. 23 Now, before leaving the topic of the Elliott Review 24 and its aftermath, may I just pick up a point which came 25 up in evidence this morning. You may remember that</p> <p style="text-align: center;">Page 76</p>

<p>1 AN-A4 in his own evidence suggested that the advice 2 which the church believed it had received from EIO, 3 namely, to cease all contact with the claimant, had been 4 given in other cases. And Ms Scolding sought to bolster 5 that suggestion when she questioned Mr Bonehill last 6 week and took him to a passage of Sheryl Kent's log 7 which mentioned Colin Perkins. Now, this morning you 8 have heard that AN-A4 approached Colin Perkins outside 9 the hearing and after he had given evidence and sought 10 his support for that contention. You now know that in 11 his reply Mr Perkins explained what had happened in that 12 earlier case, describing EIO's position as, and I quote, 13 "entirely supportive of the proactive offers of pastoral 14 support", which he and the Chichester Diocese offered in 15 that case and in subsequent cases. And that is, of 16 course, consistent with the evidence which you had on 17 that topic from Mr Bonehill.</p> <p>18 More generally, so far as Mr Bonehill's evidence to 19 you is concerned, I hope it was helpful to hear, as it 20 were, from the front-line about the way in which EIO 21 approached these cases and the care, time and effort 22 which it has put, and continues to put, into them, 23 notwithstanding the fact that they represent a tiny 24 fraction of the claims which fall within his remit as 25 claims director.</p> <p style="text-align: center;">Page 77</p>	<p>1 You will remember the various initiatives which he 2 described to you: working with claimant lawyers; trying 3 to build a pre-action conduct agreement for claims of 4 this kind; the work being done with the rehabilitation 5 specialists Moving Minds; and the other measures aimed 6 at putting claimants at the heart of the claims process.</p> <p>7 It is therefore not surprising, I would suggest, 8 that you have heard from church witnesses, including 9 Mr Tilby, that when dealing with uninsured claims, they 10 seek to follow the guiding principles, and so handle 11 them as if they were being handled by EIO.</p> <p>12 Now, chair, before concluding, I should mention 13 a point on which evidence not only from EIO, but also 14 from EIG and from its ultimate owner, All Churches Trust 15 Limited, was sought by the inquiry, namely, the 16 relationship between these various bodies and the church 17 and the suggestion that there was something unhealthy 18 about it or even that the church and EIO were guilty of 19 some level of collusion.</p> <p>20 It is tempting simply to observe at this stage that 21 what happened in relation to AN-A4's case, whether in 22 the early part of 2015 or after the Elliott Report's 23 conclusions had been published or in September 2017 in 24 the public debate between the three bishops and EIO or, 25 indeed, in what happened in this hearing in relation to</p> <p style="text-align: center;">Page 78</p>
<p>1 privilege, including what happened this morning, all of 2 that shows, you may think, that there is a healthy 3 distance between EIO and its church customer.</p> <p>4 But you don't have to rely on those commonsense 5 observations. In terms of the evidence you have, the 6 first point to note is that, having introduced the issue 7 in her opening submissions, counsel didn't pursue it 8 with any vigour with any witness. She didn't put the 9 criticisms made to Mr Bonehill and nor were the 10 statements supplied by EIG and All Churches Trust at the 11 request of the inquiry, which principally focused on 12 these issues, formally adduced in evidence.</p> <p>13 You may also think that Mr Tilby dealt with all of 14 this conclusively in paragraphs 288 and 289 of his sixth 15 statement, which include the following:</p> <p>16 "EIO are responsible for, and take, their own 17 decisions in relation to the handling of all claims 18 which they insure. In light of their duties as an 19 independent and commercially-run insurer, authorised and 20 regulated by the Prudential Regulated Authority and the 21 Financial Conduct Authority. Having liaised with 22 colleagues in the legal office, I do not believe that 23 any of the institutions which make up the 24 Church of England are in any position to dictate to the 25 EIO how it should respond in any particular case and</p> <p style="text-align: center;">Page 79</p>	<p>1 have confidence that EIO would resist any such attempt."</p> <p>2 With all of which EIO agrees. Chair, on that note 3 of concurrence between EIO and its church customers, 4 I end my submissions.</p> <p>5 THE CHAIR: Thank you, Mr Phillips. Mr Berry?</p> <p>6 Closing statement by MR BERRY</p> <p>7 MR BERRY: Chair and panel, the NPCC thanks you for granting 8 its application for core participant status and for the 9 opportunity to participate in this phase of 10 the Anglican Church investigation. We hope that the 11 evidence we have supplied and that these short closing 12 submissions will be of assistance.</p> <p>13 Although the police response to allegations of child 14 sexual abuse in the Anglican Church has not been the 15 focus of this session, the inquiry has heard evidence 16 from survivors A88 and A4 of a good police response to 17 their complaints.</p> <p>18 The inquiry has also heard evidence from 19 Reverend Ineson of his entirely unsatisfactory 20 experience of the police service before his abuser was 21 ultimately investigated and charged.</p> <p>22 The NPCC, through Operation Hydrant, has fed that 23 evidence back to the police force in question so that 24 lessons can be learned.</p> <p>25 The inquiry has also heard evidence from Diocesan</p> <p style="text-align: center;">Page 80</p>

<p>1 Safeguarding Advisors, Ms O'Hara and Ms McMahon, about 2 an inconsistency in information sharing from the police. 3 Undoubtedly, there will be cases in which there are 4 sound operational reasons for the police not sharing 5 particular information with particular people at 6 particular times. But if the ability of the Church of 7 England to protect children from sex abuse can be 8 improved by greater clarity and consistency in 9 information sharing from the police, the NPCC agrees 10 that this matter needs to be further explored and 11 explored properly. 12 Since the matter is being reviewed, we will provide 13 written submissions setting out the NPCC's longer-term 14 intentions in this regard. 15 The NPCC takes this opportunity to emphasise the 16 importance that good safeguarding procedures and 17 practice play in the prevention of child sexual abuse. 18 While these submissions apply with equal force to any 19 organisation with child safeguarding responsibilities, 20 churches, including the Anglican Church, face peculiar 21 challenges. In particular, that anyone can walk into 22 a church on a Sunday and the church's mission includes 23 ministering to those at the margins of society, such as 24 ex-offenders seeking redemption. These considerations 25 simply do not pertain in the context of a school, for</p> <p style="text-align: center;">Page 81</p>	<p>1 instance and they underscore the need for a more 2 developed approach to safeguarding in the church. 3 There are, we would suggest, five important themes. 4 The first is having strong recruitment vetting 5 procedures, both for priests and for those having access 6 to children through positions of responsibility in the 7 church with regular re-vetting. This goes beyond DBS 8 checks. It requires internal records to be consulted, 9 which in turn means that proper records have to be 10 maintained, particularly with regard to safeguarding 11 concerns. It means ensuring that candidates have "an 12 instinctive sense of the centrality of safeguarding", in 13 Archbishop Justin's phrase, or in his shorthand, that 14 they "get" safeguarding. 15 The second theme is having in place adequate risk 16 assessment and management procedures where a known sex 17 offender wishes to attend church. This inquiry has 18 heard evidence about some successful voluntary 19 safeguarding arrangements that the church has used. 20 The third theme is ensuring that concerns about 21 safeguarding, whether about a member of the clergy or 22 a member of the congregation, are raised with the 23 appropriate person, such that they find their way to the 24 LADO or, in an appropriate case, to the police without 25 delay. Archbishop Justin's agreement yesterday to</p> <p style="text-align: center;">Page 82</p>
<p>1 mandatory reporting, backed by church disciplinary 2 measures, is noted. 3 The fourth theme is ensuring that concerns about 4 criminality are reported promptly to the police. Now, 5 it may be that a concern within the church would be 6 reported to a Diocesan Safeguarding Advisor in the first 7 instance, who would promptly report it to the police, 8 but there is no requirement for a complainant to do so. 9 They can report the matter to the police directly. This 10 inquiry has seen historic examples of criminal 11 allegations known to the church not being reported to 12 the police when they plainly should have been. In the 13 case of Gordon Dickenson in the 1970s, an allegation of 14 indecent assault on a minor was dealt with quietly; 15 a promise to the bishop never to do it again and a move 16 to another parish. The police were not involved. That 17 was not acceptable then and it is certainly not 18 acceptable now. 19 The fifth theme which underscores all of the others 20 is embedding safeguarding in the culture or DNA of 21 the church, something that Sir Roger Singleton spoke 22 about compellingly. That means not leaving safeguarding 23 to the parish priest or the churchwarden or the Parish 24 Safeguarding Officer, but making it a concern for 25 everybody in the life of the church, so that everyone</p> <p style="text-align: center;">Page 83</p>	<p>1 understands the importance of safeguarding, everyone is 2 aware of what to look out for, and everyone knows how to 3 report concerns. 4 When safeguarding works and is known to work in an 5 organisation, it makes that organisation a hostile 6 environment for those who wish to abuse children. The 7 opportunity to offend is reduced, and the chance of 8 being caught is high. 9 In turn, it makes the organisation a safe one for 10 children to participate in. While the police will 11 investigate allegations of criminality, better 12 safeguarding practice means fewer crimes in the first 13 place where one victim is too many. 14 Some time was spent on the question of discipline 15 and the Clergy Discipline Measure. The NPCC expresses 16 no view on the CDM itself, but suggests that the focus 17 should remain on improving safeguarding processes and 18 practice rather than on the intricacies of a complex 19 Disciplinary Code. Safeguarding and disciplinary 20 procedures have distinct functions. 21 Yesterday, Bishop Peter Hancock identified that 22 distinction and Archbishop Justin acknowledged that he 23 had not properly recognised it in the Liverpool case in 24 2011. Safeguarding procedures should be triggered as 25 soon as there is a concern that a child is at risk.</p> <p style="text-align: center;">Page 84</p>

<p>1 There is no need, and indeed it would be unsafe, to wait 2 for a formal criminal or disciplinary allegation to be 3 made to commence safeguarding procedures. Disciplinary 4 procedures have their place at one remove from the 5 immediacy of safeguarding. They are principally 6 a mechanism in all professions for maintaining the 7 public confidence in the profession, maintaining high 8 professional standards, and protecting the public from 9 future misconduct by the cleric concerned where the 10 allegation is found proved.</p> <p>11 Disciplinary proceedings are not the principal 12 medium for addressing safeguarding concerns. Indeed, 13 even where an allegation is not proved in a Disciplinary 14 Tribunal to the civil standard, there will be an ongoing 15 role for the safeguarding procedures if the cleric is 16 still deemed to pose a risk to children. So there may 17 be sound reasons to reform the CDM, and perhaps align it 18 with the more developed disciplinary procedures in other 19 professions, but it would be easy for the church to get 20 bogged down in that much bigger project to the detriment 21 of getting safeguarding right and, in our submission, 22 that would be a mistake.</p> <p>23 Finally, this: the investigations, prosecutions and 24 convictions of clergy and former clergy for sexual 25 offences against children in recent years should leave</p> <p style="text-align: center;">Page 85</p>	<p>1 no doubt as to the police's resolve to tackle this most 2 heinous form of offending and gross abuse of trust and 3 of power. The inquiry has heard all too often from 4 witnesses that, when they were abused by a priest years 5 ago, they didn't say anything about it to anyone, let 6 alone report it to the police, because they didn't think 7 anybody would believe them. "A priest would never do 8 such a thing", they would say.</p> <p>9 Whatever label is applied to this state of affairs, 10 be it deference or clericalism or exceptionalism or 11 spurious credibility, it should be, and must be, a thing 12 of the past.</p> <p>13 In 2019, if a report of child sexual abuse, recent 14 or historic, is made to the police, it will be dealt 15 with appropriately whether or not the perpetrator wears 16 a clerical collar.</p> <p>17 Chair and panel, those are the NPCC's submissions. 18 THE CHAIR: Thank you, Mr Berry. Ms Scolding, do you wish 19 to say a few words?</p> <p>20 Closing remarks by MS SCOLDING 21 MS SCOLDING: Yes. Good morning, chair and panel. I wish 22 to thank all the core participants and their legal teams 23 for the courtesy and respect they have shown all my team 24 throughout this hearing, and for their contributions to 25 ensure that this process has run smoothly.</p> <p style="text-align: center;">Page 86</p>
<p>1 We know that all of you in the legal teams, and all 2 of you who have supplied information, have had to take 3 considerable time, effort and in some cases expense to 4 give us the invaluable assistance during the course of 5 these hearings and beforehand.</p> <p>6 I also wish to thank each and every witness. We 7 recognise that this process is daunting, and the 8 assistance you have given us is invaluable. Your 9 insights and openness to our queries and questions have 10 improved our understanding of both what happens and what 11 should happen in respect of safeguarding within the 12 Anglican Church.</p> <p>13 Third, I wish to thank all those working at the 14 inquiry -- the transcribers, the evidence handler, the 15 ushers, the AV staff, the hearing centre managers, 16 security, support staff, paralegals and the 17 investigation lawyers -- for all their hard work and 18 good humour.</p> <p>19 Lastly, I wish to personally thank Ms McNeill and 20 Ms McCaffrey for their exceptional levels of dedication 21 throughout this investigation. I simply could not have 22 been lead counsel to the inquiry without their support 23 and assistance.</p> <p>24 Lastly, I ask you all to hold in your thoughts the 25 victims and survivors of sexual abuse, both those who</p> <p style="text-align: center;">Page 87</p>	<p>1 speak out and those who wish to remain silent. Thank 2 you.</p> <p>3 Closing remarks by THE CHAIR 4 THE CHAIR: Thank you, Ms Scolding. Likewise, as a panel, 5 we are most grateful to all of the witnesses who have 6 come to testify before the inquiry over the last ten 7 days: the complainant core participants, witnesses from 8 the institutions and all others from whom we have heard.</p> <p>9 Like you, we are also grateful to those who have 10 gathered and sent evidence to the inquiry for the 11 purposes of this investigation.</p> <p>12 Today marks the end of the substantive hearings into 13 the response of the Anglican Church to child sexual 14 abuse. The inquiry has now held three public hearings 15 for this investigation. We will, of course, review all 16 of the material and evidence and will prepare a further 17 report which will set out our findings from this final 18 hearing into current safeguarding practices within the 19 Church of England and the Church in Wales.</p> <p>20 Our hope is that we will be able to publish this 21 report in the summer of 2020.</p> <p>22 Again, I would extend a special thanks to each of 23 the victims, survivors and complainants for their help 24 and courage in giving us their individual accounts. We 25 could not have conducted this investigation without</p> <p style="text-align: center;">Page 88</p>

<p>1 their contributions.</p> <p>2 Finally, to thank all of the representatives for</p> <p>3 their assistance and to all of the inquiry staff for</p> <p>4 ensuring the smooth progress of the hearings.</p> <p>5 With that, I will draw the hearings to a close and</p> <p>6 thank everyone very much. Thank you.</p> <p>7 (12.43 pm)</p> <p>8 (The hearing concluded)</p> <p>9</p> <p>10</p> <p>11 I N D E X</p> <p>12</p> <p>13 MR JOHN TITCHENER (affirmed)1</p> <p>14</p> <p>15 MR DAVID BONEHILL (sworn)1</p> <p>16</p> <p>17 Examination by MS McNEILL1</p> <p>18</p> <p>19 Questions by THE PANEL30</p> <p>20</p> <p>21 Closing statement by MR O'DONNELL31</p> <p>22</p> <p>23 Closing statement by MR CHAPMAN43</p> <p>24</p> <p>25 Closing statement by MR GIFFIN55</p> <p style="text-align: center;">Page 89</p>	<p>1</p> <p>2 Closing statement by MR POWELL63</p> <p>3</p> <p>4 Closing statement by MR PHILLIPS67</p> <p>5</p> <p>6 Closing statement by MR BERRY80</p> <p>7</p> <p>8 Closing remarks by MS SCOLDING86</p> <p>9</p> <p>10 Closing remarks by THE CHAIR88</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 90</p>

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