

<p>1 Wednesday, 25 September 2019 2 (10.30 am) 3 Welcome and opening remarks by THE CHAIR 4 THE CHAIR: Good morning. I am Alexis Jay and I'm the chair 5 of this public inquiry. Sitting with me are the other 6 panel members of the inquiry: Ivor Frank, 7 Professor Sir Malcolm Evans and Drusilla Sharpling. 8 Welcome to everyone to this preliminary hearing in 9 relation to the investigation into the Roman Catholic 10 Church. This is the ninth preliminary hearing held in 11 this investigation, and the second preliminary hearing 12 specifically related to preparation for the two-week 13 public hearing which begins on October 28, 2019. It 14 will be examining the extent of any institutional 15 failings by the Roman Catholic Church to protect 16 children from sexual abuse. 17 Before we hear from Ms Carey, counsel to the inquiry 18 for this investigation, a couple of points on timing. 19 We will take a 15-minute break at approximately 20 11.30 am. Any directions arising from the hearing will 21 be published on the inquiry's website shortly 22 afterwards, as will the transcript from today's hearing. 23 I now invite Ms Carey to introduce those present 24 today and to provide us with her opening remarks, after 25 which I will invite other counsel present to speak, if</p> <p style="text-align: center;">Page 1</p>	<p>1 they wish, in the order in which she introduces them. 2 Please go ahead, Ms Carey. 3 Opening statement by MS CAREY 4 MS CAREY: Chair, thank you. Good morning. I, along with 5 Mr Donmall, represent counsel to the investigation for 6 the institutional response of the Roman Catholic Church 7 to child sexual abuse. 8 As you have just said, this is the second 9 preliminary hearing held in advance of the public 10 hearing due to commence on 28 October. 11 May I introduce the representatives in attendance at 12 today's hearing. On behalf of the Old Priorian 13 Survivors Association and complainants A43, 44, 45, 46, 14 47, 48, 49, A51, 52, 53, 54, 55, 56, 58, 59 and A60, 15 A61, A62, 63, 64, 65, 66, 69, and A70, 72, 75, 80 and 16 A666 and 704 are all represented this morning by 17 Mr Scorer of Slater & Gordon. 18 The complainants C14, 15, 16, 17, 18, 19 and 20 are 19 represented by Mr William Chapman, instructed by 20 Switalskis Solicitors. 21 To my left, Mr Brown, instructed by Bhatia Best, 22 represents the complainant D2. 23 Sitting in the back row, chair, on behalf of 24 the complainants G3, G4, G6 and J4 is Mr Collins of 25 Hugh James Solicitors.</p> <p style="text-align: center;">Page 2</p>
<p>1 On behalf of the complainant G1 and the White 2 Flowers Alba is Mr Brodie of Livingstone Brown 3 Solicitors. 4 And, chair, Mr Jacobs, instructed by Howe & Co, 5 represents the complainants F1, F2, F3, F4, F5, F6, F8, 6 9, 11, 12, 13, F44, F48, 49, 51, 53, 56, 59 and 7 Peter Murray. 8 Turning to your left, chair, the Catholic Council to 9 the inquiry is represented by Ms Gallafent QC, 10 instructed by Kingsley Napley. 11 On behalf of the Secretary of State for Education is 12 Ms Cathryn McGahey QC, instructed by the government 13 legal department. 14 On behalf of the Metropolitan Police Service, 15 Ms Molly Joyce. 16 Also in attendance on behalf of the Ampleforth Abbey 17 and School are those representatives Mr Ward and 18 Mr Harrison. And Mr Julian King appears today on behalf 19 of the core participants Adrian Child and 20 Eileen Shearer. 21 Chair, on 4 September, the inquiry provided the core 22 participants with an update on preparations for the 23 public hearing. The focus of that hearing is the 24 consideration of wider topics relevant to the Roman 25 Catholic Church's response. In particular, the focus of</p> <p style="text-align: center;">Page 3</p>	<p>1 the hearing is to examine the contemporaneous 2 safeguarding regime and a consideration of any ways in 3 which safeguarding may need to be improved. 4 An agenda has been circulated, chair, and I propose 5 to take you through each of the items on the agenda, 6 starting with item 1 and an update in relation to 7 disclosure. 8 The inquiry continues to disclose material to core 9 participants on a rolling basis. 10 As at today's date, 1,059 documents amounting to 11 over 9,400 pages of material has been disclosed. The 12 inquiry has disclosed a large number of witness 13 statements and the update note included an annex setting 14 out a list of the statements requested from individuals 15 other than the complainant core participants and, where 16 disclosed, the inquiry provided the Relativity 17 reference. 18 The inquiry has reviewed material disclosed in the 19 case studies relating to the English Benedictine 20 Congregation and the Archdiocese of Birmingham, and has 21 disclosed material that the inquiry considers to be of 22 relevance to the wider hearing. The inquiry will 23 continue to keep that matter under review. 24 As I indicated in the update note, the inquiry has 25 requested statements from all complainant core</p> <p style="text-align: center;">Page 4</p>

<p>1 participants. A number of these have been received, but 2 a number are still outstanding. The inquiry would be 3 grateful to receive these statements as soon as possible 4 or confirmation that statements are not to be provided. 5 Item 2 on the agenda deals with what is called the 6 schedule of recommendations proposed by interested 7 parties and witnesses. May I just explain the 8 background to that schedule. 9 Many witnesses have been asked to provide the 10 inquiry with their views as to what lessons they 11 consider can be learnt from their experience and what 12 practical recommendations, if any, they would like the 13 inquiry to consider. That request has been made of all 14 victim and complainant core participants, the past and 15 present members of the National Catholic Safeguarding 16 Commission, and a number of diocesan and religious 17 safeguarding coordinators. 18 The inquiry is in the process of compiling 19 a schedule setting out the views received. The schedule 20 will include some detail about the witness and/or their 21 experiences. We would propose that the inquiry 22 publishes that schedule in due course. It is hoped that 23 by setting out those witnesses' and interested parties' 24 views in this way, it will assist you when you come to 25 consider your conclusions and any recommendations you</p> <p style="text-align: center;">Page 5</p>	<p>1 may wish to make in the report. 2 Submissions received on behalf of the complainant D2 3 ask that previous submissions made by the legal teams at 4 the conclusion of either the English Benedictine case 5 study or the Archdiocese of Birmingham case study are 6 incorporated into the schedule. Submissions made by 7 those representing the core participants involved in 8 both case studies have already been considered by you in 9 preparation of the two reports published to date, and 10 the Ealing Abbey report is to be published on 24 October 11 of this year. Following the conclusion of the evidence 12 in the wider hearing, core participants will also have 13 the opportunity of making closing submissions, but the 14 schedule is intended to reflect the core participant or 15 the witness's own views in their own words. Submissions 16 made by the legal representatives will of course be 17 considered by you in the usual way, and if any core 18 participant wishes to reiterate submissions they have 19 previously made, they of course may do so. 20 Chair, item 3 on the agenda deals with expert 21 evidence. Essentially, this relates to the review of 22 safeguarding files by Edi Carmi. Following the 23 preliminary hearing on 23 May of this year, the inquiry 24 instructed Ms Carmi to review the current policies and 25 procedures on the Catholic Safeguarding Advisory</p> <p style="text-align: center;">Page 6</p>
<p>1 Service's -- CSAS, as it is known -- website and to 2 provide a summary overview as to whether she considers 3 the policies are adequate and appropriate. 4 Ms Carmi was also instructed to review the two 5 safeguarding files most recently referred to the 6 statutory authorities by ten dioceses and ten religious 7 orders. I set out the religious orders that we 8 requested files from. They were: 9 The Salesians of Don Bosco; 10 The Society of Jesus; 11 The order of Saint Augustine; 12 The Lasallian Brothers; 13 The Dominican Friars; 14 The Daughters of Charity of St Vincent de Paul; 15 Society of the Sacred Heart; 16 Our Lady of Fidelity; 17 The institute of Our Lady of Mercy; and the 18 Comboni Missionaries. 19 The ten dioceses approached for their most recent 20 files were the dioceses of: 21 Westminster; 22 Nottingham; 23 Cardiff; 24 Plymouth; 25 Liverpool;</p> <p style="text-align: center;">Page 7</p>	<p>1 East Anglia; 2 Clifton; 3 Menevia; 4 Middlesbrough; 5 Salford. 6 In relation to two of the orders, Our Lady of 7 Fidelity have informed the inquiry that they have no 8 safeguarding files. The inquiry has requested 9 clarification from Our Lady of Fidelity in relation to 10 this and it is awaiting an update from them. 11 The Society of the Sacred Heart has confirmed that 12 it has never had any allegations concerning child sexual 13 abuse and, therefore, it doesn't hold any safeguarding 14 files. Those on behalf of the complainant D2 submit 15 that, in respect of those two orders, Ms Carmi should 16 review any local safeguarding policy or local procedures 17 and consider whether and how those documents relate to 18 CSAS policies. We submit that the priority at this 19 stage is for Ms Carmi to review the 36 safeguarding 20 files she has received and the inquiry will consider 21 whether it is necessary and proportionate for her to 22 undertake this work in respect of any local policies of 23 those two orders. 24 To assist Ms Carmi in the review of these files, the 25 inquiry invited the safeguarding coordinator or other</p> <p style="text-align: center;">Page 8</p>

<p>1 member of the church involved in those cases to make 2 a statement setting out any additional information or 3 context that they would wish to add to that which is 4 contained within the safeguarding file. The witness 5 also was asked to consider: the extent to which CSAS 6 procedures and policies were followed, and in the event 7 that a procedure or policy was not followed, to explain 8 why not; the witness was asked to consider whether the 9 CSAS guidance was helpful and include the reasons why; 10 the witness was also asked for any practical 11 recommendations they would like the inquiry to consider 12 that might improve safeguarding within the Roman 13 Catholic Church.</p> <p>14 Those statements have been provided to Ms Carmi. 15 The inquiry has asked Ms Carmi to review and comment on 16 the safeguarding files, including providing a summary of 17 the allegations. In addition, she has been asked to 18 consider a number of matters, including matters such as 19 the record keeping and file maintenance; a chronology of 20 the steps taken either by the diocese or religious 21 order, including the steps taken to speak with the 22 complainant and liaison with external agencies and 23 whether such action was appropriate; whether the 24 relevant Safeguarding Commissions and/or CSAS were 25 consulted, where such consultation was appropriate, and</p> <p style="text-align: center;">Page 9</p>	<p>1 whether those involved acted consistently with the 2 relevant CSAS policies and procedures; she was asked to 3 consider whether there is any evidence of other local 4 policies being followed in place of the CSAS policies 5 and, if so, whether that impacted upon the diocese's or 6 the order's handling of the allegation; and she has been 7 asked to identify examples of good or poor practice, and 8 whether there are lessons that could be learned from the 9 particular case which could be more widely applicable, 10 and in particular any cultural concerns that may need to 11 be addressed.</p> <p>12 Chair, the inquiry anticipates being able to 13 disclose Ms Carmi's report and the safeguarding 14 statements received early next month. To enable the 15 inquiry to assist and progress disclosure as swiftly as 16 possible, and to assist all core participants with 17 preparation for the wider hearing, the inquiry intends 18 to disclose Ms Carmi's report in three phases.</p> <p>19 There will be disclosure in relation to the section 20 dealing with her review of the safeguarding files from 21 the orders and the relevant safeguarding coordinators' 22 statements; there will be disclosure then of the section 23 of her report dealing with the diocesan safeguarding 24 files and any accompanying safeguarding coordinators' 25 statements; and then the third section of her report,</p> <p style="text-align: center;">Page 10</p>
<p>1 dealing with her more general review of the CSAS 2 policies.</p> <p>3 Item 4 on the agenda deals with a provisional list 4 of witnesses anticipated to give evidence at the wider 5 hearing. Based on the statements received to date, the 6 inquiry proposes that the following witnesses be called 7 to give evidence at the hearing. Clearly, Ms Carmi, of 8 whom I have just spoken. Colette Limbrick, who is the 9 director of CSAS. Past members of the NCSC: 10 Mr Sullivan, Mr Spear, Sister Jane Bertelson, and the 11 current chair of the NCSC, Christopher Pearson.</p> <p>12 The inquiry proposes calling Baroness 13 Sheila Hollins. She is a founder member of 14 the Pontifical Commission for the Protection of Minors, 15 known as the PCPM. In May of this year, she delivered 16 training on leadership in safeguarding to the Catholic 17 Bishops' Conference of England and Wales.</p> <p>18 Chair, the inquiry proposes calling David Marshall. 19 He is the chair of the Survivor Advisory Panel to the 20 NCSC; Kathy Perrin, who is the chief executive officer 21 of the Catholic Insurance Service. On behalf of 22 the Charity Commission, hearing from Michelle Russell 23 and hearing from the witnesses Monsignor Gordon Read; 24 Father Paul Smyth; and Cardinal Vincent Nichols.</p> <p>25 In relation to Danny Sullivan, who is a past member</p> <p style="text-align: center;">Page 11</p>	<p>1 of the NCSC, submissions have been received by Howe & Co 2 seeking clarification about matters raised in 3 paragraph 23 of his witness statement. The inquiry will 4 be asking him in evidence to expand on the issues raised 5 in that paragraph, but does not consider it necessary to 6 ask him to do so in advance of his evidence.</p> <p>7 In addition to those witnesses that I have just 8 outlined, the inquiry also intends to hear evidence from 9 a number of complainant and victim core participants.</p> <p>10 Evidence proposals containing a more detailed 11 indication of the topics that it is proposed inquiry 12 counsel will cover will be circulated to core 13 participants in early October. Those evidence proposals 14 will include the Relativity references of any documents 15 that inquiry counsel intend to question the witness 16 about. The investigation lawyer will circulate further 17 information about the evidence proposal process in due 18 course.</p> <p>19 In addition to the evidence called at the hearing, 20 the inquiry intends to read a number of witness 21 statements. Proposals for the reading or summarised 22 witness evidence will be circulated in advance of 23 the hearing. It will not always be necessary to read 24 the entirety of a statement, and so the proposals will 25 give an indication of the topics or paragraph numbers</p> <p style="text-align: center;">Page 12</p>

<p>1 that inquiry counsel are likely to summarise or read. 2 Chair, may I turn now, please, to item 5 on the 3 agenda, and an update in relation to the inquiry's 4 request made of the Holy See. 5 Further to the update provided at the preliminary 6 hearing in May of this year, the inquiry has continued 7 to liaise with the Foreign and Commonwealth Office to 8 progress its request of the Apostolic Nuncio and the 9 Holy See. In June, the inquiry wrote to the Holy See 10 reiterating the information it wished to receive from 11 the Holy See in respect of St Benedict's School and 12 Ealing, and requesting information on more general 13 matters relating to the Holy See and its institutions. 14 That June request was addressed to Cardinal Parolin, 15 the Secretary of State, and it was a voluntary request 16 asking for the Holy See to provide witness statements or 17 a statement covering information relating to a number of 18 topics. The topics that were asked about included the 19 role of the Apostolic Nuncio to Great Britain and the 20 Apostolic Nunciature, and its relationship with the 21 Congregation for the Doctrine of the Faith. It asked 22 how allegations of child sexual abuse made against 23 priests or religious within England and Wales are 24 recorded by the Apostolic Nunciature and/or the 25 Holy See, and the process for considering, recording and</p> <p style="text-align: center;">Page 13</p>	<p>1 retaining such records. 2 The request asked about the role and remit of 3 the congregation of the doctrine of faith, the promoter 4 of justice and the adjunct secretary of the congregation 5 of the doctrine of faith, and it asked for an overview 6 of the disciplinary tribunal procedure at the 7 Congregation of the Doctrine of the Faith and of 8 the laicization process. 9 It asked about the length of time taken to complete 10 the laicization process in some instances. 11 The request asked for details of any policies or 12 edicts created by the Holy See relating to safeguarding 13 of children that have particular universal application, 14 and, therefore, application to the Roman Catholic Church 15 in England and Wales, and the background to the recent 16 Motu Proprio; and the request made a number of specific 17 requests in respect of allegations of child sexual abuse 18 in English Benedictine Congregational institutions. 19 In addition to those requests, the inquiry indicated 20 that it may wish to invite the statement maker or makers 21 to give evidence at the October hearing. 22 Pursuant to that voluntary request, the inquiry has 23 recently received some material from the Holy See. That 24 material came in two stages, the first tranche of which 25 included material relating to the dismissal of</p> <p style="text-align: center;">Page 14</p>
<p>1 Laurence Soper from the clerical state and the 2011 2 Apostolic Visitation of Ealing Abbey. Those documents 3 have been reviewed and are currently going through the 4 inquiry's disclosure process. Once that process has 5 been completed, they will be disclosed to core 6 participants in connection with the wider hearing. 7 The second tranche of documentation comprises 8 further material in respect of Ealing Abbey and 9 a document entitled "Notes on the measures adopted by 10 the Holy See and by national Conferences of Catholic 11 Bishops to prevent and contrast child abuse". That note 12 is dated August 2019, and with it came a number of 13 enclosures. 14 The "Notes on the measures adopted" document and the 15 accompanying enclosures were disclosed to core 16 participants on 20 September. 17 Earlier this month, the inquiry asked the Holy See 18 to clarify whether it would be providing a witness 19 statement and/or a witness. Yesterday, the Holy See 20 confirmed that it would not with providing a witness 21 statement or a witness to attend the hearing. The 22 Holy See considers that the domestic laws and internal 23 proceedings of a foreign sovereign entity are not the 24 proper object for a British inquiry. The Holy See 25 accepted that the "Notes on measures" document was not</p> <p style="text-align: center;">Page 15</p>	<p>1 a witness statement and stated that it was an 2 "institutional information note" intending to present 3 matters of Canon law, theology and ecclesiology in 4 a more digestible manner. 5 In relation to those matters that have not been 6 addressed in the documents provided by the Holy See, the 7 inquiry remains of the view that this evidence would be 8 best provided by an individual or individuals within the 9 Holy See with personal knowledge of the matters covered 10 by the request. However, in the absence of such 11 evidence from the Holy See, the inquiry has asked 12 CCIICSA to assist in identifying a witness or witnesses 13 who may be able to provide evidence about those topics 14 and to provide a witness statement from them. The 15 inquiry requested that, if possible, the witness, or 16 witnesses, had first-hand knowledge of those matters, 17 ideally from experience of having worked within the 18 Holy See. In its update yesterday, the Holy See 19 expressed reservations about this approach, asserting 20 that former officials of the Holy See are bound by rules 21 of confidentiality and have immunity from being 22 compelled to give evidence or produce documents about 23 such matters. Given that the inquiry only received this 24 correspondence yesterday, the inquiry is liaising with 25 CCIICSA about what statement or statements CCIICSA will</p> <p style="text-align: center;">Page 16</p>

<p>1 now be in a position to provide. 2 Submissions received on behalf of the complainant G2 3 request that the inquiry disclose all correspondence 4 between the inquiry, the Foreign and Commonwealth Office 5 and the Holy See and/or Apostolic Nuncio. As core 6 participants will be aware from earlier preliminary 7 hearings, the inquiry wrote to the Apostolic Nuncio 8 in November 2018. That request was sent directly on the 9 advice of the FCO. In January of this year, the 10 Nunciature advised that the inquiry's request was being 11 considered and that the Holy See was being consulted and 12 in February the inquiry was advised that all 13 correspondence had to be made through diplomatic 14 channels via the Foreign and Commonwealth Office. The 15 inquiry understands that the Foreign and Commonwealth 16 Office's role is simply to facilitate the passage of 17 correspondence between the inquiry and the Holy See, 18 and, as I have referred to, in June of this year, the 19 inquiry reiterated its requests in a letter to 20 Cardinal Parolin. The two tranches of material that 21 I have just alluded to were provided by the Holy See 22 in August, and, as I have referred to a moment ago, 23 yesterday, the inquiry received the further 24 correspondence confirming that no statement or witness 25 was being provided by Rome.</p> <p style="text-align: center;">Page 17</p>	<p>1 Chair, I have set out the broad chronology of 2 correspondence on this topic to assist the core 3 participants in understanding the efforts made by the 4 inquiry to secure evidence from the Holy See and to 5 provide the background to the material provided from 6 them. Paragraph 21 of my update note sets out 7 a comprehensive summary of the topics about which the 8 inquiry asked for evidence. Our view is that 9 correspondence sent and received in relation to this 10 request should not be disclosed at this stage but no 11 doubt, chair, that is a matter that you will wish to 12 keep under review. 13 Submissions have also been received by Mr Collins on 14 behalf of the complainants G3, G4, G6 and J4 that you 15 should issue a notice pursuant to section 21 of 16 the Inquiries Act 2005 requiring the Apostolic Nuncio to 17 give evidence at the hearing. As has been explained, 18 chair, in both update notes and at the preliminary 19 hearing in May 2019, the Apostolic Nuncio is not 20 compellable. The Nuncio is, in effect, the Holy See's 21 ambassador to the United Kingdom and is, because of that 22 role, covered by diplomatic immunity. 23 Chair, turning to item 6 on the agenda, and any 24 additional submissions made by the core participants, on 25 behalf of G2 it is submitted that a statement ought to</p> <p style="text-align: center;">Page 18</p>
<p>1 be obtained from Cardinal Marx in respect of what is 2 described as "destruction of documents regarding child 3 sexual abuse". Cardinal Marx is the Archbishop of 4 Munich and the President of the German Conference of 5 Bishops. It is understood that at the Child Abuse 6 Conference in Rome, in February 2019, he gave evidence 7 about a review commissioned by the German bishops which 8 revealed that documents from an unnamed German diocese, 9 or dioceses, were either altered or destroyed. Chair, 10 given that that witness does not reside in England and 11 Wales, that his evidence relates to events in Germany, 12 and that this investigation has already heard during the 13 EBC hearing, in particular in respect of Downside Abbey, 14 about destruction of documents, we do not propose that 15 the inquiry requests a voluntary statement from 16 Cardinal Marx. We do note, however, that 17 Cardinal Nichols attended the conference in February in 18 Rome and the inquiry proposes to ask Cardinal Nichols 19 about that conference. 20 Complainant G2 also submits that additional 21 statements be obtained from a number of witnesses on 22 behalf of institutions such as the Department for 23 Education, on behalf of the Metropolitan Police Force, 24 addressing whether the institution keeps records about 25 media reports regarding child sexual abuse within the</p> <p style="text-align: center;">Page 19</p>	<p>1 Roman Catholic Church and, if so, how the institution 2 responds to any concerns that are raised by such media 3 reporting. At this stage, chair, we do not consider 4 that these statements will assist the inquiry in its 5 consideration of the matters that are to be the focus of 6 the wider hearing, and, in any event, consider that 7 a request about responses to media reports relating to 8 child sexual abuse is too vague and generic to be of any 9 real evidential value. 10 Finally, may I deal with some arrangements for the 11 public hearing itself in October. The hearing will 12 start on 28 October and finish on 8 November. It will 13 take place at the inquiry's hearing centre at 14 Pocock Street, and it is currently envisaged that 15 7 November, which is the Thursday of the second week, 16 will be a non-sitting day to enable core participants to 17 prepare their closing statements. As ever, that 18 nonsitting day will be kept under review. 19 In accordance with rule 10 of the inquiries Rules 20 2006, it is anticipated that the questioning of live 21 witnesses will primarily be conducted by inquiry counsel 22 and the inquiry panel. 23 Pursuant to rule 10(4), the legal representative of 24 any core participant may apply to you, chair, for 25 permission to ask questions of a witness giving live</p> <p style="text-align: center;">Page 20</p>

<p>1 evidence. Rule 10(5) provides that such applications 2 must state: the issues in respect of which a witness is 3 to be questioned; whether the questioning will raise new 4 issues, or, if not, why the questioning should be 5 allowed. 6 To assist with the efficient running of the hearing, 7 any rule 10 applications should be made no later than 8 four working days before the witness is scheduled to 9 give evidence. Core participants are also asked to 10 provide Relativity page references for any documents 11 they would seek to put to the witness. 12 Further details about the rule 10 process will be 13 circulated by the investigation lawyer in due course. 14 Inquiry counsel will make an opening statement at 15 the outset of the hearing and, following the conclusion 16 of that opening, the chair, I anticipate, will invite 17 core participants to make, if they wish, a short opening 18 statement in accordance with rule 11 of the Inquiry 19 Rules. Each core participant is asked to notify the 20 solicitor to the inquiry whether they are likely to wish 21 to make an opening statement by 17 October. The inquiry 22 will allow a maximum of 15 minutes for each core 23 participant to make their opening statement. If any 24 core participant seeks longer than 15 minutes, they 25 should apply in writing, again by the same date.</p> <p style="text-align: center;">Page 21</p>	<p>1 I understand that at least one request has already been 2 made for more time, but it is not possible to consider 3 any request until the position is clear in respect of 4 all core participants. 5 Chair, finally, at this stage, inquiry counsel do 6 not envisage making a closing statement. All core 7 participants are invited to make a closing statement in 8 accordance with rule 11, if they wish. Friday, 9 8 November, the final day of the two-week hearing, has 10 been set aside for closing statements. Core 11 participants are asked to notify the solicitor to the 12 inquiry by 4.00 pm on 5 November if they wish to make 13 a closing statement. The inquiry will allow a maximum 14 of 20 minutes for each core participant to make that 15 closing. Core participants will be permitted to 16 supplement their oral submissions by way of written 17 submissions, if they wish. Those written closing 18 submissions must be provided to the solicitor to the 19 inquiry by no later than Friday, 22 November. 20 Chair, those are all the matters that I wish to 21 raise by way of an update in preparation for the wider 22 hearing. Can I turn now to the respective 23 representatives, and slightly out of order on the 24 seating plan, but it may be sensible to start with 25 Mr Scorer and go through the complainant core</p> <p style="text-align: center;">Page 22</p>
<p>1 participants in alphabetical order. Thank you. 2 Submissions by MR SCORER 3 MR SCORER: Chair, we don't have any specific submissions 4 that we want to make, but, in the light of what's been 5 said about the Holy See, I simply wanted to put on 6 record that, as you would expect, our clients are 7 concerned about the lack of co-operation from the 8 Holy See. We urge you to do whatever you can to secure 9 compliance, and to the extent that compliance is not 10 forthcoming, then we urge you to be ready and willing to 11 draw the appropriate inferences in your report. So we 12 put that on record, but that's all we have to say at 13 this point. 14 THE CHAIR: Thank you, Mr Scorer. Mr Chapman? 15 MR CHAPMAN: I have nothing to add, thank you. 16 THE CHAIR: Mr Brown? 17 Submissions by MR BROWN 18 MR BROWN: Thank you. D2 is grateful for the overall 19 approach adopted by the inquiry, and, in particular, 20 grateful for the decision to call David Marshall and 21 Kathy Perrin. D2 recognises the need of the inquiry to 22 prioritise its work at this stage. D2 will review the 23 ongoing disclosure and make further specific requests, 24 as appropriate -- for instance, in relation to some of 25 the matters which D2 has raised in relation to the scope</p> <p style="text-align: center;">Page 23</p>	<p>1 of the Carmi review -- but only once we have reviewed 2 that disclosure and have that overall picture. 3 So, apart from endorsing Mr Scorer's submissions in 4 relation to the Holy See, there's probably nothing 5 helpful I can add at this stage. But thank you. 6 THE CHAIR: Thank you, Mr Brown. Mr Collins? 7 Submissions by MR COLLINS 8 MR COLLINS: Thank you, chair. You have my written 9 submission, but I think I need to stress this morning, 10 in light of what we have heard from my learned friend 11 Ms Carey about the position of the Holy See, which is 12 both inappropriate and unacceptable. 13 Yes, I have suggested that the Apostolic Nuncio be 14 issued with a section 21 notice to give evidence, and 15 maybe it is not respected, but the point will have been 16 made by this inquiry in doing so. The Holy See should 17 be invited, through the medium and services of 18 the Foreign and Commonwealth Office, to waive that right 19 to immunity that it seems to want to take full advantage 20 of under the Vienna Convention. 21 It does have the ability to waive, and it can waive 22 that right to immunity, simply for the purpose of 23 assisting this inquiry. That is not unreasonable. 24 It is very necessary, I would submit, for the Nuncio 25 to assist this inquiry, particularly as regards all</p> <p style="text-align: center;">Page 24</p>

<p>1 those matters that have been listed in the update note 2 at paragraph 21. 3 In the disclosure that's recently been made by the 4 Vatican, for which we are grateful, of course, in that 5 section under VAT 27, there is, as I understand it, 6 a law, law 217, which suggests under Canon law there is 7 now a requirement for mandatory reporting, and I know 8 that is something that this inquiry is going to be very 9 interested in. 10 So when this inquiry comes to look to the future, 11 and is making recommendations in relation to 12 safeguarding, this inquiry needs to have the confidence 13 that, if it makes recommendations which are then 14 enshrined in law, the Roman Catholic Church is going to 15 respect not just the recommendations, but the law 16 itself. This is important because of what's happening, 17 as we speak, in Australia, because, as you know, the 18 Royal Commission made a series of recommendations in 19 relation to safeguarding, and, in particular, as regards 20 mandatory reporting. The Australian states, one by one, 21 are implementing mandatory laws and the Roman Catholic 22 Church is not excluded. But it is widely reported in 23 the media that the Roman Catholic Church is not wanting 24 to respect the law in relation to mandatory reporting 25 because of its perceived conflict on its part as regards</p> <p style="text-align: center;">Page 25</p>	<p>1 the sacramental seal, confession. 2 I put on record that the Australian Catholic 3 Bishops' Conference and Catholic Religious Australia's 4 response to the Royal Commission into institutional 5 responses of child sexual abuse has made it quite clear 6 what the position is on mandatory reporting, and it is 7 one of non-acceptance. 8 You do not, I would submit, want to find yourselves, 9 if you make recommendations in this area, to find that 10 there is going to be resistance. You need to hear from 11 someone at the Holy See as to why, on one hand, there 12 appears to be some Canon law that expressly mandates 13 mandatory reporting, yet, in practice, this very 14 important law is not going to be respected. 15 It is an important point. It is an important 16 question. Because it is not confined to mandatory 17 reporting. It goes to the very ethos and purpose of 18 this inquiry. You need to have the confidence that if 19 you make recommendations that appear ultimately in law, 20 they are going to be respected. So you need to lay down 21 the gauntlet to the Holy See. That is my submission. 22 And they need to publicly explain why, whether it is the 23 Nuncio or some other very important person from the 24 Vatican, they cannot assist this inquiry. That is my 25 submission.</p> <p style="text-align: center;">Page 26</p>
<p>1 THE CHAIR: Thank you, Mr Collins. Mr Brodie? 2 Submissions by MR BRODIE 3 MR BRODIE: Thank you, chair. I don't have very much to 4 add, other than to thank counsel to the inquiry for 5 their update, and to place on record my client's 6 disappointment with the response from the Holy See thus 7 far, and I would wholly endorse all that's been said by 8 Mr Scorer and Mr Collins. 9 THE CHAIR: Thank you. Mr Jacobs? 10 Submissions by MR JACOBS 11 MR JACOBS: Madam chair, thank you. I appear instructed by 12 Howe & Co who represent 20 complainants in this 13 investigation. In relation to Ms Carmi's evidence, we 14 have made submissions in February 2018 on the Comboni 15 Order's internal safeguarding code, and our position is 16 that that code is fundamentally at odds with 17 safeguarding norms. The inquiry now has that code, and 18 it will be helpful to the expert to have sight of it as 19 part of her assessment of whether this important order 20 is complying with CSAS policy and we say, clearly, if 21 the Comboni religious order's internal code does not 22 comply with CSAS policy, that's relevant to Ms Carmi's 23 task. 24 We are also grateful that the inquiry will deal with 25 the evidence of Mr Sullivan, as per the requests that</p> <p style="text-align: center;">Page 27</p>	<p>1 have been made by Howe & Co. 2 Chair, our central submission throughout this 3 investigation has been that the culture and structure of 4 the Catholic Church operates as a substantial inhibitor 5 to the protection of children in England and Wales who 6 come into contact with the Roman Catholic Church. Our 7 clients are grateful, then, that the inquiry will 8 consider, in the forthcoming hearing, issues relating to 9 culture and structure. 10 We have highlighted also that the autonomy of 11 religious orders and the current state of Canon law act 12 as key structural and cultural factors which negatively 13 impact safeguarding. It is important that the witnesses 14 who will be giving evidence at the forthcoming hearing 15 in October and November are able to deal with these 16 particular points, the autonomy of the orders in Canon 17 law, and we ask that the inquiry ensures those who give 18 evidence will have the necessary expertise to assist on 19 those issues. 20 Chair, at the last preliminary hearing back on 21 23 May 2019, I addressed you in relation to the 22 timetable, and it is the view of my clients that this 23 inquiry's findings will resonate across the world and 24 that this and other inquiries were responsible for the 25 decision of the church to convene the February 2019</p> <p style="text-align: center;">Page 28</p>

<p>1 conference in Rome.</p> <p>2 There is a very real concern amongst those whom</p> <p>3 I represent that two weeks will not provide adequate</p> <p>4 time to consider the important issues now before the</p> <p>5 inquiry. You will recall, chair, that in the English</p> <p>6 Benedictine -- the Ealing Abbey investigation, the</p> <p>7 evidence of one of the witnesses,</p> <p>8 Abbot Shipperlee, overran. This is because his evidence</p> <p>9 was necessarily detailed and important.</p> <p>10 Through nobody's fault, time then became constrained</p> <p>11 and it became necessary to take the later witnesses at</p> <p>12 something of a gallop. Consequently, a number of</p> <p>13 rule 10 questions, which had been accepted and were</p> <p>14 going to be asked, were not asked. There is every</p> <p>15 possibility that, even with the best will in the world,</p> <p>16 it will simply not be possible to deal with all the</p> <p>17 witnesses with the appropriate scrutiny within the</p> <p>18 two-week timetable. For this reason, I ask that the</p> <p>19 inquiry looks for, and finds, a runoff period, perhaps</p> <p>20 spring next year or early next year, if necessary, so</p> <p>21 that it can reconvene and conclude the evidence or</p> <p>22 address any issue that requires further consideration.</p> <p>23 Chair, you will be aware that this is the approach</p> <p>24 that has been taken in the Accountability and</p> <p>25 Reparations Investigation in which there will be</p> <p style="text-align: center;">Page 29</p>	<p>1 a further hearing in November.</p> <p>2 Finally, and with regret, I must conclude by</p> <p>3 addressing you on the continuing lack of co-operation by</p> <p>4 the Holy See. We note that the inquiry in June made</p> <p>5 a request for information on a number of topics, and</p> <p>6 most of those topics are directly relevant to our</p> <p>7 clients. We also note that some material has been</p> <p>8 received but that the Holy See has refused to provide</p> <p>9 a witness statement or a witness and takes the view,</p> <p>10 I understand from counsel to the investigation's</p> <p>11 submissions, that the policies of an independent</p> <p>12 sovereign state are not the business of or within the</p> <p>13 remit of a national inquiry and that the Holy See relies</p> <p>14 on diplomatic immunity.</p> <p>15 On 23 September, Howe & Co received a letter from</p> <p>16 the Foreign and Commonwealth Office confirming that, as</p> <p>17 we know, the FCO has agreed to act as an intermediary</p> <p>18 between the inquiry and the Holy See. The author of</p> <p>19 the letter stated that the inquiry's legal team is</p> <p>20 better placed to obtain the evidence that it is seeking.</p> <p>21 We take the view that the role of the Foreign and</p> <p>22 Commonwealth Office in this matter goes beyond that of</p> <p>23 an intermediary. It must proactively assist the inquiry</p> <p>24 in resolving what has now become a diplomatic problem.</p> <p>25 Chair, the refusal of the Holy See to provide the</p> <p style="text-align: center;">Page 30</p>
<p>1 inquiry with a witness statement is unacceptable, as are</p> <p>2 the views that it has taken that its practices and</p> <p>3 procedures do not fall within the remit of this inquiry.</p> <p>4 Should that stance be maintained, we will ask the</p> <p>5 inquiry to draw strong adverse inferences in relation to</p> <p>6 the willingness and ability of the wider Catholic Church</p> <p>7 to address the issue of child sexual abuse and to reform</p> <p>8 its institutions. Unless I can assist further, those</p> <p>9 are my submissions.</p> <p>10 THE CHAIR: Thank you, Mr Jacobs. Ms Gallafent?</p> <p>11 Submissions by MS GALLAFENT</p> <p>12 MS GALLAFENT: I'm grateful. Chair, good morning, thank</p> <p>13 you. The Catholic Council has consistently indicated</p> <p>14 their commitment to assist in this inquiry and, in</p> <p>15 particular, has expressly done so in relation to matters</p> <p>16 relating to the Holy See.</p> <p>17 I can confirm that we are already in the process of</p> <p>18 collating the evidence that the inquiry has requested to</p> <p>19 the greatest extent possible within our powers. We will</p> <p>20 keep in very close contact with counsel and solicitor to</p> <p>21 the investigation in this respect, and remain</p> <p>22 appropriately committed to assisting on this matter and</p> <p>23 all others. Thank you.</p> <p>24 THE CHAIR: Thank you, Ms Gallafent. Ms Joyce?</p> <p>25</p> <p style="text-align: center;">Page 31</p>	<p>1 Submissions by MS JOYCE</p> <p>2 MS JOYCE: Thank you, chair. My submissions will be quite</p> <p>3 brief today. As the inquiry will be aware, and as was</p> <p>4 mentioned by counsel to the inquiry at the previous</p> <p>5 preliminary hearing, the Metropolitan Police do not have</p> <p>6 a specific interest in this phase of the investigation</p> <p>7 and the current intention is that the</p> <p>8 Metropolitan Police will not be in attendance at the</p> <p>9 final hearing at the end of October.</p> <p>10 The reason for the Metropolitan Police's attendance</p> <p>11 today is simply to address the request that was made by</p> <p>12 solicitors on behalf of G2. That request has been</p> <p>13 addressed by counsel to the inquiry in her submissions</p> <p>14 today, but essentially, it was a request for a short</p> <p>15 statement from a number of individuals, including</p> <p>16 Commander Neil Jerome of the Metropolitan Police,</p> <p>17 addressing various issues and primarily whether the</p> <p>18 Metropolitan Police keeps records of media and reports</p> <p>19 and how the Metropolitan Police responds to those media</p> <p>20 reports.</p> <p>21 The Metropolitan Police entirely agree with the</p> <p>22 submissions made by counsel to the inquiry and would</p> <p>23 simply add that it is not quite clear how</p> <p>24 Commander Jerome could add anything useful to these</p> <p>25 enquiries and it is not thought that he would be able to</p> <p style="text-align: center;">Page 32</p>

<p>1 add any particular insight. It is, further, not quite 2 understood how these matters are relevant to the 3 Metropolitan Police at this particular stage of 4 the investigation and this particular phase. 5 All of that said, I reiterate that the Metropolitan 6 Police have a strong commitment to assisting the inquiry 7 where they can, and if it is thought that there is 8 anything with which the Metropolitan Police can assist, 9 the Metropolitan Police will of course do so. 10 Chair, those are my submissions, unless I can assist 11 further? 12 THE CHAIR: Thank you, Ms Joyce. Mr Harrison? 13 MR HARRISON: We have nothing to add, ma'am. 14 THE CHAIR: Thank you. Mr King? 15 Submissions by MR KING 16 MR KING: Thank you, chair. On behalf of Adrian Child and 17 Eileen Shearer, I don't seek to repeat those submissions 18 already made in writing. As you know, Adrian Child and 19 Eileen Shearer are not proposed to give live evidence 20 in October, but it is noted that Mr Sullivan is to give 21 live evidence. That witness, it is submitted, will 22 likely give evidence concerning shared experiences with 23 Adrian Child, most notably when he was, and during the 24 currency of his time as, director of CSAS. It is simply 25 asked that this happens, that if matters are addressed</p> <p style="text-align: center;">Page 33</p>	<p>1 which would require a further response particularly from 2 Adrian Child, that he is given the opportunity to do so. 3 It may well be that written submissions following the 4 hearing is the appropriate mechanism for that to happen, 5 but if that is not the case, perhaps a further review of 6 his position would be helpful. I'm grateful to my 7 learned friend counsel to the inquiry. We have raised 8 this with her and she is going to review the position, 9 particularly in light of how they propose to deal with 10 the witness Mr Sullivan, and I simply ask that that 11 position is kept under review to ensure that Mr Child 12 particularly can assist the inquiry as far as he is able 13 to do so. I have nothing further to add today, thank 14 you. 15 THE CHAIR: Thank you, Mr King. Ms McGahey? 16 MS MCGAHEY: I have no submissions, thank you, ma'am. 17 THE CHAIR: Ms Carey? 18 Submissions by MS CAREY 19 MS CAREY: Chair, may I deal with one matter? Of course, 20 the Roman Catholic investigation is but one of a number 21 of investigations that are ongoing this autumn and, 22 indeed, into 2020. In response to the submission on 23 behalf of Howe & Co that the two-week hearing schedule 24 may not be of sufficient time, may I say this: it is the 25 view of myself and those that represent the inquiry with</p> <p style="text-align: center;">Page 34</p>
<p>1 me that, barring something entirely unexpected, such as 2 ill-health or some problem which means we can't sit here 3 for a day or an afternoon, there is sufficient time 4 within that two-week hearing to properly investigate the 5 Roman Catholic institutional response to child sexual 6 abuse. So at this stage, we do not envisage there will 7 be any need to have additional sitting days. 8 Subject to that, chair, I know that you will want to 9 consider all of the submissions that are made, but there 10 is nothing else that I wish to raise on behalf of 11 counsel to the inquiry. 12 THE CHAIR: Thank you, Ms Carey. If there are no further 13 submissions, thanks to everyone who has attended today 14 for your submissions. We look forward to the 15 publication of the report into Ealing Abbey on 16 24 October and, indeed, to continue our investigation 17 into this important matter at the hearing on the 28th. 18 The panel and I will now rise. Thank you. 19 (11.18 am) 20 (The hearing concluded) 21 22 23 I N D E X 24 25 Welcome and opening remarks by THE1</p> <p style="text-align: center;">Page 35</p>	<p>1 CHAIR 2 3 Opening statement by MS CAREY2 4 5 Submissions by MR SCORER23 6 7 Submissions by MR BROWN23 8 9 Submissions by MR COLLINS24 10 11 Submissions by MR BRODIE27 12 13 Submissions by MR JACOBS27 14 15 Submissions by MS GALLAFENT31 16 17 Submissions by MS JOYCE32 18 19 Submissions by MR KING33 20 21 Submissions by MS CAREY34 22 23 24 25</p> <p style="text-align: center;">Page 36</p>

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