

OPENING STATEMENT FOR
THE WIDER CATHOLIC CHURCH HEARING

Catholicism and Catholic Church Demographics

1. According to a study which provided data on the Catholic Church in England and Wales, in 2014 approximately 3.8 million English and Welsh adults (i.e. those who were 18 and over) of the total adult population of 45.2 million adults identified as Catholic.¹ Catholicism is the second most popular Christian denomination next to Anglicanism.²

2. The Catholic Church is made up of 22 dioceses. There are 4,119 priests in those dioceses,³ and there are 2,064⁴ Roman Catholic schools.

3. In addition, there are approximately 340 religious orders. 237 of those orders are members of the Conference of Religious (CoR; which is a body that represents a number of religious Catholic orders),⁵ and at least a further 103 religious orders in England and Wales who are not members of CoR.⁶

¹<https://www.stmarys.ac.uk/research/centres/benedict-xvi/docs/2018-feb-contemporary-catholicism-report-may16.pdf>

² REA Nov 2017 INQ000995_027

³ Total number of Diocesan Incardinated Priests and other priests working in the Diocese, CHC001946

⁴ 103 independent schools (ISI001575) and 1,961 maintained schools (OFS011559)

⁵ CHC002028

⁶ CHC001862

Scale of Allegations of Child Sexual Abuse

4. As with many of the institutions being investigated by this Inquiry, the Catholic Church has been beset by allegations of child sexual abuse. A review conducted by the Catholic Safeguarding Advisory Service (CSAS) and the National Catholic Safeguarding Commission (NCSC) (by Dr Stephen Bullivant; 'the Bullivant Report') found that in the 46 years from 1970 to 2015, 931 separate complaints of child sexual abuse were made to the Catholic Church in England and Wales.⁷ Put another way, that is approximately 20 complaints a year for over 4½ decades.

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- Those 931 complaints encompassed 3,072 instances of alleged abuse made by 1,753 individuals against 936 alleged perpetrators;
 - Of the 328 orders who were asked by Dr Bullivant to provide records of any complaints of child sexual abuse, 264 orders declared that they had no such complaints within the period 1970-2015.⁸
5. Even allowing for a number of caveats with the recording and provision of data, on any view these are significant figures that provide an indication of the scale of allegations of child sexual abuse faced by the Church. The Inquiry's

⁷ CHC001938_008

⁸ CHC001938_011

rapid evidence assessment (REA) of November 2017 into child sexual abuse in the Catholic and Anglican Churches reports that the studies which have been conducted indicate that boys are more likely to be the victims of abuse than girls,⁹ possibly because of the greater access the clergy has to boys e.g. as altar servers and because there was a higher proportion of boys in residential institutions.¹⁰

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6. The analysis by Dr Bullivant of the year in which the complaints were received shows a steady increase in reporting from the mid 1990s, rising to a peak in about 2010. As the report notes, an increase in the number of complaints does not of itself denote an increase in abuse but *“it is well established that a significant proportion of childhood sexual abuse, in all contexts, goes unreported - especially at the time at which it occurs.”*¹¹ This finding accords with research highlighted by the rapid evidence assessment showing that it is common for victims and complainants of child sexual abuse to delay disclosure.¹² You may consider these conclusions to be important when examining the evidence in relation to the use of limitation periods to defend civil claims.

⁹ INQ000995_031

¹⁰ INQ000995_031

¹¹ CHC001938_014

¹² INQ000995_036

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7. In the case of 726 complaints considered by Dr Bullivant, it was possible to ascertain the year, or years, in which the abuse was alleged to have occurred. The 1960s and 1970s stand out as the decades with high numbers of alleged abuse having taken place.¹³
8. The Bullivant report considered how many of the 931 complaints made to the Catholic Church during the period 1970-2015 were reported to the statutory authorities at the time the complaint was received.

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- In total, 158 of the 931 complaints were not reported - some 17%
 - The reasons for non-reporting included, for example, instances where the complainant was unwilling to proceed or there was insufficient detail to identify the perpetrator. The data provided indicated that in 10 cases the complaint should have been referred but it was not.¹⁴
 - There were 177 prosecutions resulting in 133 convictions.¹⁵
9. However, behind every statistic there lies a victim or survivor who has made a complaint of sexual abuse by someone they were entitled to trust. It could be considered that the sexual abuse of children by those individuals is undoubtedly the grossest breach of trust.

¹³ CHC001938_016

¹⁴ CHC001938_022

¹⁵ CHC001938_025

10. Chair, whilst the focus of this hearing is primarily on the Church's response in past cases, we must never forget the very real human impact that child sexual abuse has on the victims and complainants.

11. Victims and complainants speak of myriad ways in which their abuse has affected them:
 - a. RC-A20 said in her statement that she felt "*nauseous*"¹⁶ when she recalled what happened to her. She said the abuse caused her to attempt suicide aged 12, to take a number of overdoses of drugs as she felt unable to cope and wanted to end her life, and she said that at times she used alcohol and drugs in an attempt to self-medicate her feelings away.¹⁷
 - b. RC-A62 said this: "*The impact on me personally has been lifelong with many ramifications. They include persistent anxiety, bouts of anger, loss of sleep and disrupted sleep with nightmares all ongoing.*"¹⁸ To put this in context, RC-A62 says that he was sexually abused when he was aged 12 to 17. He is now in his late 50s and so he has lived with these feelings for over four decades.
 - c. Graham Wilmer said that the impact of the sexual trauma on him was "*compounded by the betrayal*"¹⁹ of the priests who he went to for help.

¹⁶ INQ004739_002

¹⁷ INQ004739_003 and 004

¹⁸ INQ004625_003

¹⁹ INQ004727_001

He too abused alcohol, self-harmed and developed an addiction to sex.

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d. RC-A117 said *“The lies, cover up and continuing denial of what has happened is devastating to me and I’m sure other victims. The legacy of this is that I have never had a single relationship with any man.”*²¹

12. The hearing this fortnight follows on from the public hearings held in respect of the two case studies considered in this Investigation. In November 2018 you heard about matters relating to the Archdiocese of Birmingham where at least 78 allegations of CSA were made against priests and others associated with that Archdiocese. In December 2017 and February 2019 you considered evidence in respect of the English Benedictine Congregation (EBC). At Ampleforth and Downside Abbeys and their respective Schools, the Inquiry heard that a number of allegations of child sexual abuse were never referred to the police and the offenders moved to roles where they still had access to children and, in the case of Nicholas White, for example, went on to abuse another child. At Ealing Abbey, you heard evidence that child sexual abuse perpetrated against pupils was extensive and facilitated for decades because of a culture of cover-up and denial. You published your report on Ampleforth and Downside Abbeys in August 2018, the report on the Archdiocese of Birmingham in June 2019 and on Ealing Abbey last week.

²⁰ INQ004727_001-002

²¹ INQ000977_035

13. The evidence you heard in those case studies and the findings you made in your reports form part of the background into the Inquiry's Investigation into the extent of any institutional failures to protect children from sexual abuse within the Roman Catholic Church in England and Wales.

Introductions

14. Chair, I appear as CTI for this Investigation, along with Miss Carey, Mr Saad and Mr Donmall.

15. May I introduce the representatives in attendance at the hearing:
 - a. Old Priorian Survivors Association together with a number of ciphred complainants are represented by Iain O'Donnell and Emma-Louise Fenelon, instructed by Richard Scorer of Slater and Gordon solicitors;
 - b. Several ciphred complainants are represented by William Chapman, instructed by Switalskis solicitors;
 - c. Complainant D2 is represented by Caoilfhinn Gallagher QC and Angela Patrick, instructed by Bhatia Best solicitors;
 - d. Several ciphred complainants are represented by Alan Collins of Hugh James solicitors;
 - e. White Flowers Alba and complainant G1 are represented by Robbie Brodie of Livingstone Brown solicitors;

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- f. Several ciphered complainants and Peter Murray are represented by Chris Jacobs, instructed by Howe and Co solicitors;
 - g. The Catholic Council for IICSA (CCIICSA) is represented by Kate Gallafent QC, instructed by Kingsley Napley solicitors;
 - h. The Secretary of State for Education is represented by Cathryn McGahey QC, instructed by the Government Legal Department.
16. The hearings this week will focus upon the institutional response by the Roman Catholic Church to allegations of child sexual abuse and, in particular, examine the contemporaneous safeguarding regime and consider any ways in which safeguarding may need to be improved.
17. The Inquiry will also hear evidence relating to:
- Recent responses of the Catholic Church to victims and complainants of child sexual abuse including how any civil claim was handled; whether any apology was given and, if so, in what form; the pastoral response of the Church including other forms of redress that might be appropriate;
 - In relation to civil claims for compensation, the use of the limitation defence and the role of the insurers in the handling of such claims;
 - A review of recent safeguarding files conducted by an expert instructed by the Inquiry, including an examination of whether they comply with CSAS policies;

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- The role of the NCSC and CSAS in formulating policies and ensuring they are followed and the ability by those organisations to ensure Dioceses and Orders comply;
 - Recent pronouncements by the Holy See including the question of mandatory reporting and a consideration about whether this should include breaking the seal of the confessional and, more generally, the interaction between the dioceses and Orders and the Holy See (which is the ecclesiastical jurisdiction and administrative apparatus of the Pope, located in the Vatican and is the seat of government of the Universal Catholic Church).
18. The purpose of this opening statement is to introduce some of the themes, topics and issues that you may ultimately wish to consider when preparing your report following the conclusion of this hearing. In doing so, I hope to familiarise you with the names of the witnesses from whom you will be hearing and to remind you and others of some of the terminology used within the Catholic Church that is most likely to be encountered when considering the evidence.
19. You will be hearing evidence from a number of witnesses including testimony from victims and complainants, from Christopher Pearson, the Chair of the NCSC, Dr Colette Limbrick, the Director of CSAS, Cardinal Nichols, the President of the Conference of Bishops of England and Wales (CBCEW) and

from Fr Smyth, the President of the Conference of Religious of England and Wales (CoR).

20. Witnesses will either be called live, and their evidence simultaneously live-streamed on the internet, or, if not called live, witnesses' evidence will, at appropriate points, be read or summarised by counsel and formally adduced into evidence by such means. The live feed to those watching over the internet will be subject to a three minute delay. Where a witness is called live, their evidence will be focused on the most salient aspects of their testimony. It will not be possible to ask each witness about everything they have said in statements, or about all of the documentary evidence they produce or the investigation has gathered.

21. All core participants were sent the proposed witness timetable, and have had an opportunity under Rule 10 of the Inquiry Rules 2006 to make requests to invite questions of witnesses. The questioning will be conducted by Inquiry counsel. Documents will be referred to by their unique Relativity reference number and put up on the screen so that those members of the press and public who are present can follow the proceedings. The pages of documents that are displayed on screen will, subject to any sensitivity, be published on the Inquiry's website the same day, alongside the transcript of the day's evidence. Additional key documents will be published on the Inquiry website as the hearing progresses. Any video clips that are shown in the course of the

hearing will either be posted on the website or their web address (URL) will be given.

22. Throughout my opening, I will ask for some sections of the key documents to go up on the screen, which will then be published on the website, but I will not do that with every document, and neither will I provide the unique reference number for every document as I go through the opening. However, sections of some of the other documents I am going to be referring to will also be published as soon as possible on the website, and a copy of the opening will be published, which will indicate where the published documents fit into the opening.

Structure of the Church

Dioceses

23. The structure of the Catholic Church is not in fact hierarchical. Although the Pope is the head of the Universal Church²² (i.e. the Catholic Church worldwide) and appoints bishops (and Archbishops), the bishop has authority by virtue of his being a bishop; not because the Pope has delegated authority to him. Canon law is the system of laws which governs the Catholic Church.²³
A bishop or Archbishop must abide by Canon law but is otherwise

²² CHC000396_003

²³ CHC000396_005

autonomous within their own diocese. They can pass any law they like at local level providing it does not contravene Canon Law.²⁴

24. No bishop in England and Wales has authority over any other.²⁵ Equally, a Cardinal does not have authority over an Archbishop or bishop. If an Archbishop/bishop receives a complaint that an individual within his diocese, (whether a cleric, or lay person) is not abiding by Canon law then he has the power to direct that individual to comply.
25. Cardinal Nichols is the President of the Catholic Bishops' Conference for England and Wales (CBCEW; the Bishops' Conference) but given the autonomy of each bishop, he is not the 'Head' of the Catholic Church in England and Wales. His primary role is that of the Archbishop of Westminster and as Cardinal he is a member of the College of Cardinals, which includes the additional duty, alongside the other Cardinals, of electing a new Pope.
26. The Catholic Bishops' Conference for England and Wales meets twice a year and is made up of all of the bishops in England and Wales. If the Conference wishes to pass a law applicable to all dioceses in England and Wales, then approval must be sought from the Holy See. However, there is no line of authority between the Pope and the Conference. If the Pope wishes to issue a directive he will issue it directly to the individual Archbishop/bishops rather than through the Conference.

²⁴ CHC000396_006

²⁵ CHC000396_006

Orders

27. As you will recall from the English Benedictine Congregation (EBC) case study, a religious order is a group of consecrated men and/or women with a particular spiritual focus which is reflected in their work. Each religious order has its own superiors who are responsible for the administration of the order. All members of a religious order must abide by Canon law. A religious order cannot operate within a particular diocese without the permission of the Archbishop/bishop.
28. Canon law (c.586) makes it plain that the Archbishop has to uphold the autonomy/independence of the life of the religious institute and respect their right to self-government in accordance with their respective constitutions and Canon law.
29. The Conference of Religious (CoR) is an association of the religious superiors from the major Catholic orders in England and Wales. The Conference aims to support religious leaders and to speak on behalf of the Religious. It is important to note however that not all orders choose to join the Conference of Religious, membership of the Conference is not compulsory and the Conference has no authority or power over its membership.²⁶

²⁶ CEW000014_003

30. The orders vary greatly in size. So, for example, as at October 2017, the Congregation of the Brothers of St Gabriel and the Congregation of the Saviour and the Blessed Virgin had only one member each, whereas other orders such as the Franciscan Missionaries of Mary had 132 members, while the Institute of Our Lady of Mercy boasted 182 members.²⁷
31. In terms of safeguarding, some orders have their own independent safeguarding commissions. Ampleforth is one such example. Following the Nolan and Cumberlege reports, however, (to which I will turn in a moment) the majority of religious orders are aligned with a diocesan safeguarding commission. This means that the diocese provides safeguarding services to the order including informing, advising and collaborating with the order on appropriate practice in managing matters relating to allegations of abuse, and the Safeguarding Commission provides independent oversight of the process. However, the safeguarding process belongs to the order, and all relevant decisions are made by the order, based on the recommendations of the Safeguarding Commission and with the support of the diocese.²⁸ As at May 2019, six orders were not aligned.

²⁷ CHC001860

²⁸ CHC002106_003

Nolan and Cumberlege Reports

32. I have just made reference to the Nolan and Cumberlege Reports. The Nolan report ('A Programme for Action') was published in September 2001.²⁹ Lord Nolan reviewed child protection in the Catholic Church in England and Wales and included religious congregations in the recommendations.
33. The Nolan report brought about a significant number of changes to the structures required at parish, diocesan and national level; the steps needed to create a safe environment for children and those who work with children; and the action needed to respond to allegations of abuse.
34. It recommended what has become known as the 'One Church' approach for the protection of children and vulnerable adults, namely, that the whole Church in England and Wales and the individual bishops and religious superiors should commit themselves to:
- A single set of policies, principles and practices based on the 'paramountcy principle' and other guidance;
 - Effective and speedy implementation in parishes, dioceses and religious orders;
 - Organisational structures in the parish supported by the child protection coordinator and the child protection teams in the dioceses and religious orders;

²⁹ CHC000053

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- A national capability to advise dioceses and orders; and
- The provision of adequate resources (Rec 3).³⁰

35. On a practical level this involved ensuring that every parish had a child protection representative (now called parish safeguarding representative (Rec 5), and every diocese and religious superior a child protection coordinator (now known as the safeguarding coordinator (Rec 8). Nolan also recommended that:

- A National Child Protection Unit (NCPU) should be established to advise the Bishops' Conference and the Conference of Religious on child protection policies and principles (Rec 16), and the Unit should issue codes of conduct and practical guidance on safe working with children (Rec 22). This recommendation led to the establishment of the Catholic Office for the Protection of Children (COPCA) - CSAS's predecessor in title.
- Those working with children (whether paid or voluntary) should give details of any relevant previous criminal convictions and undergo a criminal records check (Rec 29);
- Contemporaneous records should be kept at the time of an allegation (Rec 45) and be kept for a minimum of 100 years (Rec 47);
- Statutory authorities should be brought in straight away where there is a disclosure to take the lead on investigating and assessing the situation (Rec 61).

³⁰ CHC000053_42

36. The Nolan report concluded with a final recommendation that the Nolan recommendations should be reviewed after five years (Rec 83). That recommendation led to the Cumberlege Commission Report ('Safeguarding with Confidence') published in July 2007.³¹
37. Some of the key Cumberlege recommendations included:
- Changing COPCA's name to the Catholic Safeguarding Advisory Service (CSAS) to reflect its primary future role as one of coordination, advice and support in respect of the wider job of safeguarding children and vulnerable adults (Rec 3);
 - CSAS reporting and being accountable to the Bishops' Conference and Conference of Religious through the new National Safeguarding Commission (NCSC) (Rec 6);
 - CSAS focusing on matters including providing advice to members of the Church about safeguarding issues, overseeing and coordinating training within the Church, ensuring that the Church's safeguarding policies are kept up-to-date and are accessible to people at all levels, with an emphasis on people in parishes; and producing an annual report (Rec 16);
 - The Bishops' Conference and Conference of Religious reaffirming their commitment to a safeguarding agenda in which the welfare of the child was paramount; i.e. the 'paramountcy principle' (Rec 40).

³¹ CHC000002

38. The Foreword to the Cumberlege Report said “*We urge the Bishops and Leaders of the Religious Congregations to reaffirm their commitment to a One Church approach and to ensure that there is one set of policies adopted by the whole church.*”³² The commitment to the ‘One Church’ approach was the Report’s first recommendation designed to reinforce the need for the Church to implement and follow the national policies, principles and practice at all levels across both the dioceses and orders. Chair, as you hear the evidence, you may wish to consider how far, if at all, the Catholic Church has been successful in adopting a ‘One Church’ approach, particularly in respect of the orders.

Recommendation 72 and *Recognitio*

39. In total, the Cumberlege Report made 72 recommendations. Its final recommendation, Recommendation 72, said this:

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“The Bishops’ Conference of England and Wales, in consultation with the Conference of Religious, should make the appropriate decreta generalia and secure canonical recognitio of them (c. 455), so that there will be a special territorial law (c. 13§1) for England and Wales

³² CHC000002_003

which would both give juridical authority to the Church's most important safeguarding rules for children and vulnerable adults and also secure a right of recourse to the Holy See against a diocese, religious congregation or other juridical person which failed to fulfil the obligations laid down in that law."

40. The Cumberlege report recognised that any policies and procedures produced by CSAS would not have the status of Canon law and, as such, a bishop could refuse to follow them. Recommendation 72 wanted to address this by recommending that the Bishops' Conference seek a 'general decree' i.e. a law covering the whole territory of England and Wales. A general decree can only come into force once it receives what is called '*recognitio*' from the Holy See. *Recognitio* (or recognition) involves the Holy See scrutinising the general decree to ensure that it technically complies with the other laws of the Church. Mgr Read will give evidence to help explain this process. The significant effect of recognition is that adherence to those policies and procedures will be obligatory, under Canon law, throughout both England and Wales.

41. Twelve years have passed since Cumberlege. In June 2019, the text of the general decree was approved by the Bishops' Conference and Cardinal Nichols personally delivered the text to Rome. It is not known how long it will take for *recognitio* to be granted but you may wish to consider how and why it has taken over a decade for these steps to finally be taken.

National Catholic Safeguarding Commission (NCSC)

42. The National Catholic Safeguarding Commission (NCSC) was established in 2008 following the Cumberlege Report.³³ Its remit is to set the strategic direction of the Church's safeguarding policy and monitor the outcomes of policies and procedures.³⁴ In 2015, the NCSC set up the Survivors Advisory Panel (SAP) to help provide the NCSC with the experience of victims and survivors and to ensure that the NCSC includes their perspective when carrying out its work. You will be hearing from a former NCSC Chair, Danny Sullivan, and the current Chair, Christopher Pearson as well as the Chair of SAP, David Marshall.
43. Mr Sullivan will tell you that during his tenure he was concerned about the resources allocated to CSAS, the lack of progress in relation to audits carried out by CSAS and about the Church's ability to implement the 'One Church' approach. He says that on occasions he was "*powerless*", and he provides examples of what he calls "*the wider malaise within the Catholic Church which show its historical and continuing inability to trust lay people with authority. Until it is willing to do so then clericalism will continue to hold sway.*"³⁵

³³ CHC000002

³⁴ NCS000010_004 and 005

³⁵ INQ004397_006

44. You will also be hearing from Stephen Spear. Up until July this year, Mr Spear was a lay member of the NCSC. Mr Spear is concerned that the NCSC does not fulfil its role as the body setting the strategic direction of the Church's safeguarding response. In his statement he goes as far to say that he has seen *"no evidence that the NCSC systematically either monitors or enforces compliance with Safeguarding policies and procedures."*³⁶ Chair, doubtless you will want to consider all the evidence from the NCSC witnesses, and indeed from other witnesses, who have cause to engage and liaise with the NCSC when examining the structure of the Church's safeguarding response.

Catholic Safeguarding Advisory Service (CSAS)

45. CSAS is the national agency for driving and supporting improvements in safeguarding practice within the Church. Dr Colette Limbrick, its director, will explain how CSAS provides advice to members of the Church about safeguarding, the development of national safeguarding policies and procedures, the safeguarding training CSAS provides, and its role in providing a quality assurance programme through its auditing function. She will also be able to assist you with how CSAS aims to ensure the 'One Church' approach is implemented and she will inform the Inquiry about the forthcoming 'Safe Spaces' project.

³⁶ CHC001924_002

46. Chair as you will know from the public hearing in the Investigation into the Anglican Church, held in July of this year, the 'Safe Spaces' project is a national support service set up by the Catholic Church for England and Wales, the Church of England and the Church in Wales. It aims to provide a service that will enable victims and survivors to access support independently of the Church. There will, for example, be a helpline which will provide access to trained support advocates and, where appropriate, help in facilitating access to support within the community. Assuming a successful outcome to identifying a supplier next month, Dr Limbrick expects the project to be operational in February 2020.³⁷

Safeguarding Coordinator

47. A key role within the diocesan safeguarding teams is that of the safeguarding coordinator. The safeguarding coordinator is accountable to the bishop and the appropriate Trustee Body. The coordinator has numerous responsibilities including:³⁸

- Leading and managing the development of safeguarding practice and implementation of policies and procedures at Archdiocesan level;
- Responding to allegations of abuse against children and adults;
- Being responsible for liaising with, advising and guiding, parish safeguarding representatives when concerns or allegations are raised,

³⁷ CSA005921_012-017

³⁸ Page 3

<https://www.csas.uk.net/wp-content/uploads/2018/05/Organisational-structure-and-key-roles.pdf>

and informing and advising the bishop on appropriate practice for managing concerns and allegations;

- Overseeing the arrangements for production, monitoring and review of ‘covenants of care’ (now called safeguarding agreements), which includes ensuring that the support needs of the person accused or convicted are addressed;
- Being a source of support for victims and survivors of abuse, and liaising with other agencies, as required, for the purposes of addressing identified needs.

Carmi Report

48. Within the Church’s safeguarding structure, it is safeguarding coordinators who have primary responsibility for reporting allegations of child sexual abuse to the police and the local authority’s designated officer (LADO) and for maintaining the safeguarding file.³⁹

49. By way of explanation, a local authority is required to have a designated officer (LADO) “*to be involved in the management and oversight of allegations against people who work with children*”.⁴⁰ CSAS guidance states that the LADO must be informed where the person’s conduct towards a child may

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⁴⁰ See Government’s ‘Working Together to Safeguard Children (July 2018)’ at page 57. This replaces the 2015 version.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779401/Working_Together_to_Safeguard-Children.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779401/Working_Together_to_Safeguard-Children.pdf

impact on their suitability to work or continue to work with children.⁴¹ In the context of an allegation of child sexual abuse, it is difficult to envisage an allegation that would not require a referral to the LADO.

50. One area for consideration is whether, and to what extent, CSAS policies are followed by the Church. In order to assess this, the Inquiry instructed Edi Carmi, an expert in this field, to review the two safeguarding case files most recently referred to the statutory authorities by each of ten dioceses and ten religious orders. Two of the orders did not have any files and so the review focused on the remaining 36 files.
51. The Inquiry also invited the dioceses and orders to provide any additional evidence or information that they would wish, in order to explain why certain actions were taken or not taken. Ms Carmi has taken that additional material into account in preparing her report and she will give evidence next week summarising her findings.

Redress

52. The investigation will consider the possible modes of redress. In particular, you will hear evidence relating to how civil claims for compensation are handled and evidence relating to apologies issued by the Church for the harm caused by such abuse.

⁴¹ Policy 4.1 - children management of allegations and concerns.

53. You will hear from Kathy Perrin the Chief Executive of the Catholic Insurance Service (CIS) in relation to civil claims. The CIS acts as an intermediary between the vast majority of dioceses and the insurers. Nineteen of the 22 dioceses are insured via CIS. CIS also acts for some orders, fewer than 40 in total.⁴² Fr Smyth, the President of CoR, confirms in his witness statement that the orders use a number of different insurers and that the CoR does not currently provide guidance to its members about handling insurance claims in connection with child sexual abuse.⁴³
54. Ms Perrin will explain how insurance cover works in claims arising out of child sexual abuse and the role the insurers play when such claims are brought. In particular, you will hear about the 'claims control' condition in insurance policies,⁴⁴ which require that the insured i.e. the diocese shall not compromise or settle a claim or admit liability without specific instructions from the insurer. Failure to abide by this condition can result in the diocese losing their indemnity under the policy and therefore becoming liable to pay costs and/or any damages awarded out of their own funds.
55. At the start of my opening, I referred to the fact that a great number of complaints were not brought to the attention of the Church and or state authorities until many years after the alleged abuse. You will recall evidence

⁴² CHC001877_002

⁴³ CEW000021_026

⁴⁴ CHC001877_004-005

given in the case studies where witnesses spoke of being too embarrassed to report their complaints, that they did not trust people in authority and did not think the word of a child would be believed. In some instances children were punished for reporting the matter. For example, RC-A493 states that within days of reporting that he was being sexually abused to one of the school nuns, he was beaten in front of the whole school in assembly. He said this *“This beating made me decide that I would never trust anyone again and that I would have to go through life hurting people before they could hurt me...I did not disclose being sexually abused by RC-F282 to anyone again for 45 years”*.⁴⁵

56. In relation to civil claims, one of the matters you will hear evidence about relates to the use of limitation as a defence. The law in England and Wales (the Limitation Act 1980) provides that a claim for personal injury (which includes claims related to sexual abuse) must be pursued within three years of the date on which the cause of action accrued (the abuse) or (if later) the date of knowledge of the person abused.⁴⁶ Whilst the courts have the power under the Act to extend the period within which the claim can be brought (and they often do), a number of the victim and complainant core participants have made reference in their statements or have told the Inquiry that the Church sought to rely on the limitation defence during the course of the civil claims.⁴⁷

⁴⁵ INQ004571_005 and 006

⁴⁶ Section 11(4) Limitation Act 1980

⁴⁷ E.g. the Combonis CPs, RC-A711, RC-A20

57. Cardinal Nichols' view is that the limitation defence should only be invoked by dioceses in cases where the passage of time makes a fair trial impossible, such as where the alleged perpetrator is dead, was not convicted or was not the subject of other allegations but that such decisions are ultimately a matter for the relevant diocese.⁴⁸ Chair, you will no doubt be aware that since 4 October 2017, Scottish law retrospectively abolished the three year limitation for such claims,⁴⁹ and so you will want to consider all the evidence on this topic with care.
58. CIS also provides advice about how dioceses should respond to civil claims including guidance on what to do in cases where the claimant seeks an apology. In her statement, Ms Perrin refers to the changed landscape in claims for compensation for child sexual abuse and, in light of heightened awareness about its impact, recognition by insurers that abuse claims cannot be handled in the same way as other personal injury claims.
59. Chair, one matter for you to consider will be how the Church and the insurers approach the issue of apologies in light of the Compensation Act 2006. Part 1 (section 2) of the Compensation Act 2006 makes clear that "*offering an apology, an offer of treatment and other redress shall not in itself amount to an admission of negligence or a breach of statutory duty*".

⁴⁸ CHC002085_033

⁴⁹ Limitation (Childhood Abuse) Scotland Act 2017

60. This provision in the Compensation Act will be familiar to you as it was considered by the Inquiry in its Accountability and Reparations Investigation hearings and in the subsequent Investigation Report (published in September 2019). You will recall, however, that the Compensation Act only refers to liability in negligence or breach of statutory duty, and not to vicarious liability, which is the main basis upon which child sexual abuse claims are now brought. During the course of the evidence in the Accountability and Reparations hearing, there was a divergence of opinion about whether the Compensation Act applied in child sexual abuse claims,⁵⁰ and the Inquiry recommended that the government should introduce legislation revising the Compensation Act 2006 to clarify that section 2 is applicable to institutions that may be vicariously liable for the actions or omissions of other persons, including perpetrators.⁵¹ Ms Perrin will be asked about this topic.
61. You will also wish to consider the experiences of victims and complainants who have sought apologies. The experiences of those victims who have received apologies have been varied - some witnesses have told the Inquiry that they received no apologies at all. Other witnesses have spoken positively about the apologies they received. For example, RC-A491 met with Archbishop Bernard Longley, Archbishop of Birmingham, and said, *“it meant a lot to me for the head of the institution that failed me so terribly to look me in*

⁵⁰ Paras 154 and 155

<https://www.iicsa.org.uk/publications/investigation/accountability-reparations/part-c-civil-justice-system/c10-compensation>

⁵¹

<https://www.iicsa.org.uk/publications/investigation/accountability-reparations/part-g-conclusions-and-recommendations/g3-recommendations>

*the eye and acknowledge my suffering, acknowledge their failure to protect me and ask for my forgiveness.*⁵²

62. The Inquiry will also hear evidence about the role the Charity Commission plays when allegations of child sexual abuse are reported to the Church. The Charity Commission regulates charities in England and Wales. In the context of safeguarding, the Charity Commission focuses on the conduct of trustees to ensure that the trustees discharge their legal duties to manage risk and protect the reputation and assets of the charity.
63. Michelle Russell, from whom you have heard previously in this investigation, the Director of Investigations, Monitoring and Enforcement at the Charity Commission, will assist the Inquiry by giving evidence from the statement of Harvey Grenville who is unavailable. She will explain the Charity Commission's approach to ex gratia payments. An ex gratia payment is defined by the Charity Commission's guidance as a payment made in circumstances where the trustees believe that they are under a moral, but not legal, obligation to make the payment and the trustees cannot justify the payment as being in the interests of the charity.⁵³ This guidance may be relevant when a victim or complainant seeks counselling and wishes the diocese to pay for it.

⁵² INQ004568_007

⁵³ CYC000417_014

Formation

64. So far, I have introduced you to the parts of the Catholic Church that are responsible for dealing with allegations of child sexual abuse. During the course of the hearing, you will also want to hear about how the Catholic Church seeks to train those individuals who wish to become clergy. In some of the evidence to be read, you will hear about the assessments that are now undertaken to try and identify those individuals who may be unsuitable to life as a priest and about the safeguarding training that is delivered to trainee priests.

The Holy See

65. You will also want to consider the extent to which the Holy See affects how the Catholic Church in England and Wales responds to allegations of child sexual abuse. I have already addressed you about the role the Holy See has to play in seeking recognition of a general decree and it may also assist for you to consider some of the recent pronouncements and measures coming from Rome.
66. In February 2019, Pope Francis convened a meeting in Rome on the Protection of Minors in the Church. The meeting was attended by the Presidents of every Bishops' Conference in the Catholic Church and

representative leaders of religious orders.⁵⁴ Cardinal Nichols attended and will be asked to tell you about the meeting. Following the meeting, he wrote to all members of the Bishops' Conference informing them about what had been discussed, and he also wrote to the Conference of Religious, despite the diocesan structure of the Church standing alongside that of the Religious.⁵⁵

67. He said of the meeting *"But in me, and I think in many, something deeper changed. There was a change of mood. There was a change of perspective. And I have tried to put my finger on it. For me what happened was that I began to see what we were talking about from the perspective of the victim/survivor. That is a sobering perspective for us to take."*⁵⁶ You may wish to consider why, apparently, it was not until February 2019 that Cardinal Nichols *"began to see"* what they were talking about from the perspective of the victim/survivor.
68. On 7 May 2019, Pope Francis issued the *Motu Proprio*, *'Vos estis lux mundi'* ('You are the light of the world').⁵⁷ A *Motu Proprio* is a personal decree issued by the Pope which amends or replaces any Code of Canon law (or other provision) which is contrary to the decree. It is a canonical instrument that applies to all Catholics around the world.⁵⁸ In summary, the *Motu Proprio* prescribes that clerics and religious must report sexual abuse, and any

⁵⁴ CHC001831_002

⁵⁵ CHC001831_002

⁵⁶ CHC001832_002

⁵⁷ CHC001929_045

⁵⁸ VAT000027_003

cover-up, to the appropriate Church authorities (save where to do so would be a breach of the sacramental seal). The *Motu Proprio* also prescribes cooperation with state authorities, including adherence to any national reporting obligations and sets out the process for handling allegations made against a bishop or leader of a religious institute.⁵⁹

69. Chair, as you will be aware, in order to understand more about the role of the Holy See and its interaction with the Catholic Church in England and Wales, the Inquiry made voluntary requests for statements to be provided from the current *Apostolic Nuncio*, Mgr Edward J. Adams, who is the Holy See's ambassador to the United Kingdom, and from the Holy See itself.
70. The requests included requests relevant to the Ealing Abbey case study and, in particular, the *Apostolic Nuncio's* involvement in handling allegations arising out of St Benedict's School and Ealing Abbey and the apostolic visitation of 2011/2012.⁶⁰
71. When he attended the meeting in Rome in February 2019, Cardinal Nichols spoke with Archbishop Paul Gallagher, Secretary for Relations with States within the Holy See's Secretariat of State, effectively the Foreign Secretary for the Holy See. Cardinal Nichols emphasised to Archbishop Gallagher the importance to this Inquiry of the issues surrounding the *Apostolic Nuncio*. In

⁵⁹ CHC001929_046 and VAT000027_003

⁶⁰ *ibid*

reply, Archbishop Gallagher stressed to Cardinal Nichols the importance of official bodies following established diplomatic procedures.⁶¹

72. Let me make perfectly clear that the Inquiry went through established diplomatic channels and all proper procedures, including seeking assistance and advice from the Foreign and Commonwealth Office, despite which no statements have been provided to the Inquiry by the Holy See.

73. Whilst the Holy See did provide some information relating to the dismissal of Laurence Soper from the clerical state (and the 2011 Apostolic Visitation of Ealing Abbey), as you said in last week's Inquiry Report, as a result of the lack of a witness statement, *"We do not know what the Holy See knew, whether any steps were taken after Soper's disappearance to discover whether he had an account at the Vatican Bank, or whether they had any information that might have assisted in locating him earlier."* As such, *"the Inquiry is unable to fully understand and assess the role that the Holy See may have played"*,⁶² regarding Laurence Soper's ability to evade justice for a number of years.

74. In relation to more general requests, the Holy See did provide the Inquiry with a document entitled 'Notes on the measures adopted by the Holy See and by national Conferences of Catholic Bishops to prevent and contrast child

⁶¹ CHC001831_006

⁶² Page 75

<https://www.iicsa.org.uk/key-documents/15101/view/roman-catholic-church-ebc-ealing-st-benedicts-report-oct-2019.pdf>

abuse.⁶³ The Inquiry understands that the document is intended to explain the Holy See's position in respect of its response to child sexual abuse.

75. At the outset, this document states "*The Holy See condemns the sexual abuse and ill-treatment of minors and vulnerable persons in the strongest possible terms. As Pope Francis has observed, "the crimes of sexual abuse offend Our Lord, cause physical, psychological and spiritual damage to the victims and harm the community of the faithful."*"⁶⁴
76. The document explains that the Holy See does not exercise jurisdiction over individual Catholics and institutions located outside of the Vatican and makes reference to local bishops having autonomy within their own diocese.⁶⁵ The document puts it this way: "*The Holy See is ... responsible for ensuring the unity of faith, sacraments and governance in the Church while respecting fully the prerogatives and responsibilities of individual bishops.*"⁶⁶
77. The Inquiry also requested evidence from the Holy See about the process of laicisation. Laicisation is the dismissal of a priest from the priesthood, thereby returning him to the lay state. As you heard in both case studies, priests convicted of child sexual abuse were laicised, but the process often took a number of years. In the Archdiocese of Birmingham case study, you will recall that in 2010, James Robinson was sentenced to 21 years' imprisonment. The

⁶³ VAT000027

⁶⁴ VAT000027_001

⁶⁵ VAT000027_003

⁶⁶ VAT000027_004

Archdiocese began the laicisation process in 2011, but it took nearly seven years for Robinson to be dismissed from the priesthood.⁶⁷ In the EBC case study, you will recall Laurence Soper was dismissed from the EBC in January 2012, having absconded in March 2011.⁶⁸ After five years ‘on the run’, he was located, tried and convicted in December 2017 of offences involving child sexual abuse. It was not until June 2019 that he was dismissed from the clerical state.⁶⁹

78. The process of laicisation requires various documents to be sent to the Congregation of the Doctrine of the Faith (CDF). The CDF is an administrative institution of the Holy See, whose responsibilities include exercising a disciplinary function for canonical crimes. The Inquiry was keen to understand more about the role of the CDF and in particular why the laicisation process took so long. Whilst the Holy See provided some documentation written by the CDF in May 2010 (in respect of changes made by the former Pope, Pope Benedict, to the procedural rules for dealing with cases of child sexual abuse), the Holy See has not provided any evidence about the role of the CDF and/or laicisation and declined to provide the Inquiry with a witness statement. As you were told at the preliminary hearing in September, “*The Holy See considers that the “domestic laws and internal proceedings of a foreign sovereign entity are not the proper object for a British inquiry.*”⁷⁰

⁶⁷ Pages 16-17

<https://www.iicsa.org.uk/key-documents/12089/view/rc-church-birmingham-accessible-final-updated-20190723.pdf>

⁶⁸ [BNT001098_002](#)

⁶⁹ [BNT007157](#)

⁷⁰ [Preliminary hearing 25 September 2019 15/21-24](#)

79. In the absence of any witness statement or other evidence from the Holy See, the Inquiry intends to ask those witnesses who are attending to give evidence about these matters.
80. Moreover, Rev Christopher Thomas (the General Secretary of the Bishops' Conference (CBCEW)) has provided the Inquiry with a statement which does provide some information about the role of the *Apostolic Nuncio*.⁷¹ The *Apostolic Nuncio* (sometimes also known as the Papal Nuncio) is the formal point of liaison between the Holy See and the Church in the nation to which he is sent. Rev Thomas explains that the *Apostolic Nuncio* acts as a conduit between the bishops and the Holy See such that where correspondence is sent between the parties, it is sent in a diplomatic pouch. Accordingly, where there is a need for the Church in England and Wales to correspond with the Holy See, for example, in respect of laicisation, the *Nuncio's* involvement is limited to the transmission of any documentation.
81. The Holy See's refusal to provide the Inquiry with all the evidence it has sought is very disappointing. In his introduction to the recent *Motu Proprio*, 'Vos estis lux mundi', Pope Francis acknowledged the "physical, psychological and spiritual damage" done to the victims of child sexual abuse, and added that "a continuous and profound conversion of hearts is needed, attested by concrete and effective actions that involve everyone in the

⁷¹ INQ004770_002-004

Church".⁷² Chair, you may consider that it is difficult to reconcile the Pope's own words with the Holy See's response to the requests properly made to it by this Inquiry.

Recent Developments in England and Wales

82. The February meeting in Rome encouraged bishops to take appropriate action in their own regions, and on 6-9 May 2019 the Bishops' Conference of England and Wales held a four day training session in Valladolid in Spain, which focused on safeguarding. The training was delivered to 36 bishops, including the 22 diocesan bishops. A number of members of the Survivors Advisory Panel (SAP), along with other victims and survivors, attended to convey their own testimony and experiences.

83. In addition to hearing from Cardinal Nichols about the nature of the training, you will also hear from Baroness Sheila Hollins. Baroness Hollins will explain that in late 2017, plans were developed for this training. She will be able to provide further detail about what the training covered, including for example a presentation she gave on how those who suffer with disabilities and mental health problems are affected by child sexual abuse. She will also explain her role as a founder member of the Pontifical Commission for the Protection of Minors (PCPM).

⁷² CHC001930_001

84. The PCPM was established in 2014 at the request of Pope Francis. Its role is to advise the Pope on policies and educational programmes that will help make the Church a safer place. Baroness Hollins will explain the PCPM's work and how, during her time as a member, the PCPM advised Pope Francis that the Congregation of the Doctrine of the Faith (CDF) should respond directly to victims about the progress of a case, whereas the CDF's practice was to refer such enquiries back to the bishop in the victim's diocese. The CDF did not appear to follow the PCPM's advice, which led to the resignation of one of its members. In a newspaper article about the resignation, Baroness Hollins said that the Church had a tendency to view child sexual abuse from a canonical or legal perspective when in fact they needed to look at the problem from a number of perspectives in order to address the lasting trauma suffered by victims. She is quoted as saying "*Some Church leaders get it and some Church leaders don't.*"⁷³

85. The final two witnesses to be called are Fr Paul Smyth, the President of the Conference of Religious, and Cardinal Nichols, the President of the Conference of Bishops. Both will be asked, for instance, about their respective powers to enforce decisions made by the Conferences, about the 'One Church' approach and interaction with the NCSC and CSAS, as well as the approaches of each to civil claims and apologies. It is anticipated that by calling them at the conclusion of the other evidence, they will also be able to

⁷³ INQ004641

assist with topics and issues that have arisen during the course of the public hearing.

Victims and Complainants

86. I have already highlighted the significant and lasting impact of child sexual abuse from the words of some victims and complainants. But you will hear the accounts of a number of victims and complainants. This includes testimony from core participants Mark Murray, Thomas Kirby and RC-A49,⁷⁴ who reported that they had been sexually abused by members of the Comboni order in the 1960s and 1970s whilst pupils at St Peter Claver Junior Seminary. In 2014, the witnesses were part of a joint civil action against the order brought by a number of men. The claims against the order were settled without any admission of liability.
87. For a number of years now, those complainants have sought to meet with the order to discuss their experiences. In July this year, the order indicated, through its solicitors, that it thought it best to allow the Inquiry to conclude its work before it engaged with the complainants.⁷⁵ This is not a request that the Inquiry has made - the Inquiry's position has always been that the work of the Inquiry should not prevent any institution responding to victims and complainants in any way that the institution considers appropriate.

⁷⁴ Core participant F6

⁷⁵ INQ004565_023

88. You will hear from RC-A711. She will tell you that from the late 1970s to 1987, she was sexually abused by a priest who was a member of the Servite Friars. Many years later, in 2017, her abuser (RC-F500) wrote to her apologising “*In particular, I would like to apologise and ask forgiveness for all and any sexual activity towards you...*”⁷⁶
89. RC-A711 reported the matter to the Church and her file was eventually dealt with by the safeguarding team at the Archdiocese of Westminster. RC-A711 will tell you about how she felt she was treated by those in the Archdiocese responsible for dealing with her case including how, as a result of a Subject Access Request, she learnt that the then Episcopal Vicar for Safeguarding, Fr Jeremy Trood, referred to her in an email as “*deeply manipulative*”.⁷⁷ This led the Chair of the Safeguarding Commission to reply stating that there was a need to “*keep playing the good practice card if we are to contain this person’s manipulative behaviour*”.⁷⁸
90. When RC-A711 wanted to discuss her experience with Cardinal Nichols, she had to chase the Archdiocese for a response to her emails, and it took many months for such a meeting to be arranged. She finally met with him in April 2019.

Show on screen INQ004668

⁷⁶ INQ004665

⁷⁷ INQ004695

⁷⁸ INQ004695

91. The Cardinal followed up the meeting by sending RC-A711 a letter dated 17 April 2019, in which he said the words used *“were harsh and profoundly hurtful”* and he added that he appreciated *“how they may well have reinforced the initial harm that was done”* to her. He also apologised for the language used in those emails and regretted the hurt those words had caused her.⁷⁹
92. Throughout her dealings with the Archdiocese, RC-A711 was also in contact with CSAS and the NCSC and so it may be that her account helps to examine the interplay between the various safeguarding bodies of the Catholic Church.
93. Mgr Seamus O’Boyle, who took over as the Episcopal Vicar for Safeguarding for the Diocese of Westminster in October 2018, has provided the Inquiry with a statement setting out the factual context to the matters raised by RC-A711. Mgr O’Boyle stated that, for a number of reasons, this case as *“an exceptional case”*,⁸⁰ but he accepts that the diocese *“failed to effectively communicate with RC-A711 so she felt the Diocese was defensive, patronising, insensitive and unsympathetic.”*⁸¹
94. In examining the Church’s response to victims and complainants, Chair, you will also want to consider the evidence in relation to RC-710. RC-A710 is not

⁷⁹ INQ004668_001

⁸⁰ CHC002106_028

⁸¹ CHC002106_002

herself giving evidence but you will hear from three witnesses who have had contact with RC-A710 and have been involved in her case in 2018 and 2019.

95. By way of background, many years ago RC-A710 reported that she had been sexually abused as a child. In the 1990s, as a result of her allegations, she was supported by her Parish Priest, Fr Peter Doyle (as he then was). In 2005, Fr Doyle became the Bishop of Northampton, but he continued (and continues) to have contact with, and provide pastoral support to, RC-A710.
96. Angela McGrory, the former safeguarding coordinator for the Diocese of Portsmouth will tell the Inquiry that in 2011 confidential documents relating to RC-A710 were delivered to the Congregation of the Doctrine of the Faith (CDF) in Rome, taking special precautions with them due to their sensitivity. In September 2018, details of RC-A710's complaint were leaked to the press, and the reporting across Europe, including Italy and this country, suggested, among other things, that RC-A710 was not a credible witness. RC-A710 had not leaked the material to the press, so the material was leaked by someone within the Church. RC-A710 was understandably extremely upset by the public disclosure, which had no regard for the impact on her.
97. The Catholic News Agency requested a response from Portsmouth Diocese. Bishop Philip Egan, the Bishop of Portsmouth, asked Ms McGrory to draft a response supporting RC-A710's credibility, but then had a change of mind, and suggested that Westminster Archdiocese should respond.

98. In February 2019, Bishop Doyle (Northampton) drafted a press statement which Bishop Egan (Portsmouth) forwarded on to Ms McGrory. It was proposed that the press statement should be issued by Ms McGrory's safeguarding office. The statement was also to be sent to Cardinal Nichols, with a request he issue his own statement. However, in a turn of events, after discussion with their respective diocesan communications officers it was decided that the letter of request should go to Cardinal Nichols, but the proposed press statement should be held back in case of an unsatisfactory response to it by Cardinal Nichols. Not unnaturally, RC-A710 was upset and outraged that the bishops were taking the advice of their communications officers in a safeguarding matter.

Show on screen DOP000001

99. In May 2019, Ms McGrory hand-delivered the letter to Cardinal Nichols in Valladolid during the four day training session. The letter dated 1 May 2019, which is from Bishop Egan but expressed to be jointly sent with Bishop Doyle, sought a review and investigation of RC-A710's case, and reads *"More specifically, may we ask you, in your role as Chair of the Bishops' Conference, to write to [RC-A710] on behalf of the Church in our land to express an apology for the leak of information and for the distress it will have*

*caused her?*⁸² The letter also asked whether Cardinal Nichols might visit her to bring her “*great healing and solace*”.

100. Later in July 2019, during a meeting with RC-A710, Bishop Peter Doyle undertook to issue a personal statement on the matter. Before his statement was issued it was shared with the diocese. Unbeknown to Bishop Doyle, the diocese then shared it with Alexander DesForges, the Director of News and Information at the Bishops’ Conference and Press Secretary to Cardinal Nichols, resulting in Mr DesForges phoning Bishop Doyle expressing his concern and that of the Cardinal about the wisdom of publishing the statement.

101. Cardinal Nichols himself also phoned Bishop Doyle voicing his concern for RC-A710, and saying he thought there were too many unknowns, such as the origin of the leak. Bishop Doyle was persuaded that the statement was not the answer. Cardinal Nichols suggested there might be other ways of meeting RC-A710’s needs such as meeting with her and Baroness O’Loan (the Chair of the Catholic Council to this Inquiry), but the meeting, which was in the course of being arranged, has been postponed pending these hearings.⁸³

Schedule of Recommendations

⁸² DOP000001

⁸³ DOP00004_004; INQ004679_003

Check against delivery

102. Within this investigation alone, there are a large number of victim and complainant core participants. It is not possible to call or read evidence from every victim or complainant who has provided the Inquiry with a statement. To that end, the Inquiry has asked all victim and complainant core participants, and a number of other witnesses, including the past and present members of the NCSC and a number of diocesan and religious safeguarding coordinators, to provide their views as to what lessons they consider can be learnt from their experience and what practical recommendations, if any, they would like the Inquiry to consider.
103. Those views have been collated into a schedule and it may be that some of the witnesses being called to give evidence will be asked about some of the matters set out in the schedule.
104. A number of those who contributed to the schedule recommend, for example, the abolition of the limitation defence and the introduction of mandatory reporting. The topic of mandatory reporting will be familiar to the Inquiry's work, the issue having arisen in a number of other investigations and it has been the subject of seminars held by the Inquiry.
105. In the context of this investigation, you will want to consider the evidence you will hear about the seal of the confessional. A number of witnesses are likely to be asked about this, including Mgr Gordon Read. Mgr Read will explain that, according to the Catholic Church, the sacramental seal is a fundamental

matter of doctrine. This doctrine derives from the principle that the act of confession is one where the penitent (i.e. the person going to confession) confesses his/her sins to God and the priest (known as the confessor) hears the confession as God's representative. The entirety of what is said is therefore a secret between the penitent and God which the priest overhears. The knowledge acquired during confession is thus not the priest's to use or reveal.

106. Mgr Read will explain why the sacramental seal is not just a matter of Canon law but a fundamental question of faith. He will also be asked to explain what guidance is given to priests in the event that a penitent confesses to sexually abusing a child in confession and equally what guidance is given if a child discloses that they are being abused.

107. You may hear evidence from members of the clergy that they have never, in fact, had a perpetrator confess to committing acts of child sexual abuse during confession. By contrast, the Inquiry's REA into child sexual abuse within the Catholic and Anglican Churches makes reference to an Irish study which interviewed members of the clergy who had committed acts of child sexual abuse. According to that study, several interviewees said that they had disclosed their offending during confession. The REA also refers to the Australian Royal Commission which heard evidence from a number of witnesses to clergy disclosing their abuse in confession.⁸⁴

⁸⁴ INQ000995_045

108. The schedule will be a matter that you and the panel will want to carefully consider when coming to your final conclusions and recommendations. It must be appreciated by all those who contributed to the schedule that the proposals are not binding on you, and are there for your consideration once you have heard all the evidence.
109. Finally, as we hear the evidence over the course of the next two weeks, it is of course important that no one should lose sight of why this Inquiry was established - to ensure that children get the care and protection they need and deserve now and in the future.
110. Chair, that is all I propose to say by way of opening remarks. You will now want to invite core participants to make their opening statements.

Brian Altman QC

25 October 2019

Jacqueline Carey

Chris Saad

Check against delivery

Matthew Donmall

Counsel to the Inquiry