

1 Thursday, 31 October 2019  
 2 (10.15 am)  
 3 THE CHAIR: Good morning, everyone, and welcome to Day 4 of  
 4 this public hearing. Mr Saad?  
 5 MR SAAD: Good morning, chair. The first witness this  
 6 morning is Mr Danny Sullivan. His statement and  
 7 supporting relevant documentation should be behind  
 8 volume 1 in your bundle. Can the witness be sworn,  
 9 please?  
 10 MR DANNY SULLIVAN (sworn)  
 11 Examination by MR SAAD  
 12 MR SAAD: Your name, please?  
 13 **A. Danny Sullivan.**  
 14 Q. You were the chair of the National Catholic Safeguarding  
 15 Commission, the NCSC, were you not, from March 2012  
 16 to July 2015?  
 17 **A. Yes.**  
 18 Q. In terms of your background, you had a career in  
 19 education as a teacher, a head teacher, a schools  
 20 advisor and Director of Education; is that right?  
 21 **A. That's correct.**  
 22 Q. Before you took up the role of chair of the NCSC, you  
 23 were aware of the church's safeguarding structure from  
 24 your attendance at your local parish and, indeed, your  
 25 wife was a volunteer safeguarding coordinator at

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1 these reflected the position as you took over the  
 2 commission?  
 3 In the "Strengths" box, first of all -- I won't go  
 4 through each bullet point, but just a few of them:  
 5 "Independent professionals at every level."  
 6 Would you agree with that?  
 7 **A. I think safeguarding coordinators, if that's referring**  
 8 **to safeguarding coordinators, had a range of**  
 9 **backgrounds. Sorry, I'm not quite sure what -- when**  
 10 **I got my bundle, I think this was the first time I'd**  
 11 **seen this.**  
 12 Q. Yes, this isn't a document that you had anything to do  
 13 with putting together, but what I'm asking is whether or  
 14 not this is something that you agreed or disagreed with,  
 15 as you took over from the NCSC?  
 16 **A. I think, when I took over, I was learning about the**  
 17 **structures and the setups which, in a national sense,**  
 18 **I wasn't aware of. I had a very good briefing with**  
 19 **Sister Jane Bertelson, who was the vice-chair, but it**  
 20 **was only as I continued as chair that I became aware of**  
 21 **what the structures were across dioceses and what some**  
 22 **of the issues might be.**  
 23 Q. Halfway down the same box, a strength is identified as  
 24 "CSAS as part of the church structure". Would you agree  
 25 with that?

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1 a parish; is that right?  
 2 **A. That's correct.**  
 3 Q. You saw an advert for the role in the Catholic journal,  
 4 The Tablet, and you were interviewed by two vice-chairs  
 5 of the commission, a general secretary of the Bishops'  
 6 Conference and a representative of the Conference of  
 7 the Religious, the CoR; is that right?  
 8 **A. Yes.**  
 9 Q. You were offered the role, having had that interview,  
 10 subject to it being ratified by the President of  
 11 the Bishops' Conference and President of the Conference  
 12 of Religious; is that right?  
 13 **A. Yes.**  
 14 Q. The first meeting that you attended was in March 2012.  
 15 I want to take you first, please, to a document, it's  
 16 CHC001741\_003. We will bring it up on screen,  
 17 Mr Sullivan. To be clear about what this document is,  
 18 it's from an NCSC strategy day which took place on  
 19 4 November 2011, so before your tenure. But what we see  
 20 at the bottom of that document, if we could magnify the  
 21 SWOT analysis, is what was recorded in a discussion  
 22 about what those who attended the meeting determined to  
 23 be the strengths, weaknesses, opportunities and threats  
 24 of the commission, and what I wanted to ask you, given  
 25 this was months before you started, is whether any of

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1 **A. I think, if that reflects the church taking seriously**  
 2 **safeguarding, then I would.**  
 3 Q. Further down, it says, "Sign up to the 'One Church'  
 4 approach". Did you feel, when you started at the NCSC,  
 5 that there was a sign-up to the "One Church" approach?  
 6 **A. No, and I made that clear in my statement.**  
 7 Q. We will come on to that in more detail later.  
 8 Indeed, on that point, if one looks at the "Threats"  
 9 box in the bottom right, the second bullet point down  
 10 is:  
 11 "Lack of 'One Church' and embedded culture of  
 12 safeguarding."  
 13 Does that reflect more closely your view of the  
 14 situation?  
 15 **A. I think that's fair comment.**  
 16 Q. Just dealing with weaknesses, the second bullet point  
 17 down -- well, the second hyphen above the top bullet  
 18 point, "Lack of sanction". It's right to say that if  
 19 someone were to not follow an NCSC or CSAS policy, there  
 20 was no sanction, there was no way of enforcing that; is  
 21 that right?  
 22 **A. I think it would depend who it was. I think if there**  
 23 **was an issue about competence of a safeguarding**  
 24 **coordinator, I think that would be dealt with through**  
 25 **the director of CSAS.**

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1 Q. How?

2 **A. I would imagine that they would make clear that there**

3 **was – if they weren't competent, that there would be**

4 **threats, vulnerability to victims and survivors.**

5 **I would see that more in terms of bishops and religious**

6 **leaders.**

7 Q. "Failure of bishops and CoR to grasp the importance of

8 this subject". Would you agree or disagree with that?

9 **A. Yes. I think, while guidelines and protocols might be**

10 **agreed by Conference of Bishops as a body, how**

11 **individual bishops and leaders of religious orders then**

12 **implemented or followed them was another matter.**

13 Q. The bottom bullet point says "Fear". I know that isn't

14 your word, obviously, but was the word "fear" something

15 you detected when you started, or even during your

16 tenure at all?

17 **A. I think, within the church, there are still people who**

18 **have a fear of challenging authority because of the**

19 **power authority can have.**

20 Q. Who is it that has the fear?

21 **A. Perhaps people who want to challenge a religious leader**

22 **or a bishop. They might fear to do that because they**

23 **have significant power. I'm not making that as**

24 **a general statement about all bishops and all religious**

25 **leaders. I think it goes back to an understanding of**

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1 Q. There was a chart monitoring the progress of each of

2 those?

3 **A. There is nothing on my screen at the moment. I don't**

4 **know if I'm meant to be reading something.**

5 Q. No, no, I'm just referring you to parts of your witness

6 statement. If it is easier for you to have the document

7 in front of you --

8 **A. No, that's okay.**

9 Q. If I would like to take you to a document, I will

10 signpost that for you.

11 A lay member of the NCSC that joined after your

12 tenure has said that, from his perspective, he saw no

13 systematic approach to monitoring the implementation of

14 Cumberlege. Do you feel, during your tenure, that there

15 was?

16 **A. I can certainly recall annually being presented by the**

17 **director of CSAS with the recommendations and progress**

18 **on them and discussion around them, which is why that**

19 **triggered when I was asked about that. I did have**

20 **a view, whether it's relevant or not, that for a report**

21 **to have something like -- I can't remember --**

22 **76 recommendations, was not helpful. I thought any**

23 **good, effective, robust report would narrow down to**

24 **a core of recommendations that you really could then**

25 **take on board, but all 76 seemed to be on a par with**

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1 **the history and tradition of the Catholic Church, and**

2 **I think that's relevant in relation to abuse. I think**

3 **much abuse happened because children didn't know how to**

4 **question a priest, if the priest was an abuser. They**

5 **wouldn't know how to tell their parents because of fear,**

6 **because a priest would be on a pedestal, a figure of**

7 **authority, a figure of power. So I think that's where**

8 **fear may come from.**

9 Q. Finally, under the "Threats" heading, it says:

10 "NCSC irrelevant."

11 Was there a feeling when you began at the NCSC that

12 you were irrelevant?

13 **A. I never heard that. I think there was certainly**

14 **a discussion about whether we were heard and whether we**

15 **had any real authority or power.**

16 Q. Moving away from that document now, I am going to turn

17 to paragraph 5 of your statement, Mr Sullivan, which is

18 on the first page of it, and deal with implementing the

19 Cumberlege recommendations and developing future

20 strategy.

21 You say that during your tenure, you carried on the

22 practice of the commission to be led each year in

23 a review of the implementation of Cumberlege by the then

24 director of CSAS, Adrian Child; is that right?

25 **A. Yes.**

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1 **each other.**

2 Q. In meetings with the director of CSAS, Mr Child, he

3 would outline progress and challenges to you and the

4 board would discuss those points, where appropriate.

5 You say the key point and strategic aim of the NCSC was

6 the "One Church" approach; is that right?

7 **A. I think that was certainly a key priority.**

8 Q. The review that you were undertaking, and I'm looking

9 now at the bottom of paragraph 5 in your witness

10 statement, you say that a key aspect was the commitment

11 to recommendation from the Cumberlege Report to a "One

12 Church" approach to safeguarding and the challenges that

13 presented. This became a significant core strategic aim

14 for the commission to be implemented by the director of

15 CSAS and his team. The review of the Cumberlege

16 recommendations, you say, reflected the disconnect at

17 times, between having national guidelines and protocols

18 approved by all the bishops and religious leaders, and

19 the actual implementation by each individual bishop or

20 religious leader.

21 You cite an example there of one bishop,

22 Crispian Hollis, the then Bishop of Portsmouth. When

23 met by resistance from some clergy who did not see the

24 need to go on residential safeguarding training, he made

25 clear that he would remove their faculties as priests if

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1 they did not attend, whereas the bishops in Wales would  
 2 not co-operate with the programme as it stood, saying  
 3 they could not release clergy for the three days  
 4 required. Is that right?  
 5 **A. That's correct.**  
 6 Q. So in relation to that one topic, there were different  
 7 reactions to it between one part of the church and the  
 8 other?  
 9 **A. Yes. I mean, I can remember being at a meeting of the**  
 10 **bishops when they gathered in conference, and one bishop**  
 11 **asking what could be done about clergy who would not go**  
 12 **on the training, and Bishop Crispian Hollis actually**  
 13 **standing up and saying, "You should do what I do.**  
 14 **I told clergy who wouldn't go on the training that**  
 15 **I would remove their faculties. That's what you should**  
 16 **do".**  
 17 Q. So because there was a difference in attitude about one  
 18 topic, there was a discussion amongst the Bishops'  
 19 Conference, was there, about what to do about that, and  
 20 the Bishop of Portsmouth said, well, effectively, he  
 21 would impose a sanction on clergy within his diocese,  
 22 should they not attend the training?  
 23 **A. Yes.**  
 24 Q. Whereas other bishops did not take the same course?  
 25 **A. Not as far as I'm aware.**

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1 **maybe choose an area of performance and actually look at**  
 2 **it across a range of dioceses, or if there were**  
 3 **particular issues in particular audits, for them to go**  
 4 **and have a second external objective view of the matter.**  
 5 Q. Why is it that you were looking at external avenues  
 6 rather than asking CSAS to do that, for example?  
 7 **A. Because I think the objectivity that you would get from**  
 8 **an external secular authority; I also thought if we did**  
 9 **that, then audits should be published. There was**  
 10 **a resistance to having the results of audits published.**  
 11 Q. By whom?  
 12 **A. By dioceses, by bishops, they didn't want it in the**  
 13 **public domain.**  
 14 Q. Why not?  
 15 **A. You would need to ask them. I assume that they wanted**  
 16 **to handle it internally and sort it out. But I think if**  
 17 **it's public, then you're publicly called to account.**  
 18 **I think it was interesting that all Catholic schools**  
 19 **were subject to public scrutiny by Ofsted, which is**  
 20 **a secular body, and had to follow its recommendations.**  
 21 **So it wasn't as if that was a suggestion of something**  
 22 **that was terribly radical and different.**  
 23 Q. Was it seen by some as radical and different?  
 24 **A. I think one of the challenges and tensions has always**  
 25 **been that, once you return to a diocese, the bishop --**

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1 Q. You say that the director of CSAS would present  
 2 a programme for the following year to the board, which  
 3 you would discuss and approve as the NCSC, and at each  
 4 meeting, the director, Mr Child, would give a progress  
 5 report on his work; is that right?  
 6 **A. Yes, and he did that in a traffic light system. He was**  
 7 **very efficient. So green for proceeding, progressing;**  
 8 **amber, not quite there; red, not followed through, and**  
 9 **then would give a reason, perhaps, why not followed**  
 10 **through.**  
 11 Q. There was a lack of progress on some of the action  
 12 plans; is that right?  
 13 **A. Yes.**  
 14 Q. That was of some concern to you and the NCSC as a whole?  
 15 **A. Yes.**  
 16 Q. You commissioned a former Director of Education to  
 17 review the auditing work of CSAS. Is that right?  
 18 **A. Yes.**  
 19 Q. You also sought to explore with the NSPCC ways in which  
 20 it could externally monitor your auditing, but that was  
 21 something that was an initiative that was being looked  
 22 into towards the end of your tenure, would that be --  
 23 **A. It wasn't -- with the NSPCC, it wasn't to monitor. We**  
 24 **were actually exploring whether they might carry out**  
 25 **thematic audits and across a number of dioceses, and**

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1 **it's how the bishop then sees how he carries out**  
 2 **policies and practices within his diocese. The bishop,**  
 3 **ultimately, is only accountable to the Pope.**  
 4 Q. I want to move on to the relationship between CSAS,  
 5 NCSC, and the two conferences, the Bishops' Conference  
 6 and the Conference of Religious. You met regularly with  
 7 the General Secretary of the Bishops' Conference; is  
 8 that right?  
 9 **A. Yes. And most of my time in particular with**  
 10 **Bishop Marcus Stock, who was then the general secretary.**  
 11 Q. You met him with the director of CSAS to review  
 12 progress, discuss any issues?  
 13 **A. Yes.**  
 14 Q. How often did you meet?  
 15 **A. I can't actually remember, but it was fairly regularly,**  
 16 **I would think. It would at least be once every two**  
 17 **months, I would think, and we could meet at short notice**  
 18 **if there was a particular issue, and certainly**  
 19 **Father Marcus was very open to that, very amenable.**  
 20 Q. If there was an issue that needed to be dealt with  
 21 quickly --  
 22 **A. Very easily.**  
 23 Q. -- you felt able to meet with him at short notice?  
 24 **A. If there was an issue arising for him that he thought he**  
 25 **needed to speak to me, or me and Adrian, he would get in**

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1 **touch with us straight away.**  
 2 Q. The bishops met residentially twice a year, and you  
 3 would attend that, would you?  
 4 **A. Yes, usually with Adrian Child, the director of CSAS.**  
 5 Q. You would give the bishops an update on the commission's  
 6 work. You say the Papal Nuncio also attended those  
 7 meetings; is that correct?  
 8 **A. Yes. As far as I can remember, at that time, it was**  
 9 **Archbishop Mennini. He was always present as a silent**  
 10 **observer when we did update on safeguarding matters.**  
 11 Q. That was going to be my next question, what his role  
 12 was, what his contributions were?  
 13 **A. I think he was there as the Papal Nuncio. Therefore, he**  
 14 **had responsibility for all the bishops in England and**  
 15 **Wales, so he would attend the conference -- maybe not**  
 16 **the whole conference, but he would be a presence.**  
 17 **I just found it interesting and welcome that he sat in**  
 18 **on that session.**  
 19 Q. But did you say silent observer?  
 20 **A. Yes, he didn't --**  
 21 Q. So not contributing --  
 22 **A. As far as I can remember, he didn't intervene and speak**  
 23 **in any of those sessions where I was present.**  
 24 Q. One or two members of the commission were represented on  
 25 the Conference of Religious, weren't they?

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1 **A. No objection.**  
 2 Q. No objection at all?  
 3 **A. No.**  
 4 Q. Looking at paragraph 22 of your statement, which is on  
 5 page 5, you say:  
 6 "Whilst the church deserves some credit for finally  
 7 confronting the scandal of abuse, it would be mistaken  
 8 to think that from the outset everything was unanimous."  
 9 You mean from the outset of your tenure?  
 10 **A. I think from the outset --**  
 11 Q. Full stop?  
 12 **A. -- of Nolan and Cumberlege.**  
 13 Q. "There were those, and I believe there are still those,  
 14 who resented what they saw as the loss of local identity  
 15 and autonomy in having to follow national procedures,  
 16 guidelines and protocols."  
 17 Firstly, what was it that was being resented?  
 18 **A. Their perception of a loss of autonomy of the diocese.**  
 19 **The diocese -- dioceses were perfectly capable of**  
 20 **managing safeguarding themselves and didn't need**  
 21 **national structure and national setup. That was made**  
 22 **clear to me by Sister Jane in my briefing before I took**  
 23 **up my role as chair, that there was still resistance**  
 24 **from some people and there were still people who**  
 25 **resented not having diocesan autonomy.**

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1 **A. Yes.**  
 2 Q. So you had lines of communication with the CoR through  
 3 that. Then you joined the NCSC, there were two  
 4 vice-chairs, a bishop and a religious, and you  
 5 introduced a third chair, didn't you?  
 6 **A. Yes.**  
 7 Q. What was the purpose of that?  
 8 **A. Well, the -- my understanding of Cumberlege was that the**  
 9 **chair of the commission always had to be a layperson,**  
 10 **not a bishop, and not a member of a religious order, and**  
 11 **my predecessor as chair was Baroness Scotland, and after**  
 12 **she left, there was a hiatus before my appointment,**  
 13 **I think of about six months, and during that time the**  
 14 **two vice-chairs would be referred to for any issues in**  
 15 **relation to safeguarding -- Bishop Declan Lang and**  
 16 **Sister Jane Bertelson -- which they did very**  
 17 **competently, as far as I'm aware. But my feeling was**  
 18 **that the lay voice should be there consistently; that if**  
 19 **the chair was run over by a bus and somebody had to**  
 20 **speak, then it should still be the lay representative of**  
 21 **the commission in the role of chair, so the commission**  
 22 **very happily supported -- I referred it to the President**  
 23 **of the Bishops' Conference and the Conference of**  
 24 **Religious as a matter of courtesy.**  
 25 Q. What was the reaction?

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1 Q. How prevalent was that, are you able to say?  
 2 **A. It's hard to gauge because people don't always make you**  
 3 **aware of their position. They might simply, without**  
 4 **your awareness, work against you.**  
 5 Q. The next topic is ensuring the "One Church" approach.  
 6 You say that was the most significant challenge during  
 7 your tenure. My question was going to be, why, but is  
 8 that the answer, the one you have just given?  
 9 **A. Well, yes. I think I used the words in my statement**  
 10 **"labyrinthian structures of the church". You know, the**  
 11 **church is labyrinthian in its structures and people who**  
 12 **have been part of the church all their lives, if they**  
 13 **still have difficulty getting around the labyrinthian**  
 14 **structures, can you imagine what it is like for somebody**  
 15 **coming forward with an allegation of abuse?**  
 16 Q. You say -- I'm looking now at paragraph 8 in your  
 17 statement -- there was a difficulty in getting  
 18 safeguarding structures in place across the varied  
 19 religious congregations, and it was Adrian Child that  
 20 led the charge on that. How did he do that?  
 21 **A. I think he -- because it was a strategy of**  
 22 **the commission and the commission was strategic, it was**  
 23 **Adrian's responsibility to try and put that into**  
 24 **practice, and he worked consistently with members of the**  
 25 **Conference of Religious, met with them regularly, where**

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1 **they thrashed out and ironed out a way forward.**  
 2 Q. Did it come down to this, that he suggested that either  
 3 the religious orders could become part of the diocesan  
 4 safeguarding structure and make a financial contribution  
 5 to the work of that safeguarding office, or any  
 6 religious order wishing to retain its own safeguarding  
 7 structure would agree to follow all of the national  
 8 structures and guidelines and protocols and to agree to  
 9 be part of the auditing process?  
 10 **A. Yes. I mean, I think two comments about that. I think**  
 11 **the first part was a justice issue, because the reality**  
 12 **before the recommendations for a "One Church" approach**  
 13 **was that if religious orders were struggling with the**  
 14 **safeguarding issue, they would go to the diocese and**  
 15 **look for, and hope for, support and help, which no**  
 16 **diocese would refuse. But that was taking up diocesan**  
 17 **safeguarding coordinator time and resource. So the**  
 18 **justice issue was that it should be paid for, and**  
 19 **I think that was fair, but also, there was the wider and**  
 20 **more important theological issue that the church should**  
 21 **speak with one voice about safeguarding.**  
 22 **The latter point was that some religious orders, and**  
 23 **I would perhaps refer to the Jesuits, had very good**  
 24 **commission setup and structure and, actually, if they**  
 25 **wanted to continue with that, why not, as long as they**

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1 **I would do.**  
 2 Q. The following day, it was passed?  
 3 **A. Mmm.**  
 4 Q. Do you feel that the idea that blocking it would be  
 5 given to the press, the idea of that, do you think that  
 6 had any -- do you think that helped you get the proposal  
 7 through?  
 8 **A. I have no idea.**  
 9 Q. But you also say, in fairness to Mr Child, he was  
 10 instrumental in getting this through and it was as  
 11 a result of a lot of the work that he'd done?  
 12 **A. Yes.**  
 13 Q. You do say, though, that this -- what could not change  
 14 is how Rome handled allegations separately from the  
 15 clergy and members of the religious orders, and you  
 16 believe that this allowed some orders to behave  
 17 uncooperatively as they are not under the authority of  
 18 the local bishop; is that right?  
 19 **A. Yes. I think things improved some -- a bit. I think,**  
 20 **in the past, perhaps, before my time as chair, it wasn't**  
 21 **unusual, if there was an abuse case in the public, and**  
 22 **it was to do with a religious order, that a bishop might**  
 23 **say that he couldn't comment because it was a matter for**  
 24 **the religious order. I think "One Church" wanted to**  
 25 **drive a coach and horses through that. You know, abuse**

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1 **were subject to audit and committed to the national**  
 2 **structures and guidelines.**  
 3 Q. That formula, if you like, you say was difficult to  
 4 achieve, and you say that the day before that approach  
 5 was to be ratified, you had heard that some members of  
 6 the CoR were determined to prevent it from taking place.  
 7 Is that right?  
 8 **A. Yes. Yes, I was informed the day before that --**  
 9 Q. By whom, sorry?  
 10 **A. A representative -- I can't remember the individual, but**  
 11 **by a representative of the religious orders that they**  
 12 **would put a block on it.**  
 13 Q. Did you have any understanding of the rationale behind  
 14 that, beyond what's already been said of loss of  
 15 autonomy?  
 16 **A. Simply they didn't want it. Some people still didn't**  
 17 **want it and, therefore, they would block it. And my**  
 18 **response simply was to say, "Well, if they block it,**  
 19 **I hope they're comfortable with the fact that I will**  
 20 **immediately issue a press statement and say why it's**  
 21 **been blocked and who has blocked it".**  
 22 Q. That was a, may I call it a threat that you gave  
 23 directly back to the person that told you this was going  
 24 to be blocked?  
 25 **A. I think it was a simple statement of fact of what**

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1 **is abuse is abuse, and to kind of try and say, "Well,**  
 2 **I can't comment on that because that's to do with**  
 3 **a religious order", is not actually acceptable.**  
 4 Q. Now, you also say that when the church would not meet  
 5 victims and survivors, they cited advice from their  
 6 insurance lawyers?  
 7 **A. Or their lawyers.**  
 8 Q. And advised that a meeting may imply accountability, and  
 9 they must protect the assets of the diocese or the  
 10 religious order. How often did you hear that?  
 11 **A. I heard that on quite a number of occasions, and I heard**  
 12 **bishops discuss it openly, about the tension they felt**  
 13 **between being pastoral and then being given legal advice**  
 14 **about how they should behave, and which one should be**  
 15 **the more important. I obviously thought pastoral.**  
 16 Q. What was the priority that you felt the church had?  
 17 **A. Well, I think there's obviously examples where bishops**  
 18 **and leaders of the religious orders took legal advice**  
 19 **and, therefore, wouldn't meet with victims and wouldn't**  
 20 **engage with them, wouldn't hear their stories.**  
 21 Q. Could I take you, please, to a document we will have put  
 22 on screen, CSA005835\_007. Now, these are minutes from  
 23 a national safeguarding meeting -- not one that you  
 24 attended, but it is chaired, is it not, by the director  
 25 of CSAS and attended also by all of the safeguarding

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1 coordinators in England and Wales. I just wanted to ask  
 2 you about the final bullet point in item 15, and so this  
 3 is a summary, really, of views expressed by safeguarding  
 4 coordinators during your tenure in February 2014. It  
 5 says:  
 6 "Trustees can often be led more by financial matters  
 7 than safeguarding issues, which is difficult for the  
 8 safeguarding coordinator."  
 9 Did you feel, from your time, that this was  
 10 a problem felt by safeguarding coordinators?  
 11 **A. Yes, yes, because I think safeguarding coordinators are**  
 12 **sometimes the first port of call for the survivor or for**  
 13 **the victim and, therefore, they are very aware of the**  
 14 **impact of abuse on the individual, and then you've got**  
 15 **trustees who are maybe being advised about legal**  
 16 **implications.**  
 17 **Adrian Child had a very interesting view, in terms**  
 18 **of trustees being responsible for a charity, in terms of**  
 19 **the diocese, and that, actually, as a charity, the**  
 20 **diocese was responsible for using its resources on**  
 21 **behalf of the people, for the benefit of the people**  
 22 **within the diocese, and I think Adrian's view was: well,**  
 23 **who would be more in need of that benefit than survivors**  
 24 **and victims of abuse?**  
 25 Q. What was your view?

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1 **in a sense. I was fortunate in working with**  
 2 **Father Marcus Stock as general secretary, because he was**  
 3 **open, transparent and always wanting to do his best in**  
 4 **supporting safeguarding.**  
 5 **Some people might think that was because I knew him**  
 6 **in an earlier life. When I was Director of Education**  
 7 **for the Anglican Bishop of Oxford, he was Director of**  
 8 **Education for the Archbishop of Birmingham. In that**  
 9 **life, we actually had a major issue between the two**  
 10 **dioceses, where we thoroughly disagreed, so it was very**  
 11 **interesting to work with somebody that you've thoroughly**  
 12 **disagreed with in the past and campaigned against in the**  
 13 **past. He couldn't have been more supportive.**  
 14 **But it shouldn't be down to the support of**  
 15 **individuals, and I think that's why I came to the**  
 16 **conclusion at the end of my statement which I did.**  
 17 Q. We will come on to that in a moment.  
 18 But you make the point, if CSAS had more personnel,  
 19 more auditing could have been done. The funding for  
 20 safeguarding, in your view, reflected the church's  
 21 approach of dealing with the problem. It was more  
 22 dealing with a problem and addressing an issue, you  
 23 felt, rather than a profound understanding of the  
 24 experience of victims and survivors; is that right?  
 25 **A. I think that's a very good reading. When I went to my**

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1 **A. I think he was right. You know, that's -- I think that**  
 2 **was always a very good point.**  
 3 Q. Moving on to the next topic, which is resources, at your  
 4 interview for the role -- I'm looking at paragraph 12 of  
 5 your witness statement -- you expressed disappointment  
 6 that the role was one day a week and was voluntary. At  
 7 the interview, Bishop Marcus Stock, who you have  
 8 referred to already, then the General Secretary of the  
 9 Bishops' Conference, said he would explore that issue,  
 10 and indeed he found the finances for the role to be  
 11 remunerated, and obviously the view that you expressed  
 12 in the interview didn't prevent your appointment.  
 13 Resourcing of the CSAS team, you say, always needs  
 14 monitoring. They were employees of the trustees of  
 15 bishops. So it's they that determine the pay and  
 16 conditions of CSAS. What's your view about that?  
 17 Should NCSC have more of a role in determining what  
 18 resources CSAS has?  
 19 **A. Yes. I mean, in some ways, I suppose, at the end of the**  
 20 **day, I always felt CSAS should be resourced by the**  
 21 **church for its work, because it's significant and the**  
 22 **most important work that the church does. But,**  
 23 **actually, they should equally be independent, and you**  
 24 **can monitor independent bodies in any way that you want**  
 25 **to monitor them. Because -- it was a kind of mismatch,**

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1 **first Bishops' Conference meeting, residential meeting,**  
 2 **after my appointment, which would have been after Easter**  
 3 **2012, I remember saying -- one of the things I said was,**  
 4 **"If you are looking for me, as chair of the NCSC, to**  
 5 **resolve the issue of safeguarding, then you'll be very**  
 6 **disappointed, because it's not an issue; it's something**  
 7 **that's always going to be with us", and I think my view**  
 8 **is that some people saw it -- some bishops saw it, and**  
 9 **religious leaders saw it, as an issue.**  
 10 Q. To be dealt with and then to move on thereafter?  
 11 **A. An irritating issue that wouldn't go away.**  
 12 Q. How prevalent was that feeling, that this was an  
 13 irritation?  
 14 **A. I wouldn't say widely prevalent, but it was still there.**  
 15 Q. Some bishops commented to you that they would like to  
 16 spend more on safeguarding, but there were other areas  
 17 that needed resources as well, and so it was difficult  
 18 to --  
 19 **A. Yes.**  
 20 Q. -- devote what they wanted to?  
 21 **A. That was a bishop who was very committed to**  
 22 **safeguarding, but also talked about, "Well, we have got**  
 23 **other pressures and demands as well".**  
 24 Q. What could your response be to a comment like that?  
 25 **A. "There could be no bigger priority than victims and**

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1 survivors who have been criminally abused".  
 2 Q. To which the response was?  
 3 A. Silence.  
 4 Q. At times, you felt that the church's priority was still  
 5 its reputation?  
 6 A. Yes.  
 7 Q. You say "at times". Was that a regular feeling, an  
 8 irregular feeling?  
 9 A. It would vary. It would vary.  
 10 Q. Can I ask you, did you have any oversight over the  
 11 budgets that individual parts of the church were  
 12 devoting to safeguarding?  
 13 A. No.  
 14 Q. So you would have no -- you wouldn't be given  
 15 information that the Archdiocese of Birmingham, for  
 16 example, halved its safeguarding spend in a year?  
 17 A. No.  
 18 Q. Do you think you should have more of an oversight?  
 19 A. CSAS would be given their budget, like other parts of  
 20 the church that worked in family, or whatever, but, you  
 21 know, Adrian might say what he needed and then he'd be  
 22 given a budget. The PA I had, Rose Anderson, who had  
 23 a long history of working with the commission, was great  
 24 for insight in narrative and history of the commission,  
 25 and she handled the budget for the commission and she

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1 accepted.  
 2 Q. Why not? If the problem was resources and you could  
 3 help with that?  
 4 A. You would need to ask the Bishop of Menavia.  
 5 Q. Dealing with resources for the NCSC, again, you felt the  
 6 need for some independent media support because, up to  
 7 that point, the media support you had had was via the --  
 8 was the Bishops' Media Office, and that was something  
 9 you relayed to Bishop Marcus Stock and he found the  
 10 resources for that for the three years; is that right?  
 11 A. That's right. That was because the first time I was  
 12 asked to make a statement, at the time I was doing some  
 13 consultancy work for the Department of Education, and  
 14 I got a phone call from the Bishops' Media Office saying  
 15 there was going to be something in the news about  
 16 potentially a public inquiry into abuse and did I want  
 17 to make a statement about it, they'd like me to make  
 18 a statement about it. So I very quickly made  
 19 a statement and sent it off and got a reply by email  
 20 saying, "Your statement is fine. Here is what we are  
 21 going to put out", and they had removed my last  
 22 sentence, where I said, "The Catholic Church  
 23 unreservedly apologises to all victims and survivors of  
 24 abuse".  
 25 Q. Sorry, who did?

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1 would put in what she thought was needed.  
 2 Q. Do you think, to have a better feel for how the strategy  
 3 the NCSC is seeking to implement, for you to have that  
 4 better feel, you would need to know information like  
 5 budget spend per parts of the church?  
 6 A. I think if you even knew that, I don't know what -- you  
 7 might have some influence by saying, "I would like you  
 8 to spend more on safeguarding", but, again, the autonomy  
 9 of the archbishop or the bishop or the religious leader  
 10 to side with the financial director and what the  
 11 priorities of the diocese were, I would assume they  
 12 would see that as their priority. But you could lend  
 13 a critical voice.  
 14 I mean, I made reference to the fact that the  
 15 Bishop of Menavia appointed a coordinator who did not  
 16 meet the national requirements for a safeguarding  
 17 coordinator. Now, I was conscious that the Diocese of  
 18 Menavia is a poor diocese financially. For example, as  
 19 far as I know, it's supported by other dioceses if it  
 20 has any students for the priesthood. I can remember in  
 21 that conversation with the bishop about appointing  
 22 somebody who I regarded as inappropriate for the post,  
 23 or his background inappropriate for the post, that if  
 24 the issue was finance, then maybe I could explore ways  
 25 of supporting the diocese, and the offer wasn't

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1 A. The media office. They removed that last sentence where  
 2 I said the Catholic Church apologises unreservedly, and  
 3 I rang them then and said, "Why have you removed the  
 4 last sentence?", and the media person said, "The church  
 5 has already apologised for abuse", and I said, "Well, if  
 6 you don't reinstate the sentence, you can't put the  
 7 statement out. I will make my own statement".  
 8 Q. This is a dialogue between you and the media office?  
 9 A. Mmm. So the sentence was reinstated.  
 10 Q. It was reinstated?  
 11 A. Mmm.  
 12 Q. And it was ultimately published?  
 13 A. Yes.  
 14 Q. But that was an occasion that caused you to think,  
 15 "I need some independent" --  
 16 A. That reinforced my feeling that the media office were  
 17 accountable to the Bishops' Conference. If I was going  
 18 to make a public statement critical of a bishop or  
 19 a religious leader, I could be putting them in  
 20 a difficult position, and Marcus was very understanding  
 21 about that and very helpful.  
 22 Q. Dealing now with the topic of the NCSC's independence,  
 23 the director of CSAS was technically line managed by the  
 24 General Secretary of the Bishops' Conference; is that  
 25 right?

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1 **A. Yes.**  
 2 Q. You inherited a system in which you would share  
 3 oversight of the director of CSAS with the general  
 4 secretary. Is that also right?  
 5 **A. With Marcus, yes. And Marcus was very collaborative,**  
 6 **very open, very supportive.**  
 7 Q. It was the NCSC that gave the strategic direction to  
 8 CSAS?  
 9 **A. Yes.**  
 10 Q. But your view is, to be truly independent, CSAS and the  
 11 NCSC -- you have already touched upon this -- should be  
 12 funded by the church, but for it not to have any  
 13 oversight from the Bishops' Conference or the Conference  
 14 of Religious; is that right?  
 15 **A. Yes.**  
 16 Q. So the structure of NCSC and CSAS you don't take issue  
 17 with, but it's -- it's there shouldn't be the oversight  
 18 that there is of the conferences; is that right?  
 19 **A. I think it's -- for its accountability and**  
 20 **responsibility, it's healthy for the church to have**  
 21 **a safeguarding structure nationally and locally.**  
 22 **I think the oversight of it -- and I think it should be**  
 23 **funded appropriately and properly by the Bishops'**  
 24 **Conference and the Conference of Religious. I think**  
 25 **oversight externally would be much more healthy, because**

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1 **been made before Archbishop Nichols was Archbishop of**  
 2 **Westminster against [redacted].**  
 3 MR SAAD: Can we stop the feed there, please? I will ask,  
 4 chair, if you make a restriction order in relation to  
 5 that, and we will start the feed again.  
 6 In relation to the restriction order, I will pause  
 7 that application. It may be made in due course, but  
 8 there may be further discussions before the application  
 9 is formally made. But we ask that the feed is stopped.  
 10 Can I deal with the issue in this way: you became  
 11 aware of an issue in which the Archbishop of Westminster  
 12 refused to meet a victim. He refused to do so. What  
 13 were you able to do about that -- firstly, what was your  
 14 view as to the refusal? Was it the right thing to do or  
 15 the wrong thing to do?  
 16 **A. It was the wrong thing to do.**  
 17 Q. How did you plan to deal with the issue at that point?  
 18 **A. I said, if he wasn't willing to meet with the --**  
 19 Q. Victim?  
 20 **A. -- victim, then, at the very least, he could write to**  
 21 **her. I indicated, if he did write to her, he should not**  
 22 **be surprised at the kind of response he might get,**  
 23 **because she really wanted to meet with him.**  
 24 **He did write to her, and he did get the response**  
 25 **that I thought he would get.**

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1 **I think, despite many opportunities, I don't think,**  
 2 **universally, the church is yet in a position to be**  
 3 **trusted with oversight completely of safeguarding.**  
 4 Q. So it should be -- the oversight should come from  
 5 a secular organisation?  
 6 **A. Yes, which reports to the bishops and the religious**  
 7 **leaders.**  
 8 Q. You also say -- I'm looking at paragraph 23 of your  
 9 statement:  
 10 "For the commission to be independent, it needed to  
 11 have real authority, yet it was powerless to enforce  
 12 compliance."  
 13 I want to deal with a number of separate instances  
 14 in which this issue arose. Firstly, you give a number  
 15 of examples in your paragraph 23, which is at the top of  
 16 page 6. The first example you give is when the  
 17 Archbishop of Westminster refused to meet a victim. Is  
 18 that Cardinal Nichols?  
 19 **A. Yes.**  
 20 Q. Just to be clear, the NCSC don't deal with individual  
 21 cases, so how is it that you became aware of this issue?  
 22 **A. Because there'd been concerns in the commission about**  
 23 **the functioning of Westminster --**  
 24 Q. Generally?  
 25 **A. -- generally. This related to an allegation which had**

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1 Q. When I asked you earlier about what would happen if  
 2 somebody wasn't complying with a particular procedure,  
 3 you said it kind of depended on the level, and if it was  
 4 a safeguarding coordinator, there may be recourse for  
 5 the NCSC. But if it's an archbishop, and an archbishop  
 6 refuses to do something you would like the archbishop to  
 7 do, that's the end of it, is it? There's no coming back  
 8 from that?  
 9 **A. Well, I suppose, technically, I could have come to the**  
 10 **Papal Nuncio. I don't know where it would have gone.**  
 11 **It would have been lost in the labyrinth, I would**  
 12 **suspect.**  
 13 Q. You had a similar issue with the Bishop of Shrewsbury,  
 14 who refused to meet the mother of a victim. And you  
 15 have also -- you have already touched on this, actually,  
 16 the Bishop of Menavia said that he would ignore national  
 17 procedures for the appointment of the diocesan  
 18 safeguarding coordinator. So you relayed to him your  
 19 concern about the qualifications of the person that  
 20 you'd appointed and the qualifications didn't meet the  
 21 standards. Was that your view?  
 22 **A. Yes. Yes, the only experience of safeguarding that the**  
 23 **coordinator for Menavia had was that he provided rest**  
 24 **for a family who had a seriously disabled child and**  
 25 **therefore had to go through safeguarding checks. That**

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<p>1 does not qualify you to be a safeguarding coordinator.                  2 I think, in terms of the bishop who wouldn't meet the                  3 mother of the teenage child, I found that particularly                  4 sad, that a teenager who had been groomed by his parish                  5 priest and then abused by him, that a bishop could not                  6 bring himself to meet with his mother.</p> <p>7 Q. We will come on to now another example that you cite                  8 from the provincial leader of the Comboni Order, but you                  9 cite that the examples mentioned are of a wider malaise,                  10 you say, within the church and the inability of the                  11 church to trust lay people with authority. How does                  12 this inability impact on safeguarding and the protection                  13 of children from abuse, in your view?</p> <p>14 A. I think, if you have no independent authority, if you                  15 can only point out -- if you can only make clear what                  16 somebody should do, which maybe in the wider secular                  17 world it might be fairly obvious that that's what you                  18 should do, then you're quite impotent. Therefore, you                  19 leave victims and survivors still wondering about what                  20 had happened to them and why nobody would hear them,                  21 really, and would not sit down with them and apologise                  22 for what happened to them.</p> <p>23 I think, as I said, some survivors and victims                  24 regard a bishop or religious leader not being willing to                  25 meet with them face to face and refusing point blank to</p> <p style="text-align: center;">Page 33</p>	<p>1 do it, they regard it as -- they use the phrase                  2 "secondary abuse", because it's yet another case of not                  3 being heard, not being listened to, and the Comboni                  4 survivors and victims in particular have been all over                  5 the labyrinthian structures of the church, and been                  6 consistently ignored.</p> <p>7 Q. Can I have on screen, please, INQ004675. This is                  8 a newspaper article that relates to this issue, and if                  9 we go, please, to page 6 first, I want to go to the                  10 bottom paragraph, please:</p> <p>11 "The statement concludes with the current head of                  12 the order in the UK, Father Martin Devenish, saying: 'We                  13 know that anyone subjected to abusive behaviour will                  14 experience suffering and we are dismayed to think such                  15 suffering may have been caused to youngsters who                  16 attended our junior seminary. If that is the case, we                  17 are deeply sorry to anyone who has been hurt in this way                  18 and our thoughts and prayers are with them!'"</p> <p>19 You took issue with the way that the apology was                  20 phrased; in particular, the qualification within it.                  21 Some correspondence flowed from that article.</p> <p>22 If we can go to that, please. In the first                  23 instance, CMO000009_001. This is a letter that you                  24 wrote to a relevant publication in response to what had                  25 been said by Father Martin Devenish. You say:</p> <p style="text-align: center;">Page 34</p>
<p>1 "The Roman Catholic Church will always be judged on                  2 how it engages with victims and survivors of abuse.                  3 Unfortunately, the account of the experience of victims                  4 in relation to the then Verona Fathers reflects a stark                  5 difference of attitude from that of Pope Francis.</p> <p>6 "I was present at the mass where Pope Francis                  7 addressed all victims and survivors of abuse in                  8 a Catholic Church setting. Where the leader of the now                  9 Comboni Missionaries indicates that if anyone (and note                  10 the qualification [it is the word 'if']) has been hurt                  11 by one of its priests, his thoughts and prayers are with                  12 them, Pope Francis identified the experience of                  13 survivors of abuse and humbly asked forgiveness. He                  14 even more profoundly begged forgiveness of those who                  15 were not believed or listened to and he praised the                  16 courage of survivors in coming forward, recognising how                  17 difficult that is in itself.</p> <p>18 "Evidence shows that paedophiles have, on average,                  19 at least four victims and often significantly more the                  20 longer they remain undetected, a profoundly painful                  21 reality that all of us in the Catholic Church need to                  22 recognise. Victims and survivors of abuse will only                  23 believe statements from the church when private practice                  24 matches public pronouncements.</p> <p>25 "Pope Francis this year, by approving the removal</p> <p style="text-align: center;">Page 35</p>	<p>1 from ministry of an archbishop accused of abuse who was                  2 a Papal Nuncio and placing him under house arrest and                  3 subject to trial in Vatican State, is making a clear                  4 statement of intent to all victims."</p> <p>5 But the article you refer to says it "shows just how                  6 far we have yet to go". Why did you feel compelled to                  7 write this letter and have it published?</p> <p>8 A. The Observer article came out at a time when                  9 Pope Francis and his predecessor even, Pope Benedict,                  10 had stated that the first thing to be done, in terms of                  11 allegations of abuse, is to meet with victims, to meet                  12 with survivors, and to listen to them, and to offer                  13 support and care in any way possible.</p> <p>14 When I read that article, I was aware of the                  15 suffering, individually and collectively, of the                  16 survivors and victims of the Comboni Order, and I think                  17 anybody with any awareness of abuse, criminal abuse,                  18 would know that the number of false allegations that                  19 come forward is insignificant in statistical terms, and                  20 that if one victim comes forward, always in your mind                  21 should be, "Where are at least the other three?",                  22 because good, longitudinal academic research shows that                  23 most paedophiles have at least four victims.</p> <p>24 So I suppose I was appalled that a religious leader                  25 could still qualify the pain and the criminal abuse of</p> <p style="text-align: center;">Page 36</p>

1 people who were children in his order, when they were at  
 2 school, and didn't follow any of the guidelines. It  
 3 said, in the first instance, you meet and you listen,  
 4 you know, which Pope Francis indicated, you know, the  
 5 courage in coming forward.  
 6 As far as I'm aware, there is a significant number  
 7 of Comboni survivors and victims. As far as I'm aware,  
 8 at least one has committed suicide. It was interesting  
 9 that the first thing Pope Francis referred to in the  
 10 experience of victims and survivors was suicide. You  
 11 know, they can't any longer live with that.  
 12 I was able to compare what the response of the  
 13 Comboni religious order was to a Canadian archbishop who  
 14 spoke at a conference in Rome, the Anglophone  
 15 conference, which is for English-speaking dioceses  
 16 across the world, it's an annual conference in Rome on  
 17 safeguarding. He was responding to an embarrassing  
 18 question from a Scottish bishop who said, "How should  
 19 I relate to victims and survivors when they come to  
 20 me?", which I thought was an interesting question in  
 21 itself from a bishop. The archbishop stood up and said,  
 22 "You meet with them and you listen to them. I had 12  
 23 victims and survivors who came forward to me separately  
 24 alleging abuse by one of my deceased priests. I decided  
 25 to meet them and offer them pastoral and financial

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1 Did you seek to speak with him before publishing the  
 2 letter?  
 3 **A. No.**  
 4 Q. Why not?  
 5 **A. I didn't think it was necessary. He'd made his position**  
 6 **clear, and I wished to challenge that position.**  
 7 Q. If you are trying to drive forward the "One Church"  
 8 approach and bring all of the parts of the church  
 9 together, was this not something that may have alienated  
 10 that part of the church from that objective?  
 11 **A. No, I think it was important to challenge a religious**  
 12 **leader who was ignoring the words of Pope Benedict, the**  
 13 **words and actions of Pope Francis, national guidelines**  
 14 **and protocols which talked about meeting with victims**  
 15 **and survivors and listening to them and offering**  
 16 **pastoral support, and I later made a reference to the**  
 17 **De La Salle Order, who had allegations going back to**  
 18 **a school in the 1950s and where they stated**  
 19 **apologetically to the survivors and victims they no**  
 20 **longer had any records from that school so they couldn't**  
 21 **follow anything through in terms of the records, but**  
 22 **they unreservedly apologised, they offered to meet with**  
 23 **them, they offered to give them pastoral and, I would**  
 24 **assume, financial support, because one of the things**  
 25 **that gets lost in statements like the Combonis made is**

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1 **support. I was advised not to by my trustees and by my**  
 2 **lawyers, so I met with them individually and offered**  
 3 **them pastoral and financial support. Eleven of them**  
 4 **said they found that helpful. One said it changed**  
 5 **nothing. But I did it. And that's what you do".**  
 6 Q. You wrote that letter which was published, and that  
 7 caused you to receive correspondence directly from  
 8 Father Martin Devenish. If we could go to  
 9 CMO000006\_001, please, written directly to you from the  
 10 Comboni Missionaries, and Father Martin Devenish.  
 11 I would like to go to the second paragraph first,  
 12 please:  
 13 "Firstly, I would like to know whether you made any  
 14 attempts to contact me before writing your letter in  
 15 response to that article? I received no messages that  
 16 you had attempted to contact me, nor did our  
 17 spokesperson quoted in the article, Miss Kathy Perrin of  
 18 CCIA. I am sure you are well aware that newspaper  
 19 articles are notoriously subjective and inaccurate and,  
 20 in view of that, I consider that it is wholly  
 21 unacceptable for you to have written publicly about this  
 22 matter without first having given me the opportunity to  
 23 address your concerns. Even the journalist had the  
 24 courtesy to contact me for a comment before going into  
 25 print."

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1 **the impact of criminal childhood abuse on the survivor**  
 2 **and victim, his family, his life, her life, the people**  
 3 **they may marry, the people they may live with, the**  
 4 **children they have, how they live their lives, and it's**  
 5 **the courage -- I mean, Pope Francis acknowledged the**  
 6 **courage it takes to come forward.**  
 7 **When the Savile affair broke, NAPAC, the charity**  
 8 **that works with adults who have been abused in**  
 9 **childhood, said their phone calls went up from 200**  
 10 **a week to 2,000, and the oldest adult who rang them was**  
 11 **85, and said, at last, she thought she could speak to**  
 12 **somebody about what happened to her.**  
 13 **So at 85, that childhood abuse was still with her.**  
 14 Q. Can I deal with the remainder of the correspondence  
 15 between you and Father Martin Devenish in this way: you  
 16 responded, reminding him of the responsibility that you  
 17 had, as chair of the NCSC, for the needs and rights of  
 18 victims of abuse. His response was that it was  
 19 difficult for him to know how to deal with press  
 20 statements like this, and he cited what he saw as a lack  
 21 of guidance from the NCSC about how to deal with it.  
 22 Would you agree that there was a lack of guidance from  
 23 the NCSC about how to deal with issues of that nature?  
 24 **A. Usually, dioceses and -- archdioceses and religious**  
 25 **orders have people who give them media advice. If**

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1 anybody had come to me, I would have been quite happy to  
 2 pass them on to the independent media advisor I had.  
 3 **But, usually, they used their own.**  
 4 Q. I have been asked to ask you, on a slightly separate  
 5 note, do you believe that Canon law acts as an inhibitor  
 6 to safeguarding in the church?  
 7 **A. I think I'd like to answer that question in a particular**  
 8 **way: I think, in the way that abuse allegations are**  
 9 **handled by the Congregation for the Doctrine of**  
 10 **the Faith in Rome, because they're handled**  
 11 **administratively and apparently in accordance with Canon**  
 12 **law, priests who have been accused can write to the**  
 13 **Congregation and get a response; a victim or survivor**  
 14 **who writes gets no response and, in fact,**  
 15 **Cardinal Mueller, who was previously the chair of that**  
 16 **Congregation, Cardinal Mueller, has said publicly it**  
 17 **wasn't his place to write to victims and survivors, the**  
 18 **local bishops could do it.**  
 19 Q. Back on to the topic of the independence NCSC and CSAS  
 20 had, I want to deal, please, with a document  
 21 CHC002020\_017-018. This is minutes of a meeting of the  
 22 board of trustees, the Catholic Trust for England and  
 23 Wales. It is right, isn't it, that during your -- at  
 24 the beginning of your tenure -- correct me if I am  
 25 wrong -- CSAS were based in an office in Birmingham; is

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1 also noted that, at present, there is a lack of clarity  
 2 about the respective roles of the NCSC and CSAS and  
 3 their relationship to CaTEW. Some people see CaTEW as  
 4 purely an 'employer of convenience' and that CSAS is  
 5 effectively an agency of NCSC, not the Bishops'  
 6 Conference. The proposal [in other words, for CSAS to  
 7 move into the building with the Trust] may help to  
 8 rectify this misunderstanding."  
 9 Was it the misunderstanding that the CSAS were an  
 10 agency of the NCSC?  
 11 **A. It's the first time I've seen this. It's the first time**  
 12 **I've seen that Marcus took that view. He certainly**  
 13 **never communicated it to me. The move from Birmingham**  
 14 **to London was, as far as I can remember, communicated to**  
 15 **me that they didn't think the building was all that safe**  
 16 **and satisfactory; that it would be good for an important**  
 17 **body like CSAS to be at the heart of the Bishops'**  
 18 **Conference.**  
 19 **When Marcus gave me the original timetable, I said**  
 20 **it was unacceptable, far too short for people to find**  
 21 **other roles if they couldn't move, and everything else,**  
 22 **and he very generously agreed the date that I proposed.**  
 23 **I felt that, in the commission, we didn't have much**  
 24 **of a hand. You know, the trustees were responsible for**  
 25 **the rent and lease of the building, for the salaries of**

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1 that right?  
 2 **A. Yes.**  
 3 Q. There was discussion about its moving from there to the  
 4 office in Eccleston Square, the Catholic Trust office.  
 5 There was opposition to that idea, wasn't there?  
 6 **A. Yes.**  
 7 Q. What was the opposition to it? What was the rationale  
 8 for it?  
 9 **A. I think the director of CSAS and CSAS felt the distance**  
 10 **from the national setup in Eccleston Square in London**  
 11 **was not unhealthy, and the team had been built around --**  
 12 **I think, if I'm right, it was an accident of history**  
 13 **that following Nolan and Cumberlege, Vincent Nichols,**  
 14 **who was then Archbishop of Birmingham, became kind of**  
 15 **chair of overseeing what was going on.**  
 16 Q. The COPCA management board?  
 17 **A. It may simply have been a matter of convenience that, if**  
 18 **that was all happening under his watch as**  
 19 **Archbishop of Birmingham, then Birmingham was not a bad**  
 20 **place to have the setup.**  
 21 Q. I want to deal with what's said in the minutes,  
 22 particularly the paragraph beginning "In discussion":  
 23 "In discussion, the trustees noted that the risks  
 24 which both the NCSC and CSAS had outlined with regard to  
 25 this proposed move were manageable. Monsignor Stock

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1 **the staff, so it's a matter of what you know you can**  
 2 **actually really change or what you can't. So if you**  
 3 **can't change fundamentally -- if you don't have the**  
 4 **power to change that relationship, where the resource**  
 5 **and the finances are in the hands of somebody else, then**  
 6 **I think what you try to do is ameliorate the situation**  
 7 **in the move.**  
 8 Q. Can I deal with the next point here, which is  
 9 Adrian Child. Now, without consultation with you,  
 10 Adrian Child was told, wasn't he, that his tenure as  
 11 director of CSAS was ending?  
 12 **A. Adrian -- it was a Tuesday in February. I was due to**  
 13 **meet that day with Adrian and Father Chris Thomas, who**  
 14 **was the general secretary of CSAS. Ostensibly, we were**  
 15 **meeting in relation to the fact that Adrian had raised**  
 16 **whistleblowing complaints. So the only people who knew**  
 17 **we were meeting that day, as far as I was aware --**  
 18 **I think they said if a trustee came -- were**  
 19 **Father Chris Thomas, Adrian, my PA -- because I always**  
 20 **kept him informed of my movements --**  
 21 Q. Sorry to cut across you. May I deal with it in this  
 22 way: if I take you to a document CHC002020\_022, these  
 23 are the minutes of the meeting in which the trustees --  
 24 so not a meeting that you were present at, but I just  
 25 want to go through the chronology. It was

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<p>1 29 January 2015. If we look at what's said beneath 2 "Confidential item": 3 "Father Chris Thomas informed the board of an issue 4 which had arisen regarding the current director of CSAS 5 and his conditions of service." 6 It goes on to discuss that Mr Child had been offered 7 a redundancy package when the service moved its location 8 from Birmingham to London, which officially takes effect 9 at the end of the month following this meeting: 10 "In addition, the possibility of his continuing to 11 work part time until the end of December 2015 was 12 negotiated and a bonus agreed if he did remain in post 13 till that date. This was done in order to ensure some 14 handover between himself and the new director once 15 appointed. However, his way of managing the office and 16 CSAS staff was becoming disruptive to the building as 17 a whole, and he was still not using the correct 18 reporting lines. Despite the fact that the general 19 secretary is his line manager as an employee of CaTEW, 20 Mr Child still refers everything in the first instance 21 to Danny Sullivan as chair of the NCSC. 22 "Having discussed the situation in detail, the 23 trustees agreed that the most suitable course of action 24 would be to activate the redundancy package as soon as 25 possible and to bring Mr Child's employment to an end as</p> <p style="text-align: center;">Page 45</p>	<p>1 originally agreed ..." 2 As you said, a few days later, you were informed of 3 that decision. The fact is, you weren't consulted about 4 that decision, you weren't asked what your view was 5 before the decision was made; is that right? 6 <b>A. No, I was informed by email in the knowledge that I was 7 meant to be in hospital.</b> 8 Q. You felt that that undermined your position, and it 9 breached the trust required to work effectively, and so 10 you resigned? 11 <b>A. Yes, because the NCSC is responsible for the strategic 12 direction of safeguarding and for the implementation of 13 that direction by CSAS.</b> 14 Q. You described, when you started your role, that you had 15 inherited a shared oversight of the director of CSAS, 16 and this was a decision that wasn't shared with you? 17 <b>A. That was informal, and maybe that was part of the 18 problem, but it worked very well with Father Marcus.</b> 19 Q. After you resigned, you were asked to withdraw your 20 resignation, and you said you would, provided Mr Child 21 was reinstated without prejudice? 22 <b>A. Yes.</b> 23 Q. That was done? 24 <b>A. Yes.</b> 25 Q. An inquiry was commissioned by the Archbishop of</p> <p style="text-align: center;">Page 46</p>
<p>1 Southwark on behalf of the Archbishop of Westminster 2 that vindicated Mr Child? 3 <b>A. Vindicated the issues that he raised.</b> 4 Q. Yes. And, all in all, you felt that this undermined the 5 commitment to the independence of the commission? 6 <b>A. Absolutely.</b> 7 Q. And reinforces your belief that the bishops and 8 religious should not have oversight over safeguarding 9 and, instead, that ought to be done by a secular body? 10 <b>A. Yes.</b> 11 Q. Now, in terms of engaging with victims and survivors -- 12 chair, I know we are coming up to 11.30 am, but I have 13 about five minutes left, if I may continue? 14 THE CHAIR: Yes. 15 MR SAAD: Thank you. Engaging with victims and survivors, 16 and understanding the prevalence of abuse. When you 17 became the chair, the relationship between victims and 18 survivors in the commission was at a low ebb. 19 <b>A. Yes.</b> 20 Q. Trust, you felt, was a key issue, and Mr Child set up 21 a subgroup of the commission made up of victims and 22 survivors to advise the commission; is that right? 23 <b>A. Yes.</b> 24 Q. But that was undermined when the Bishop of Portsmouth 25 challenged a civil claim of child sexual abuse on the</p> <p style="text-align: center;">Page 47</p>	<p>1 basis -- made against the diocese relating to a deceased 2 priest on the basis the diocese was not vicariously 3 liable for the actions of a priest, and you felt, 4 because of that, some victims and survivors actually 5 chose to stop working with the commission. 6 You tried to re-engage and appointed a Victims and 7 Survivors Advisory Board, and that was beginning to take 8 shape as you -- 9 <b>A. I think the chronology is important. I asked the lay 10 vice-chair, Denise Moultrie, who was a social work 11 inspector in Wales, I asked her to review what we had 12 had, how it went wrong, and what we might do in the 13 future, and I don't think Denise Moultrie has had the 14 credit for what she did and what she brought forward, 15 because what's now in existence, I think, is what she 16 brought forward -- and remember, she was doing that 17 voluntarily, in that sense. I think it was acknowledged 18 that it would be better to have an advisory board which 19 wasn't simply made up of survivors and victims' 20 representatives, maybe individual survivors and victims, 21 but also people with expertise in the field of abuse.</b> 22 Q. In terms of the church's understanding of prevalence of 23 abuse, that was gathered through CSAS statistics, and 24 you published those statistics in the annual report? 25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 48</p>

1 Q. You also commissioned the Bullivant Report to do an  
 2 analysis of ten years of statistics; is that right?  
 3 **A. Yes.**  
 4 Q. It showed that, in that decade, 50 priests had been  
 5 removed from ministry in that period?  
 6 **A. Yes.**  
 7 Q. You say the reports were not always available on diocese  
 8 websites, and it was a struggle to get safeguarding  
 9 links on their websites at all?  
 10 **A. Yes. I think it's much better now. Certainly, when**  
 11 **I became chair, one of the ongoing issues that my PA,**  
 12 **Rose Anderson, raised was that, you know, there were**  
 13 **still dioceses you could find no reference to**  
 14 **safeguarding. I doubt if that would be the case now.**  
 15 Q. Could I ask, please, that INQ004653 is brought up on  
 16 screen. This is a letter that you wrote to the Catholic  
 17 Herald in October last year. I really just want to deal  
 18 with the title of it:  
 19 "I helped oversee safeguarding in England and Wales.  
 20 I wonder if some bishops 'get it'.  
 21 **A. Can I point out that's the Catholic Herald's phrase, not**  
 22 **mine.**  
 23 Q. I see.  
 24 **A. And it is an article, not a letter.**  
 25 Q. I beg your pardon, it is an article that you wrote in

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1 **because it would cause them administrative work.**  
 2 **I think there should be mandatory reporting.**  
 3 **I did an interview with Panorama in my time as chair**  
 4 **and I was asked that question directly and I said yes,**  
 5 **unreservedly.**  
 6 Q. That leads me to my final question to you, Mr Sullivan:  
 7 are there any other proposals that you would ask the  
 8 inquiry to consider, either for the NCSC or for the  
 9 Catholic Church, or broadly?  
 10 **A. I think I would like to make two points. I would like**  
 11 **the inquiry to reflect on that this is the first**  
 12 **opportunity that the victims and survivors of the**  
 13 **Comboni Order have had to be really publicly heard. In**  
 14 **their time, they have communicated with**  
 15 **Archbishop Scicluna, who has safeguarding responsibility**  
 16 **for the Pope, the Committee for the Protection of Minors**  
 17 **at the Vatican, Cardinal Nichols, who certainly took**  
 18 **their document to the Congregation of the Doctrine of**  
 19 **the Faith, but nothing happened for two years. They**  
 20 **have been promised responses and then ultimately been**  
 21 **met by silence, and I think it's striking that it's**  
 22 **taken a secular body to allow those victims and**  
 23 **survivors to be heard.**  
 24 **I understand they weren't given core participant**  
 25 **status. Now, if that's the case, I think that's**

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1 the --  
 2 **A. It's an article. I was asked by the editor of the**  
 3 **Catholic Herald if I would write an article about it.**  
 4 Q. So the phrase "get it" is not a quote that you provided?  
 5 **A. No, but --**  
 6 Q. Is it one that you agree with?  
 7 **A. Yes, in the sense that, very often, you will hear**  
 8 **survivors and victims and people who support them saying**  
 9 **that the church, bishops, religious leaders, some**  
 10 **bishops, some religious leaders, they just don't get it.**  
 11 Q. The final document I'd like to bring up on screen for  
 12 you, Mr Sullivan, is an article in the Telegraph,  
 13 INQ004711. It is dated November 13, and I'd like to go  
 14 to page 2 of that document, please. You are asked about  
 15 mandatory reporting, and you say -- it says:  
 16 "Danny Sullivan, chairman of the NCSC, said: 'the  
 17 Catholic Church in England and Wales has been following  
 18 the principle of mandatory reporting for some time and  
 19 that is why we would have no problem with such  
 20 a provision being enshrined in law'.  
 21 Do you still remain of that view?  
 22 **A. Yes, and it would be my wish that this inquiry would**  
 23 **recommend mandatory reporting. I was particularly,**  
 24 **having worked most of my career in education,**  
 25 **disappointed to see the head teachers were against it**

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1 **a failing of the inquiry. If any group of survivors and**  
 2 **victims could help you understand the church, they**  
 3 **could.**  
 4 Q. There are a number of Comboni survivors who are core  
 5 participants?  
 6 **A. They are now. Good. The second point I would make is,**  
 7 **my end statement about external monitoring and**  
 8 **responsibility for safeguarding, if the church continues**  
 9 **to resource safeguarding, that's because the church**  
 10 **needs to show humility in what it's got wrong, and it**  
 11 **needs to show humility in going forward, and it has to**  
 12 **show humility that it's not yet ready to be trusted.**  
 13 **I think there is a very significant example of that.**  
 14 **Three weeks ago, Cardinal Peter Turkson, who is**  
 15 **a senior cardinal in Rome often named as a future Pope,**  
 16 **stated publicly that it was time for the church to move**  
 17 **on from the abuse issue. I wonder what victims and**  
 18 **survivors will make of that statement. He then**  
 19 **reinforced that by saying how disappointed he was when**  
 20 **the Pope visited Ireland and went to four large**  
 21 **gatherings, that at each of those gatherings, Archbishop**  
 22 **Diarmuid Martin, Archbishop of Dublin, first of all, in**  
 23 **front of the Pope, apologised to the people in front of**  
 24 **him for the abuse that was committed by clergy and**  
 25 **religious in Ireland, and Cardinal Turkson criticised**

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1 **him and said, "You apologised once. Why did you**  
 2 **apologise four times? There was no need". If that's**  
 3 **still the level of understanding of a senior cardinal in**  
 4 **the Catholic Church, then it cannot yet be trusted to**  
 5 **independently oversee safeguarding.**  
 6 MR SAAD: Those are all the questions I have, chair. Do you  
 7 have any questions for this witness?  
 8 THE CHAIR: No. We have no questions. Thank you very much,  
 9 Mr Sullivan.  
 10 (The witness withdrew)  
 11 MR SAAD: I ask that the morning break is taken now, chair.  
 12 THE CHAIR: Yes, we will return at 11.50 am.  
 13 (11.37 am)  
 14 (A short break)  
 15 (11.53 am)  
 16 MR SAAD: Chair, the next witness today is Stephen Spear,  
 17 and his statement is in volume 2 of your bundles. May  
 18 the witness be sworn, please?  
 19 MR STEPHEN SPEAR (sworn)  
 20 Examination by MR SAAD  
 21 MR SAAD: Your name, please?  
 22 **A. Is Stephen Spear.**  
 23 Q. You were a lay member of the NCSC from June 2016 up  
 24 until July 2019?  
 25 **A. That's correct.**

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1 **"strategy", in that there is no coherent framework for**  
 2 **making decisions. There is no common purpose, there is**  
 3 **no sense about what you are trying to achieve. You can**  
 4 **see from the corporate statement that it tends to blow**  
 5 **in the wind, it reacts to changes in legislation, things**  
 6 **are brought to its attention. It doesn't get ahead of**  
 7 **the game. It doesn't determine what it needs to**  
 8 **achieve, it doesn't set itself any achievements.**  
 9 Q. By "corporate statement", that's a witness statement  
 10 provided by Christopher Pearson the current chair of the  
 11 NCSC and we will be hearing from him later today. But  
 12 you believe, do you, the commission is reactive rather  
 13 than proactive, and it deals with issues as they arise  
 14 as opposed to setting the agenda itself?  
 15 **A. Absolutely.**  
 16 Q. Do you believe the NCSC has strategic objectives that  
 17 it's identified?  
 18 **A. It has no, as I see it, any strategic objectives. And**  
 19 **I can't sense -- and reinforced by the earlier**  
 20 **testimony, no sense of common purpose across the piece.**  
 21 Q. Do you say that the last three Popes have stated there  
 22 is no place for abusing priests within the church;  
 23 however, this has not been translated, you believe, into  
 24 a strategic objective?  
 25 **A. No, and I address that in the paper I produced around**

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1 Q. Dealing with your background first, you had a career in  
 2 the Royal Navy, you worked at a senior level in health,  
 3 local government, the criminal justice system and the  
 4 voluntary sector. Specifically, you were the CEO of  
 5 a Derbyshire-based charity, SV2, supporting victims of  
 6 sexual abuse, and you held that role between 2012 and  
 7 2016; is that right?  
 8 **A. Yes.**  
 9 Q. You were the trustee of a Survivors Trust?  
 10 **A. I was, yes.**  
 11 Q. You were the director of strategy at the Nottingham  
 12 Crime and Drugs Partnership responsible for  
 13 commissioning services for victims and survivors of  
 14 sexual violence, and you have high-level experience in  
 15 developing strategy in order to effect change; is that  
 16 right?  
 17 **A. That's correct.**  
 18 Q. During your tenure, you only missed one meeting, that  
 19 being in June 2017, at the NCSC?  
 20 **A. Yes. Unfortunately, a critical one.**  
 21 Q. Dealing with your experience on the NCSC, do you believe  
 22 that the NCSC acts as a strategic body? If it assists  
 23 you, I'm looking at paragraph 7 of your statement, which  
 24 is on the second page.  
 25 **A. No, it's not strategic in the sense I understand**

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1 **prevalence. You know, the statements of the Popes are**  
 2 **then not translated down through the organisation in any**  
 3 **way. You can view the Pope, I think, as the chief exec,**  
 4 **and you would expect that to happen.**  
 5 Q. So there is no estimate of the number of abusing priests  
 6 in the Catholic Church in England and Wales; is that  
 7 right?  
 8 **A. When I asked the question in my induction of their**  
 9 **estimates of the number of abusing priests, I was told**  
 10 **that they take the last year's report of numbers and**  
 11 **double it.**  
 12 Q. Say that again, please?  
 13 **A. They take the numbers of reports from the previous year**  
 14 **and double it and that's their estimate.**  
 15 Q. That's the way they gauge prevalence?  
 16 **A. Yes.**  
 17 Q. In your time on the NCSC, have you seen any evidence  
 18 that it systematically monitors or enforces compliance  
 19 with safeguarding policies and procedures?  
 20 **A. I've seen none at all. The policy is put out, but there**  
 21 **is no, then, plan to review or establish whether it's**  
 22 **achieved what it set out to achieve.**  
 23 Q. Some decisions are made, are they, by the chair and the  
 24 vice-chairs only, and you give an example in paragraph 9  
 25 of your statement about the level of funding for the

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1 Safer Spaces Project. Is it right that there is  
 2 a decision to fund it for two years only?  
 3 **A. That's my understanding. The level of funding -- the**  
 4 **funding that's been guaranteed is for two years only,**  
 5 **and when I challenged that at the meeting, NCSC meeting,**  
 6 **I was told a decision has already been made, but it**  
 7 **hadn't been made by the NCSC, it had been made by**  
 8 **somebody else. But who that is, I don't know. But**  
 9 **I presume it would be the chairs, vice-chairs, in**  
 10 **negotiation with the conferences.**  
 11 Q. So you attended an NCSC meeting. You were told, "This  
 12 is how the project will be funded". You expressed your  
 13 disagreement with that decision. But, by that point, it  
 14 was a fait accompli, effectively?  
 15 **A. And that's a very common experience.**  
 16 Q. At the NCSC you felt that a number of decisions were --  
 17 you were told about the decisions rather than being part  
 18 of the decision making?  
 19 **A. Absolutely, yes.**  
 20 Q. Talking about the implementation of Cumberlege, and I'm  
 21 looking at paragraphs 10 to 15 now of your statement,  
 22 starting at paragraph 10, which is on the second page,  
 23 had you seen any evidence of an approach to the  
 24 implementation of the recommendations?  
 25 **A. I've not -- personally, there was no -- I instigated**

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1 bundle.  
 2 This is the schedule, is it, of the Cumberlege  
 3 recommendations, their current status, and action  
 4 required, if any. This was the document produced, you  
 5 believe, in March 2013, but we can see updated, current  
 6 status there, 19 February 2017; is that right?  
 7 **A. That's correct, yes.**  
 8 Q. If we look at page 1, recommendation 2:  
 9 "The Conference of Bishops and Conference of  
 10 Religious should develop codes of conduct for all  
 11 clergy, non-clergy religious and those who work in the  
 12 service of the church, including volunteers. Such codes  
 13 should not be confused with, and should be separate  
 14 from, any 'terms and conditions' handbook for clergy or  
 15 any other group of church workers."  
 16 It also says "ST" in brackets. Is it right that the  
 17 Cumberlege Report advised on timeframes for which  
 18 recommendations should be implemented?  
 19 **A. ST was anticipated within 12 months, I think.**  
 20 Q. From the acceptance of the report, she advised this  
 21 recommendation should be implemented within 12 months?  
 22 **A. Yes.**  
 23 Q. Here we are in 2017. We look at the current status.  
 24 These are updates, are they? So the first was:  
 25 "Discussion commenced in the department CRC."

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1 **a discussion about Cumberlege within my time there. We**  
 2 **had one report. But I decided to investigate the**  
 3 **minutes and papers that were available to me at the time**  
 4 **to see if I could establish and see a pattern of**  
 5 **implementation in a sensible way. I couldn't find**  
 6 **anything in the minutes other than the one I've put in**  
 7 **my statement, which are at (a) through to (g), I think.**  
 8 Q. Yes. You cite a number of minutes in your statement.  
 9 July 2008, September 2009, two in 2010, 2011 and 2013.  
 10 All of them predating your tenure?  
 11 **A. Yes.**  
 12 Q. But there was a schedule which was produced  
 13 in March 2013 --  
 14 **A. Yes.**  
 15 Q. -- that was recirculated in 2017, which was during your  
 16 tenure?  
 17 **A. That was when I requested that we had an update on**  
 18 **Cumberlege to prepare us for this inquiry.**  
 19 Q. I see. So the recirculation of it was upon your  
 20 request --  
 21 **A. Yes.**  
 22 Q. -- in the context of this inquiry?  
 23 **A. Yes.**  
 24 Q. I want to look, please, at CHC001926. If it assists  
 25 you, chair, the hard copy is behind tab 11 in your

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1 Can you help us with that, "CRC"?  
 2 **A. No, sorry.**  
 3 Q. "Draft 'Integrity in Ministry' was to be circulated for  
 4 consultation during 2012. However, consultation did not  
 5 take place. The Bishops' Conference produced the  
 6 documentation for clergy -- may be possible to include  
 7 religious later."  
 8 The next update:  
 9 "Father Marcus O'Toole has sent first draft to  
 10 Archbishop PS, Bishop JS and Charles Wookey and has had  
 11 a meeting on 8 February to discuss further."  
 12 Final update:  
 13 "'Integrity in Ministry' produced by CoR. No  
 14 similar document progressed by Bishops' Conference."  
 15 So that is an example of a recommendation that  
 16 hadn't been implemented, at least as far as the Bishops'  
 17 Conference was concerned?  
 18 **A. For sure.**  
 19 Q. On the same point, if we go to page 16 of this document,  
 20 please, the final page of it, we can look at  
 21 recommendation 72:  
 22 "The Bishops' Conference of England and Wales, in  
 23 consultation with the Conference of Religious, should  
 24 make the appropriate decreta generalia and secure  
 25 canonical recognitio of them ... so that there will be

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<p>1 a special territorial law for England and Wales ..."</p> <p>2 This is the general decree recommendation to give</p> <p>3 key safeguarding procedures the status of Canon law; is</p> <p>4 that right?</p> <p>5 <b>A. That's correct.</b></p> <p>6 Q. In the column that would be "Current status", it's</p> <p>7 blank?</p> <p>8 <b>A. It is, and this was crucial from Cumberlege. She</b></p> <p>9 <b>recognised the problems of holding bishops to account</b></p> <p>10 <b>and saw this as a vehicle to do that. It would have</b></p> <p>11 <b>ensured, in her view, the "One Church" approach.</b></p> <p>12 Q. Did you ask about that recommendation in particular, and</p> <p>13 say, "Well, what's happening?"</p> <p>14 <b>A. This recommendation was further discussed in December of</b></p> <p>15 <b>last year at a meeting which was chaired by -- I think,</b></p> <p>16 <b>is it Baroness O'Loan, which included, on behalf -- it</b></p> <p>17 <b>was our meeting that she chaired. It was a response to</b></p> <p>18 <b>the first report from this commission around Ampleforth.</b></p> <p>19 Q. So a meeting was held which was chaired by Baroness</p> <p>20 Nuala O'Loan, having there been a report from this</p> <p>21 inquiry in relation to Ampleforth and Downside; is that</p> <p>22 right?</p> <p>23 <b>A. Yes. This, then, was reinstated or discussed as a way</b></p> <p>24 <b>forward to start to address the issues around -- that</b></p> <p>25 <b>were caught up by --</b></p> <p style="text-align: center;">Page 61</p>	<p>1 Q. What was it about the report that led to</p> <p>2 recommendation 72 being looked at again; do you know?</p> <p>3 <b>A. I don't know, but, you know, if it was the proper</b></p> <p>4 <b>recommendation 12 years ago, and they considered it to</b></p> <p>5 <b>be the proper course of events last year, then what</b></p> <p>6 <b>happened in the intervening period?</b></p> <p>7 Q. Were you able to get to the bottom of that?</p> <p>8 <b>A. No.</b></p> <p>9 Q. There were some, you point out -- if we look at page 15</p> <p>10 of the document, recommendation 66:</p> <p>11 "If a person has been removed from working for the</p> <p>12 church because of concerns about his suitability for</p> <p>13 work with children, this should be stated if a reference</p> <p>14 is given for that person."</p> <p>15 Again, "ST", so within 12 months. In the "Current</p> <p>16 status" box, that's also blank.</p> <p>17 If we look, please, at page 12 of this document, and</p> <p>18 recommendation 55, which is at the bottom. This was</p> <p>19 another point that you note, which is:</p> <p>20 "If a complaint or allegation is made to a member of</p> <p>21 a team responsible for safeguarding who believes that he</p> <p>22 or she is not competent to deal with the matter, either</p> <p>23 because the alleged perpetrator ..."</p> <p>24 It moves on to the following page now, page 13.</p> <p>25 I shan't read the remainder out, but the point being</p> <p style="text-align: center;">Page 62</p>
<p>1 made by you is that, in the "Current status" column,</p> <p>2 Mr Spear, it says "Normally followed"?</p> <p>3 <b>A. Normally followed, yes.</b></p> <p>4 Q. What was the point you were making on that?</p> <p>5 <b>A. Well, it's either followed or it's not followed. It</b></p> <p>6 <b>can't be "Normally followed".</b></p> <p>7 Q. Did you feel that there was a definition of the term</p> <p>8 "implemented"?</p> <p>9 <b>A. No, not from my point of view, but from previous</b></p> <p>10 <b>experience, that implementation would, again, entail</b></p> <p>11 <b>review and making sure that happened and it achieved</b></p> <p>12 <b>what it set out to achieve and was continuing to happen</b></p> <p>13 <b>as well, if necessary. There's no evidence of that</b></p> <p>14 <b>within this documentation. It is just a statement of,</b></p> <p>15 <b>you know, it's in this Code of Practice or that -- you</b></p> <p>16 <b>know, that guideline.</b></p> <p>17 Q. Did you raise that point?</p> <p>18 <b>A. The specifics, no, not within the meeting.</b></p> <p>19 Q. Why not, may I ask?</p> <p>20 <b>A. Because there were too many.</b></p> <p>21 Q. Too many issues that you had?</p> <p>22 <b>A. Too many issues to deal with in the context of that</b></p> <p>23 <b>meeting. The important thing was to have a general</b></p> <p>24 <b>overview of where we were with Cumberlege.</b></p> <p>25 Q. I want to move on to the topic of resources, please,</p> <p style="text-align: center;">Page 63</p>	<p>1 and, if it assists you, I'm looking at paragraph 16 of</p> <p>2 your statement, which is on the fourth page. You</p> <p>3 believe it has minimal resources and, in 2017, it</p> <p>4 received approximately £64,000 and spent £55,000 of it.</p> <p>5 You also say at the end of that paragraph:</p> <p>6 "The NCSC has no dedicated professional staff to</p> <p>7 advise it or carry out agreed actions, relying solely on</p> <p>8 the goodwill of its members."</p> <p>9 So putting pounds and pennies to one side, the point</p> <p>10 you would like to raise is that there needs to be</p> <p>11 professional staff running or being there on</p> <p>12 a day-to-day basis?</p> <p>13 <b>A. Absolutely. If you look at the -- as I read Cumberlege,</b></p> <p>14 <b>the whole point of CSAS and the commission was to split</b></p> <p>15 <b>out the advisory role and the implementation of policy</b></p> <p>16 <b>and protocols and the training for that to CSAS and</b></p> <p>17 <b>divorce it from the policing role, which was given to</b></p> <p>18 <b>NCSC. So, therefore, there was a split. You know, if</b></p> <p>19 <b>you look to your previous witness who talked about</b></p> <p>20 <b>having a secular body to oversee, that, in my view, was</b></p> <p>21 <b>the NCSC. That was the aim of that, as far as</b></p> <p>22 <b>Cumberlege was concerned. As that body, it should have</b></p> <p>23 <b>had its own staff to do its own research to be able to</b></p> <p>24 <b>establish that common purpose, to be able to establish</b></p> <p>25 <b>those objectives.</b></p> <p style="text-align: center;">Page 64</p>



1 Q. Is that not what CSAS does?  
 2 **A. Again, my reading from Cumberlege, they didn't want CSAS**  
 3 **to do that. They wanted it split out from the strategy**  
 4 **to be able to deliver and encourage and advise and to**  
 5 **develop the protocols and policies in the church, not to**  
 6 **police it. That was my reading of Cumberlege.**  
 7 Q. On the point of CSAS, NCSC does not agree or discuss the  
 8 CSAS budget, does it?  
 9 **A. No.**  
 10 Q. Were you able to ascertain whether or not CSAS was  
 11 adequately resourced?  
 12 **A. We don't know the budget. So you don't know whether**  
 13 **it's adequately resourced. Two of the recommendations**  
 14 **in Cumberlege were for us to oversee that there was**  
 15 **enough resource both within CSAS and within local**  
 16 **commissions, but that was never, ever done in my time on**  
 17 **the commission.**  
 18 Q. Mr Spear, I'm looking at paragraph 18 of your statement,  
 19 if it assists you. How would you describe the pace at  
 20 which progress is made by the NCSC?  
 21 **A. Well, there is normal time and there is church time, and**  
 22 **it is very, very, very slow and laborious. I cite**  
 23 **the -- once the pastoral support service became**  
 24 **Safer Spaces, you know, five years after deciding, it's**  
 25 **still not up and running. In essence, it is**

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1 **the mustard in that sense. If so, they should, again,**  
 2 **have come back to us and said why it's only two years.**  
 3 **So there's no formal dialogue between the commission and**  
 4 **the bishops, but there is -- it felt to me a negotiated**  
 5 **dialogue between the chairs, the vice-chairs and the**  
 6 **bishops.**  
 7 Q. And to you, as a lay member of the NCSC, were provided  
 8 the product of that negotiation?  
 9 **A. Absolutely.**  
 10 Q. That's the CSAS budget. Did you ever have any oversight  
 11 over the budgets given to safeguarding by any parts of  
 12 the church, so the Archdiocese of Birmingham, for  
 13 example?  
 14 **A. No.**  
 15 Q. Do you think that hindered your ability to have  
 16 effective oversight?  
 17 **A. There was no way you could tell whether there was**  
 18 **adequate resources to deal with the problem, because you**  
 19 **didn't know how many staff they had, either resourced**  
 20 **and what was their level of work, what the demands on**  
 21 **them were, did they work differently? All those things.**  
 22 **There was no way of knowing that there was enough**  
 23 **resource in the system to deal with the issues, because**  
 24 **we were never told what the resources were.**  
 25 Q. The next topic is prevalence. I'm looking, again, if it

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1 **a relatively simple helpline and support service that,**  
 2 **in the normal course of events, I would have expected**  
 3 **certainly within 12 months, if not within six to nine**  
 4 **months, and we are still not there, after five years.**  
 5 **Now, the previous witness again talked about people**  
 6 **who have committed suicide. That's five years when**  
 7 **people could not access a service, which is vital.**  
 8 Q. I will speak in the general first and then go to that  
 9 specific example. Why, generally speaking, do you think  
 10 that progress is so slow?  
 11 **A. I don't know. I think -- it feels to me, and it's only**  
 12 **a feeling, I can't say this as fact, but it feels to me**  
 13 **as if there's a constant negotiation going on.**  
 14 Q. Between whom?  
 15 **A. Between the bishops and the chair and the vice-chairs.**  
 16 **We never, ever, as a commission, sat down and made**  
 17 **a formal recommendation to the bishops, in my time, and**  
 18 **neither did we ever receive a formal feedback from the**  
 19 **bishops.**  
 20 Q. So the feeling of negotiation, what's that feeling based  
 21 on?  
 22 **A. For instance, just the two years' funding. Where was**  
 23 **that decision made? Were the bishops ever told, you**  
 24 **know, "To be credible you need to be able to commit**  
 25 **fully to this new service", and two years doesn't cut**

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1 assists you, at paragraph 19 of your statement onwards.  
 2 You have already touched on the fact that, during your  
 3 induction, you were told there was no agreed estimate of  
 4 the number of abusers, and you were shocked by that?  
 5 **A. Very.**  
 6 Q. As you say, you were told that they take the numbers  
 7 reported in the previous year and double it. You  
 8 constantly made the case within the NCSC for an estimate  
 9 of the number of those who have abused under the cover  
 10 of their relationship with the Catholic Church without  
 11 success?  
 12 **A. Yes.**  
 13 Q. What was the opposition to that?  
 14 **A. Difficult to tell. I didn't sense a real appetite for**  
 15 **understanding the depth of the problem. I think I heard**  
 16 **one vice-chair say we should be looking into the future,**  
 17 **not the past. I think there was -- whether it's a fear**  
 18 **or it's an unwillingness or just not understanding the**  
 19 **need, but, you know, you cannot address an issue unless**  
 20 **you understand the size and the nature of that issue.**  
 21 **You can't say if you've been successful in exposing the**  
 22 **number of abusing priests if you have no sense of how**  
 23 **many that should be, and, for me, that was the start**  
 24 **point, and to me it's also a start point if we could**  
 25 **have established an agreed prevalence or estimate, that**

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1 **would start to lead us down to a common purpose.**  
 2 Q. I want to take you, please, to a document -- I will put  
 3 it up on screen -- CHC001715\_001-002. It is item --  
 4 page 2, please. Item 6:  
 5 "Sustaining the Gaze".  
 6 That's a paper you submitted to the NCSC. It says:  
 7 "SS gave a brief overview and purpose, namely:  
 8 "to consider consistency across the USA, Australia  
 9 and Ferns and to provide an evidence-based estimate of  
 10 the number of priests who have abused since 1950.  
 11 "To use historical data to refine current  
 12 statistical data."  
 13 The minutes record:  
 14 "There was general discussion of the need or  
 15 purpose, and it was noted that we already do this by the  
 16 use of CSAS data, which has been further developed and  
 17 which is also reported in each annual report."  
 18 Pausing there, is that not right, that the CSAS data  
 19 was performing the function that you were advocating?  
 20 **A. No, on a number of -- for a number of reasons. The CSAS**  
 21 **data which is published annually is an annual snapshot.**  
 22 **There is no running total. In fact, when the tenure**  
 23 **review was done, the university who did that recommended**  
 24 **to the commission that they actually establish**  
 25 **a running-total-type database.**

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1 **Daily Mail. But it was a genuine attempt to get on the**  
 2 **table what we are dealing with. We go beyond numbers.**  
 3 **I'm not aware of any real research about the nature, you**  
 4 **know -- the extent and the nature of the abuse. Do we**  
 5 **know whether priests become paedophiles or do**  
 6 **paedophiles become priests? Because the policy reaction**  
 7 **to both of those would be very different.**  
 8 **Understanding the abusing population is key to any**  
 9 **policy and strategic direction the church needs to take.**  
 10 Q. Why do you think there was hostility to what you were  
 11 suggesting?  
 12 **A. Maybe because it sheds light into hidden corners.**  
 13 **I don't know. But my past approach in trying to achieve**  
 14 **change is always to try and understand the problem. If**  
 15 **you don't understand the problem, you can't start to**  
 16 **address the issues. You can't have answers to questions**  
 17 **if you haven't got the questions.**  
 18 Q. Indeed, we have the paper which I am not going to -- the  
 19 "Sustaining the Gaze" paper. I am not going to bring it  
 20 up on screen but I will ask it is published in full:  
 21 CHC001928.  
 22 In terms of the next topic, the relationship between  
 23 the NCSC and the two conferences, what did you  
 24 understand the relationship between the NCSC and the two  
 25 conferences to be?

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1 Q. This is one of the Bullivant analyses, is it?  
 2 **A. Yes. So it was very difficult to ascertain numbers over**  
 3 **time and, of course, this is an issue that goes over**  
 4 **time, people don't abuse by year, and the second key**  
 5 **point, of course, is, we all know the level of**  
 6 **under-reporting. So relying solely on CSAS data on**  
 7 **reporting again would give you a false impression of the**  
 8 **estimate. So the CSAS data, though helpful, did not**  
 9 **give you any sense of the size of the problem within the**  
 10 **church.**  
 11 Q. It says:  
 12 "We now have 45 years' worth of data for England and  
 13 Wales. Comparisons with other nations need to be taken  
 14 with caution.  
 15 "The purpose should be to measure success or  
 16 positive benefits rather than measuring how many.  
 17 "Structures and measures are already in place and as  
 18 a commission we are not in a policing role, but work  
 19 alongside many other agencies which exist for support.  
 20 "We must also consider that by increasing input and  
 21 services, we will also increase reporting."  
 22 So you presented the paper and the short of it is  
 23 that the commission disagreed with your approach?  
 24 **A. They did. It was quite a hostile reaction. I was**  
 25 **accused by one member of writing the headlines for the**

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1 **A. My understanding from Cumberlege was that we should be**  
 2 **providing independent recommendations to those two**  
 3 **conferences for them then to consider and take on.**  
 4 Q. Is that what happened?  
 5 **A. Again, I sensed it was more negotiated. But there was**  
 6 **no strategy put forward. What was taken back to those**  
 7 **conferences were reactions to other things, like we said**  
 8 **before, around incidents or changes in legislation.**  
 9 **There was no strategy taken. We never actually ever**  
 10 **sat -- in my time, maybe they did previously, but we**  
 11 **never sat down as two bodies with those conferences.**  
 12 **The relationship was through the chair and the**  
 13 **vice-chairs.**  
 14 Q. So you weren't clear on the relationship between the  
 15 NCSC and the two conferences. The chair of the NCSC,  
 16 Mr Pearson, was clear in his view. He felt that the  
 17 NCSC was accountable to and led by the conferences.  
 18 That was a view he expressed to you, was it?  
 19 **A. Yes, a view he often expressed.**  
 20 Q. There is no formal communication to the conferences  
 21 approved by the NCSC and there is no formal feedback  
 22 from the conferences, a point you made earlier?  
 23 **A. Yes.**  
 24 Q. You say, as you have already described, that you felt  
 25 there was a negotiation going on between the conferences

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1 and the more senior members of the commission.  
 2 So, in your view, comparing the practice to what was  
 3 envisaged by Cumberlege, did they match or not match?  
 4 **A. Not at all. It became a managing body for**  
 5 **implementation through CSAS, and that's -- you've seen**  
 6 **that discussed today, about the relationships between**  
 7 **CSAS and the NCSC.**  
 8 Q. Would you describe the NCSC as independent?  
 9 **A. I think it's difficult to be independent when many of**  
 10 **the members are actually members of those two**  
 11 **conferences.**  
 12 Q. Why?  
 13 **A. Because the -- it didn't feel as there was -- it felt**  
 14 **very deferential. Again, this, you know, we are**  
 15 **accountable to --**  
 16 Q. Who was deferring to whom?  
 17 **A. The commission was deferential to the conferences.**  
 18 **That's how it felt. I've got no evidence for that, but**  
 19 **that's how it felt. We never stood up and said, "This**  
 20 **is the advice we are going to give, regardless of**  
 21 **whether it is welcome or not". That's what it felt to**  
 22 **me. As I say, I can't give evidence for that.**  
 23 Q. Do you feel having members of -- a bishop, for example,  
 24 or a member of a religious order, being on the  
 25 commission, did that inhibit the way you could express

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1 been rebuffed, mainly by you, but I am sure you know  
 2 best. My greatest frustration, though, is when I was  
 3 told that decisions had already been made and I was too  
 4 late to change anything even though this inconclusive  
 5 proposal has been under discussion for five years. Even  
 6 now, the commission has 'approved' a proposal with no  
 7 clarity on the nature of the support to be provided, the  
 8 budget or the anticipated demand.  
 9 "I have struggled to understand why the  
 10 Catholic Church is out of step with society as a whole,  
 11 and still do."  
 12 What do you mean by that, in the context of  
 13 safeguarding?  
 14 **A. It was in the context, really, of victims and**  
 15 **perpetrators. When we had the meeting in December with**  
 16 **Baroness O'Loan, I was trying to get over that, in**  
 17 **society as a whole, if a perpetrator is found guilty,**  
 18 **that is seen as a good thing. I think I used the word**  
 19 **it is "celebratory". And for people on many levels. It**  
 20 **is good that that person is no longer able to commit**  
 21 **abuse, but, mainly, it validates also the experience of**  
 22 **the person who has been abused.**  
 23 **That was met with quite an interesting response, in**  
 24 **that they didn't want to be in a church that was pleased**  
 25 **that somebody got caught. I think I used the word**

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1 your opinion?  
 2 **A. It didn't inhibit me, but I'm not sure -- there were**  
 3 **people who were quite vocal on the commission and people**  
 4 **who were less vocal.**  
 5 Q. You believe the less vocal ones, it was through --  
 6 because they were deferring to --  
 7 **A. Well, again ...**  
 8 Q. You came to the end of your tenure in July this year,  
 9 2019, and you were told that via a letter from  
 10 Mr Pearson, the current chair. He wrote to you on  
 11 5 July saying that your three-year tenure had ended and  
 12 it would not be extended. You replied to him. I'd like  
 13 to see the letter, please, on screen: INQ004685. Chair,  
 14 if it assists you, it is behind your tab 7.  
 15 If we go further down there, to the paragraph  
 16 beginning, "You acknowledge":  
 17 "You acknowledge my knowledge and experience, but as  
 18 the only member who has run a service for the victims  
 19 and survivors of sexual abuse ..."  
 20 You mean you were the only member of the commission  
 21 to have done that; is that right?  
 22 **A. As I understand, yes.**  
 23 Q. "... as chair, you have never asked me what such  
 24 a service should look like. All my contributions to the  
 25 debate with regard to the Safer Spaces proposal have

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1 **"celebrate" when somebody gets caught and is found**  
 2 **guilty. I think that it is out of step. It doesn't**  
 3 **understand. Most of -- society understands, I think, in**  
 4 **the main that it should be victim- and survivor-centred,**  
 5 **at the centre of things, but it feels to me that it's**  
 6 **not -- there's not that same balance within the**  
 7 **Catholic Church that, you know, the whole issue of**  
 8 **repentance, you know, is a key issue, and forgiveness of**  
 9 **sins. So the perpetrator seems to get as much, if not**  
 10 **more, from the church than the victim does. That's why**  
 11 **it is out of step. It clearly is out of step. You've**  
 12 **only got to see the articles and the experiences of**  
 13 **victims and survivors that you've heard about already.**  
 14 Q. You go on to say:  
 15 "I do believe that the commission is made up of good  
 16 people with good intentions but it seems incapable of  
 17 understanding and therefore addressing the reasons for  
 18 the church's reputation for not dealing with sexual  
 19 abuse. From my managerial and secular perspective, it  
 20 is difficult not to see conspiracy and complacency, but  
 21 I still hope that the church can identify why these  
 22 perceptions still have currency."  
 23 What do you mean by "conspiracy and complacency"?  
 24 **A. When you look at the actions, it is very difficult to**  
 25 **understand why. I think I would add to "conspiracy and**

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<p>1 complacency" also "competence". The church doesn't seem                  2 to be able to understand why it needs to support victims                  3 and survivors, and, again, you've heard loads of                  4 evidence about that. I do believe -- and that's why                  5 I say the church is made up of good people -- there has                  6 got to be an underlying reason about why that is.                  7 Something that may be good in one sense may be causing                  8 this problem elsewhere. The church needs to be                  9 self-reflective, it needs to look at itself and                  10 understand why it is not doing the obvious, and the                  11 obvious is that you should be meeting and addressing the                  12 needs of victims and survivors, which it is clearly not                  13 doing. It needs to understand why it is not doing that,                  14 so that it can establish a common purpose so that it                  15 can, you know, find a way of rationalising with their                  16 actions. I did put a paper together for them on that,                  17 in terms of some of the things that may underline that,                  18 but only from my perspective, it has no weight.                  19 But it was really to try again to get the church to                  20 be reflective and to say to itself, "Why are we like                  21 this? Why do we have these events", which are                  22 atrocious, you know, people destroying records of abuse                  23 being overlooked and all the rest of it, of coverups,                  24 and the evidence is overwhelming for that. But the                  25 church is a good institution. It is not an evil</p> <p style="text-align: center;">Page 77</p>	<p>1 institution. So it needs to address that. It needs to                  2 look at itself and ask itself, "Why are we in this                  3 situation?" But it seems incapable of doing that.                  4 Q. Why, do you think?                  5 A. I don't know why. I think -- because they are -- they                  6 have -- their language -- you know, you can't understand                  7 the language, you know, when they talk to each other.                  8 They just need to sit down and try and see this from                  9 a decent sense of humanity, that, "Why are we doing the                  10 thing that is obviously wrong?" How can you refuse not                  11 to go and see a victim or survivor? You know, "Why are                  12 we making these mistakes? Why are we allowing abuse to                  13 continue?" I think they just need to ask themselves                  14 that question and see if there is something within the                  15 organisation, within the teaching, within the theology                  16 of the church that is creating this imbalance. And                  17 I did suggest that, you know, there's celebration in                  18 heaven, the prodigal son and the fatted calf, when the                  19 sinner repents. You always think that's about mutual                  20 sin. But by definition, a child who is abused is                  21 completely innocent. There is nothing that I can see in                  22 the Bible -- but I'm no theologian; that's why the                  23 church needs to do it, not me -- that says, "What's the                  24 celebration when a victim/survivor receives justice?".                  25 Q. Mr Pearson responded to your letter on 24 July -- chair,</p> <p style="text-align: center;">Page 78</p>
<p>1 if it assists you, it is behind tab 8. The document is                  2 INQ004684. I'm not going to read the letter out in                  3 full. It is lengthy. But if we go to page 2, please,                  4 just to point some points to you. The paragraph                  5 beginning, "Similarly":                  6 "Similarly, you have been involved in all of the                  7 debate and discussion about our strategic approach                  8 within the commission, but you have never actually laid                  9 out to members how specifically your own proposals would                  10 differ substantially from the current strategy of the                  11 NCSC. You were involved in the lengthy discussions on                  12 the strategic business plan which I developed and                  13 presented to the NCSC. You could have used that as an                  14 opportunity to suggest putting together a substantive                  15 alternative plan, but that was not forthcoming from you                  16 either."                  17 There is a strategic business plan of the NCSC.                  18 Does that not satisfy you for the strategy that you were                  19 seeking?                  20 A. The statement there is not true. I said at the                  21 beginning that the one meeting I missed was this crucial                  22 meeting when the business plan was discussed.                  23 I first sent a paper about future issues, or an                  24 email, to Chris Pearson in September 2016. I sent a bit                  25 of a stream of consciousness to him and the vice-chair</p> <p style="text-align: center;">Page 79</p>	<p>1 because I was told off for not doing that in March 2017,                  2 and actually then sent an email which I turned into                  3 a paper which included eight suggested high-level aims.                  4 Now, when I sent that paper, the reply from                  5 Chris Pearson was:                  6 "Dear Steve, thanks for taking the time to produce                  7 this document. Bernie and I were both away last                  8 Thursday and Friday, so this is our first chance to                  9 contact you. Our strategic plan for 2017 has already                  10 been written and will be circulated with the agenda this                  11 week. In view of this, there is no necessity for your                  12 document to be circulated or submitted."                  13 So to say that I hadn't suggested an alternative is                  14 not true and, when I did suggest it, it was before the                  15 meeting -- this is 30 May, it was a June meeting, the                  16 one I missed -- he said there was no necessity for my                  17 document to be submitted to the meeting.                  18 Q. I think the document is, "Can England and Wales solve                  19 the problem of" -- not for the strategic business plan,                  20 but on the point you were making earlier about                  21 reflection, "Can England and Wales solve the problem of                  22 sexual abuse of children in the Catholic Church?". We                  23 shan't go through that in full, but I ask it is                  24 published, INQ004686.                  25 Can I ask, please, finally, having spent three years</p> <p style="text-align: center;">Page 80</p>

1 on the NCSC, what do you propose its way forward should  
 2 be? What recommendations would you make?  
 3 **A. Just before we leave that paper, I think the important**  
 4 **point is that the church hides behind its complicated**  
 5 **organisation. In fact, it is a very simple**  
 6 **organisation. It's got the Pope at the top, it's got**  
 7 **the bishops, it's got the priests. It's an extremely**  
 8 **flat organisation. It is very large, but extremely**  
 9 **flat.**  
 10 **What the church does in England and Wales is, it**  
 11 **chops its little bit out of that cake and says that**  
 12 **there is no way that -- there is no hierarchy within**  
 13 **England, but there is one. The point of that paper was**  
 14 **to say, if you look at all those issues of, why the**  
 15 **church is, why the -- you know, the theology and the**  
 16 **organisation, Canon law, that is all determined in Rome.**  
 17 **I don't think this problem in the church will be solved**  
 18 **in England and Wales. It needs to be solved in Rome.**  
 19 **That's where the initiative has got to come from and**  
 20 **that's where it's got to be dealt with. That's where**  
 21 **the issues are.**  
 22 **There is no way, at the end of the day, this little**  
 23 **segment of the church will be able to solve itself when**  
 24 **it is within that big, wider, actually relatively simple**  
 25 **organisation but they try to make it as difficult as**

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1 comprising the vice-chairs of the NCSC. So a lay  
 2 vice-chair, bishop and religious and the General  
 3 Secretary of the Bishops' Conference. Is that right?  
 4 **A. The general secretary wasn't there, no.**  
 5 Q. Wasn't there during your interview?  
 6 **A. No.**  
 7 Q. Appointment is for a period of three years --  
 8 **A. Sorry, can I just -- just repeat the question again as**  
 9 **to general secretary?**  
 10 Q. He is usually a member of the interviewing panel for  
 11 prospective candidates for your role?  
 12 **A. Yes, "General Secretary for Religious", did you say?**  
 13 Q. Bishops' Conference.  
 14 **A. Not Bishops' Conference. It was the Conference of**  
 15 **Religious.**  
 16 Q. Very well. All right. Appointment is for a period of  
 17 three years, but that can be renewed by mutual agreement  
 18 for a further three years?  
 19 **A. That's correct. Sorry, could I just add, the Vice-Chair**  
 20 **for Bishops' Conference was at interview.**  
 21 Q. You say the position of lay chair is within  
 22 a nonemployment status so as to maintain the function of  
 23 independence?  
 24 **A. Yes.**  
 25 Q. What do you mean by that?

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1 **possible.**  
 2 MR SAAD: Those are all the questions I have for you,  
 3 Mr Spear. Chair, do you have any questions for the  
 4 witness?  
 5 THE CHAIR: No, we have no questions. Thank you very much,  
 6 Mr Spear.  
 7 **A. Thank you.**  
 8 **(The witness withdrew)**  
 9 MR SAAD: Chair, the next witness will be  
 10 Mr Christopher Pearson.  
 11 MR CHRISTOPHER PEARSON (sworn)  
 12 Examination by MR SAAD  
 13 MR SAAD: Your name, please?  
 14 **A. Christopher Pearson.**  
 15 Q. You are the independent lay chair of the NCSC?  
 16 **A. Yes.**  
 17 Q. You started that role on 3 November 2015; is that right?  
 18 **A. As vice-chair.**  
 19 Q. So you were appointing as acting lay chair  
 20 from July 2015?  
 21 **A. Yes.**  
 22 Q. You say that that role is a joint appointment by the  
 23 President of the Catholic Bishops' Conference of England  
 24 and Wales and the President of the Conference of  
 25 Religious on recommendation from an interview panel

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1 **A. Well, the position I was offered and accepted in terms**  
 2 **of the chair of NCSC had already been well established,**  
 3 **so I moved into that position on the basis it was**  
 4 **a layperson who would be seen as an independent chair.**  
 5 Q. Just dealing with your background, your professional  
 6 background is in social work, which was 40 years'  
 7 experience across children's and adults services, taking  
 8 a lead in safeguarding adults in a strategic managerial  
 9 role. You also worked, at least at the time of your  
 10 statement, in 2017, part time at the NHS in Wales?  
 11 **A. Yes, and still do.**  
 12 Q. Moving on to a description of the NCSC, and I'm looking,  
 13 if it assists you, Mr Pearson, at the first statement  
 14 you provided, dated 20 October 2017. It is behind your  
 15 tab A/1. I will take you first, please, to  
 16 paragraph 1.4, which is on the second page of it.  
 17 It is a commission responsible for setting the  
 18 strategic direction of safeguarding policy and  
 19 monitoring compliance and it is mandated and funded by  
 20 the Bishops' Conference and the CoR to ensure that  
 21 standards are met and policies implemented. Would you  
 22 agree with that?  
 23 **A. Yes.**  
 24 Q. It was set up, the NCSC, in July 2008, following the  
 25 recommendation of the Cumberlege Report, which disbanded

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<p>1 COPCA, which we have heard about in previous case 2 studies, and created in its place the NCSC and CSAS? 3 <b>A. That's correct.</b> 4 Q. In practical terms, as experts on safeguarding -- I'm 5 looking at the bottom of your page 2 -- the NCSC, 6 together with CSAS, sets out the strategic direction of 7 the church's development of, and compliance with, 8 safeguarding arrangements and they are then presented to 9 the two conferences. So when an initiative requires 10 funding, you produce a report on the proposal, which 11 includes costings; is that right? 12 <b>A. That's correct.</b> 13 Q. By way of an example, in 2016, you presented a report on 14 the development of the Survivors Advisory Panel, the 15 SAP, and that had been, up to that point, funded by an 16 existing budget underspend, but your view was it 17 couldn't be sustained in that way, so you asked for 18 additional funding, you required that uplift. Am 19 I right in saying that's a proposal that you prepared, 20 produced to the two conferences, and in that example, 21 that was approved? 22 <b>A. Yes.</b> 23 Q. Can you give us an idea of how easily that proposal was 24 approved? 25 <b>A. Well, I set out in the business proposal, a business</b></p> <p style="text-align: center;">Page 85</p>	<p>1 <b>case, the work that had already been done in preparation</b> 2 <b>for setting up the Survivors Advisory Panel, the</b> 3 <b>importance of having survivors as being central to the</b> 4 <b>work of both NCSC and CSAS, and to support the NCSC,</b> 5 <b>which was the whole essence of why it was created, to</b> 6 <b>ensure that the voice of victims and survivors would be</b> 7 <b>part of the whole process and, having then set that out,</b> 8 <b>it was fully accepted by Bishops' Conference. There was</b> 9 <b>not a lengthy discussion. It had all previously gone to</b> 10 <b>the Bishops' Standing Committee for approval, and it was</b> 11 <b>they who also approved the -- to recommend to the</b> 12 <b>Bishops' Conference, which is what I did, to say, "This</b> 13 <b>budget needs supporting", and we needed to make sure (a)</b> 14 <b>that there was funding, because, at some point, the</b> 15 <b>underspend would go, and that would put the whole</b> 16 <b>process under threat. So I wanted to make sure that</b> 17 <b>there was sufficient budget, and that was approved.</b> 18 Q. Similarly, in 2016, you pointed out that the NCSC had 19 not had an uplift in budget since 2008, and so you asked 20 for an uplift, and that, too, was approved? 21 <b>A. Yes, it was.</b> 22 Q. You say that during the course of these presentations, 23 whilst there is often dialogue, you have had no 24 experience of a major disagreement or refusal to support 25 a proposal?</p> <p style="text-align: center;">Page 86</p>
<p>1 <b>A. Not during my tenure, no.</b> 2 Q. Albeit, of course, sometimes further clarification might 3 be requested and subsequently presented? 4 <b>A. Yes.</b> 5 Q. Dealing with the structure, role and responsibility of 6 the NCSC, you say the Cumberlege Report felt that COPCA 7 reporting straight to the Bishops' Conference meant that 8 there was only one layer of scrutiny by the bishops and 9 one less forum for debating the strategic development of 10 safeguarding policy, and that was the context within 11 which the NCSC/CSAS structure was suggested and, you 12 say, thereby producing independence that was credible 13 and greater buy-in throughout the church. 14 In terms of the phrase "buy-in", do you still feel 15 that the concept of safeguarding is something that still 16 needs to be sold to parts of the church? 17 <b>A. I think that there are significant challenges, in terms</b> 18 <b>of safeguarding. The landscape of safeguarding has</b> 19 <b>changed significantly since Cumberlege. The problem</b> 20 <b>with having recommendations that have existed for quite</b> 21 <b>some time also presents a challenge, because there may</b> 22 <b>well be situations that arise where, in fact, you can't</b> 23 <b>even meet recommendations because they were established</b> 24 <b>ten years ago or more.</b> 25 <b>One of the challenges with the church,</b></p> <p style="text-align: center;">Page 87</p>	<p>1 <b>Catholic Church, in England and Wales, in terms of</b> 2 <b>safeguarding, is legislation has changed, for instance.</b> 3 <b>Whether or not the initial proposal from Cumberlege to</b> 4 <b>separate the operational arm from the strategic arm</b> 5 <b>still applies is a question in my mind, and that's</b> 6 <b>already within the debate within the NCSC to consider</b> 7 <b>a systematic review of safeguarding in the</b> 8 <b>Catholic Church, and that sits within the proposals we</b> 9 <b>are putting forward to Bishops' Conference from their</b> 10 <b>recommendation to review safeguarding, and that will be</b> 11 <b>part and parcel of the whole process.</b> 12 Q. That was the review that was announced in October last 13 year; is that right? 14 <b>A. It was the review from September from Bishops'</b> 15 <b>Conference to ask that the NCSC commission a review of</b> 16 <b>safeguarding, and we have been working on that</b> 17 <b>since December, and just appointed somebody, and</b> 18 <b>currently drafting -- finalising the draft of terms of</b> 19 <b>reference.</b> 20 Q. Announced towards the end of last year, you are now in 21 the process of drafting terms of reference. Why has it 22 taken the best part of this year to get to that stage? 23 <b>A. Because we needed to appoint -- first of all, we scoped</b> 24 <b>out what -- the context of what needed to be considered,</b> 25 <b>and that was done in the December 2018 meeting, which</b></p> <p style="text-align: center;">Page 88</p>

1 **was facilitated by Baroness O'Loan. From that scoping**  
 2 **exercise, myself and vice-chairs, as well as**  
 3 **Colette Limbrick from CSAS, were tasked by the NCSC to**  
 4 **put that together as a scope, which we did. We then --**  
 5 **I then had to consider how we then engaged somebody to**  
 6 **take on the review, which would be independent, and so**  
 7 **I took on the responsibility of considering interested**  
 8 **parties who may well be able to do that.**  
 9 Q. Just to help us picture the structure, if we could go,  
 10 please, to NCS000002\_002, you see there NCSC is at the  
 11 top in line with the box, "Mandated by the two  
 12 conferences responsible for setting strategic direction,  
 13 implementing policy and monitoring standards. The  
 14 Survivor Advisory Panel is a subgroup of the NCSC."  
 15 Is that right?  
 16 **A. That's correct.**  
 17 Q. We will come on to that in more detail later. The  
 18 Catholic Safeguarding Advisory Service sits beneath the  
 19 NCSC, and CaTEW. There is a dashed line from there to  
 20 CSAS. Is it still right that CSAS is funded by the  
 21 trust and the director of CSAS is effectively line  
 22 managed by the trust? Is that correct?  
 23 **A. Yes.**  
 24 Q. Beneath CSAS we have the Safeguarding Commissions,  
 25 safeguarding coordinators, parish safeguarding

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1 **officers, you will have social workers, nurses, and any**  
 2 **other professionals who are party to that whole debate.**  
 3 **So I think there is, within a commission, the -- in**  
 4 **terms of its content and personnel, to be able to**  
 5 **challenge. That's really important because if a bishop**  
 6 **is taking an action that is not in line with**  
 7 **safeguarding and safeguarding procedures, it's their**  
 8 **responsibility to say so.**  
 9 Q. Do you feel the NCSC is independent?  
 10 **A. Yes.**  
 11 Q. Can I just take you, please, to CHC001772\_001. At the  
 12 bottom of that -- these are minutes of a communications  
 13 subgroup on 6 July 2017. You chaired the meeting. The  
 14 second bullet point up from the bottom of that page, one  
 15 of the suggestions:  
 16 "Strengthen the statement of independence (CP  
 17 however feels we are not truly independent, as we are  
 18 funded by the Bishops' Conference)."  
 19 How does that square with your view that the NCSC is  
 20 independent?  
 21 **A. This needs to be seen in context. This was a discussion**  
 22 **around the production of a website for the NCSC, and**  
 23 **there was a discussion around, how do we express --**  
 24 **rather than just saying "independent", how do we express**  
 25 **that in context? And I raised the point that it's not**

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1 representatives.  
 2 In terms of the Safeguarding Commissions, the box to  
 3 the right of that says "Independently chaired but  
 4 accountable to bishop and trustees of the diocese or  
 5 leaders and trustees of the religious congregations.  
 6 Leads strategic direction of safeguarding, provides  
 7 independent oversight, scrutiny, advice and guidance."  
 8 We have heard evidence from a safeguarding  
 9 coordinator about whether or not a press statement ought  
 10 to be issued and there was disagreement between the  
 11 commission and the trustees of that particular diocese,  
 12 and the safeguarding coordinator was asked, "If there  
 13 was a disagreement, why doesn't the commission simply  
 14 issue a press statement itself?", to which the answer  
 15 was that the Safeguarding Commission needed the  
 16 confidence of the bishop and to do something at odds  
 17 with the bishop would have undermined that confidence.  
 18 Do you believe, in your experience, that the  
 19 Safeguarding Commission is independent?  
 20 **A. Within a diocesan context?**  
 21 Q. Yes.  
 22 **A. Well, it is, because there are professionals who are not**  
 23 **necessarily connected to the Catholic Church. So**  
 24 **Safeguarding Commissions will have a variety of people**  
 25 **from various professions. So you will have police**

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1 **totally independent because it's reliant upon funding,**  
 2 **and that's a challenge, I think, in any organisation**  
 3 **where it seems independent. So, for instance, advocacy**  
 4 **services would be funded by, say, a local authority,**  
 5 **which I'm familiar with, but they're still independent.**  
 6 **So I just wanted to make the point to those who were**  
 7 **present at the meeting, because there were people from**  
 8 **a publishing company who didn't understand some of the**  
 9 **aspects of the Catholic Church and it was in that**  
 10 **context.**  
 11 **Clearly when the minutes are put together, they**  
 12 **don't fully express the whole content, and maybe**  
 13 **I should have reviewed these minutes to say, "Well, this**  
 14 **needs to be put in context", but I didn't.**  
 15 Q. But do you feel the fact that you are funded by the  
 16 Bishops' Conference has in any way hindered your  
 17 objectives?  
 18 **A. No. The only time that would be brought into question,**  
 19 **if they refused to fund a particular aspect that we**  
 20 **wanted to put in place.**  
 21 Q. You feel that the NCSC is performing the function it is  
 22 being asked to do, and in 2015 -- I'm looking, if it  
 23 helps you, at paragraph 2.11 of your statement, which is  
 24 on page 6. In the 2015 annual report, the NCSC  
 25 announced its intention to prioritise and develop a more

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1 sensitive and pastoral response to victims and survivors  
 2 of abuse and, to ensure that the work of the NCSC is  
 3 informed by victim and survivor experience and  
 4 expertise, the commission set up a Survivors Advisory  
 5 Panel. So that's the context within which the subgroup  
 6 that we saw on the chart a moment ago was created?  
 7 **A. Yes.**  
 8 Q. Within the membership of the NCSC, there is a bishop,  
 9 a member of the CoR, there's vice-chairs, there's a lay  
 10 vice-chair -- is that Rachel O'Driscoll?  
 11 **A. That's correct, yes.**  
 12 Q. As well as two representatives, each from the Bishops'  
 13 Conference and the CoR, and the General Secretary of the  
 14 CoR; is that right?  
 15 **A. Sorry, just repeat that again?**  
 16 Q. I'm looking at paragraph 2.12 of your statement, if this  
 17 assists you. Within the membership there is a bishop,  
 18 a member of the CoR as vice-chairs, there's a lay chair  
 19 as well, as well as two representatives each from the  
 20 Bishops' Conference and CoR and the General Secretary of  
 21 the CoR?  
 22 **A. Yes, that's correct.**  
 23 Q. Their membership within the NCSC brings particular  
 24 expertise and experience and ensures timely consultation  
 25 in dealing with church safeguarding matters?

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1 **A. That's correct, yes.**  
 2 Q. -- in addition to any other time that you are asked to  
 3 attend by them. How many times has that occurred, that  
 4 they have asked you to come more than the once a year?  
 5 **A. Since I've been in position as chair, certainly every**  
 6 **year.**  
 7 Q. You've been asked to go --  
 8 **A. Once every year.**  
 9 Q. Once every year.  
 10 **A. Yes, sometimes twice. I can't remember the exact times,**  
 11 **but ...**  
 12 Q. And at the Conference of Religious Executive Advisory,  
 13 at least twice a year; is that right?  
 14 **A. No.**  
 15 Q. That's not right?  
 16 **A. No, I haven't been there for about two years.**  
 17 Q. The NCSC itself, how often does that meet?  
 18 **A. It meets four times a year in terms of meetings, and it**  
 19 **then has a variety of subgroups which also meet.**  
 20 Q. How many days a week do you spend on being the chair of  
 21 the NCSC?  
 22 **A. It's supposed to be one day a week. In 2018, I actually**  
 23 **kept a workload record. Ordinarily, every month, I'd be**  
 24 **doing 30 hours. In the last 18 months, in that period,**  
 25 **it went up to 70 to 95 hours a month.**

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1 **A. Yes.**  
 2 Q. Finally before we break, Mr Spear said that there may be  
 3 deference to others. Do you ever feel that there is  
 4 a deferential approach by some members of the commission  
 5 to the church?  
 6 **A. Certainly not deference. I think there are times in any**  
 7 **group, any committee or, in this case, a commission,**  
 8 **where some people speak and some people don't. My**  
 9 **responsibility, as chair, is to enable those who don't**  
 10 **say very much to try to do so. But I don't get any**  
 11 **sense of deference by anybody at all. In fact, one of**  
 12 **the central points that, when I came to the commission,**  
 13 **is we do not use titles within the commission. So**  
 14 **whether somebody is bishop or not, people's Christian**  
 15 **names are used, there is no title. I think that's an**  
 16 **example of not having deference.**  
 17 MR SAAD: Chair, would that be an appropriate moment for the  
 18 lunch break?  
 19 THE CHAIR: Yes, we will return at 2.00 pm. Thank you.  
 20 (1.00 pm)  
 21 (The short adjournment)  
 22 (2.00 pm)  
 23 MR SAAD: Mr Pearson, as NCSC chair, you attend the plenary  
 24 meetings of the Bishops' Conference at least once  
 25 a year -- is that right? --

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1 Q. So the job description, if you like, would say one day  
 2 a week, but in practice it's rather more than that?  
 3 **A. A lot more.**  
 4 Q. In addition to the meetings we have already described,  
 5 you correspond with conferences, religious leaders, CSAS  
 6 of course --  
 7 **A. Yes.**  
 8 Q. -- Safeguarding Commission chairs and safeguarding  
 9 coordinators?  
 10 **A. Yes.**  
 11 Q. Together with the director of CSAS, you work to  
 12 contribute to safeguarding learning and development  
 13 opportunities for bishops and religious leaders on  
 14 a three-year cycle?  
 15 **A. That's correct.**  
 16 Q. Of course, you are also in contact with the Bishops'  
 17 Conference General Secretary if the need arises?  
 18 **A. If so arises, yes.**  
 19 Q. Can I just take you, please, to a couple of documents,  
 20 the first being CHC001947. Chair, if it assists you,  
 21 this is behind tab 14 of your bundle. These are minutes  
 22 of an NCSC meeting on 5 March this year which you  
 23 chaired. I want to go first, please, to page 2. The  
 24 third bullet point down from the top, just dealing with  
 25 the remit of the NCSC:

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<p>1 "It was agreed that the redress scheme is outside 2 the remit of the NCSC -- will await to see what IICSA 3 recommends in the summer and respond accordingly." 4 Can you help us with why the redress scheme would 5 not be in the remit of NCSC? 6 <b>A. This was following a discussion we had from 7 a development day, where we had a presentation from 8 a lawyer, independent lawyer, who gave an overview of 9 inquiries -- the Royal Commission in Australia, in 10 Ireland, the one in Northern Ireland -- and from that 11 overview, the issue of redress was raised and that we 12 would need to consider it, but it wasn't an issue that 13 lay directly with the NCSC. 14 The comment made within that was that we would have 15 to be party to, and give an opinion upon, the redress 16 scheme, but it wouldn't be for us to put it in place.</b> 17 Q. Whilst we are looking at these minutes, could we go to 18 page 3 of them and item 11. I want to deal, really, 19 with the final sentence. It's discussing concerns about 20 safeguarding at Ampleforth. But the final sentence, 21 really, is the one I want to focus on: 22 "Some frustration was expressed about the ability of 23 NCSC/CSAS to take proactive action where there were 24 obvious problems and it was recognised that the 25 commission needed to find ways of being more assertive."</p> <p style="text-align: center;">Page 97</p>	<p>1 Was that a frustration you had? 2 <b>A. It was, yes, and it was a collective view from the 3 commission. The issue here, if I can put it in context, 4 was, I was sent part of -- a paragraph of this letter, 5 and in order to understand the whole context, I asked 6 for the letter in its totality, and that took some 7 considerable time to come to me.</b> 8 Q. So this is a letter that was expressing concerns that 9 had been sent to bishop Terry Draine, who is the bishop 10 of Middlesbrough; is that right? 11 <b>A. Yes.</b> 12 Q. Who had sent the letter to him? 13 <b>A. It came from the Local Safeguarding Board for Children 14 for that area, for Ampleforth area.</b> 15 Q. From the Ampleforth area, who'd sent it direct to the 16 bishop? 17 <b>A. Yes.</b> 18 Q. You wanted to see a full copy of it? 19 <b>A. Yes.</b> 20 Q. And to set up a meeting with the Abbot President of the 21 EBC to discuss the views and how the IICSA issues were 22 being addressed? 23 <b>A. That's correct.</b> 24 Q. At the end of that section, you say: 25 "... it was recognised that the commission needed to</p> <p style="text-align: center;">Page 98</p>
<p>1 find ways of being more assertive." 2 That was March this year. Have you, in the last few 3 months, thought of ways of being more assertive? 4 <b>A. I actually went to Ampleforth with Colette Limbrick, the 5 director of CSAS, and also, as part of that, there was 6 a teleconference set up with Elizabeth Manero, who is 7 a lay member on the NCSC, to have a full and frank 8 discussion with the members of the Safeguarding 9 Commission for Ampleforth.</b> 10 Q. Do you feel that when you approach any part of the 11 church in that way, that the fact that you're chair of 12 the NCSC carries with it the weight that's required to 13 go into a meeting like that? 14 <b>A. I can only say, from this particular context, the 15 invitation was given to us to meet with them.</b> 16 Q. I want to go, please, to CHC001738. Chair, it's behind 17 your tab 21. These were notes of the meeting held in 18 March 2016 on an NCSC away-day. I want to go first, 19 please, to page 4 of that document. The role of the 20 NCSC and its objectives. The questions were being posed 21 in the discussion: 22 "Where does the authority of the NCSC lie? 23 "What powers does the NCSC have in relation to its 24 authority? 25 "What would happen if a diocese refused to follow</p> <p style="text-align: center;">Page 99</p>	<p>1 policy -- what redress does the NCSC have?" 2 I'm not going to take you through all of the bullet 3 points here, but can I pick a few and ask for your 4 comment. The second bullet point down under the "Issues 5 were" heading: 6 "Canon law and whether clergy must follow policy - 7 it was noted that clergy are required to follow the 8 specific wishes of their bishop. If the policies are 9 adopted by trustees, then there is a civil requirement 10 to follow policies. The problem until recently was that 11 the need for trustees to adopt the policies had not been 12 understood. They must be signed off by the NCSC, the 13 Canon Law Society, and insurers before going to the 14 trustee body. This process has now started." 15 Which policies are being spoken about here? 16 <b>A. These are policies and procedures that have been put 17 together and agreed by -- presented by CSAS to the NCSC. 18 The NCSC then agrees that with the Conference of Bishops 19 and Conference of Religious.</b> 20 Q. They need to be signed off as well by the Canon Law 21 Society and insurers -- is that right? -- before they go 22 to the trustees? 23 <b>A. I'm not sure about the Canon Law Society. This was part 24 of a debate, so the accuracy of whether or not it needed 25 to go to the Canon Law Society, I'm not sure. But</b></p> <p style="text-align: center;">Page 100</p>

1 **certainly the trustees of each diocese and religious**  
 2 **order, if that was independent.**  
 3 Q. A few bullet points down:  
 4 "There would be pressure on a bishop because of the  
 5 'One Church' approach."  
 6 Can you help us with what that means?  
 7 **A. I think, in terms of the very fact that we have policy**  
 8 **and procedures that are aimed at a "One Church"**  
 9 **approach, we don't have people creating their own, and**  
 10 **so any bishop or religious congregation that stepped**  
 11 **outside of the procedures, wanted to create their own,**  
 12 **would be challenged, I think, in terms of not following**  
 13 **a "One Church" approach which had been agreed within the**  
 14 **Conference of Bishops and Religious and had been signed**  
 15 **off by trustees.**  
 16 Q. Onto the next page, please, page 5, the third bullet  
 17 point from the bottom in the section that's just been  
 18 magnified:  
 19 "We don't have good quality information to allow us  
 20 to know that policies are not being followed -- but  
 21 there is a process in place which may or may not work."  
 22 Do you agree that -- obviously this is in 2016. The  
 23 position now. Do you believe that now you have good  
 24 quality information to know if policies are being  
 25 followed or not?

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1 was that something you were seeking to improve on?  
 2 **A. It was, yes. Yes.**  
 3 Q. Has it been improved?  
 4 **A. In my view, it has. I think there are still issues to**  
 5 **address, in terms of having to wait to find out whether,**  
 6 **in fact, somebody is following policy and procedures, in**  
 7 **the context of, if somebody isn't, then it's**  
 8 **a retrospective look at whether somebody isn't, as**  
 9 **opposed to having hands-on understanding.**  
 10 Q. And so there is no -- the information to you wouldn't be  
 11 contemporaneous, it would be looking back and seeing  
 12 that there had been a breach; is that what you mean?  
 13 **A. If there had been a breach, yes.**  
 14 Q. Going to the bottom of that page, there were positive  
 15 points:  
 16 "Regular reviews by Nolan and Cumberlege.  
 17 "Covenants of care -- the envy of statutory  
 18 authorities.  
 19 "Achieving a lot at minimal cost and a lot of  
 20 pro bono work.  
 21 "The range of backgrounds contributes to the  
 22 independent voice."  
 23 There was a view expressed earlier about how the  
 24 NCSC should really have professional staff to assist it.  
 25 Do you agree with that?

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1 **A. I think the development of putting in place policy and**  
 2 **procedures that needed to be reviewed substantially when**  
 3 **I came into the position of chair and Colette Limbrick,**  
 4 **who is director of CSAS came in at the same time, and it**  
 5 **was clear there was a -- the electronic records of**  
 6 **policy and procedures was not easy to follow. There was**  
 7 **a manual. That when you tried to link to one part, it**  
 8 **didn't always connect to the right part, so you'd**  
 9 **actually be sent somewhere else.**  
 10 Q. But in terms of knowing whether or not a Safeguarding  
 11 Commission for an archdiocese was actually following the  
 12 policies?  
 13 **A. Yes, I understand that. I'm just trying to put in**  
 14 **context that you have to review the policy and**  
 15 **procedures in the first place to make sure they are fit**  
 16 **for purpose, and that's the work that was done. This**  
 17 **also occurred at -- this meeting also occurred at that**  
 18 **time when we were in the process of finishing that off.**  
 19 Q. So are you able to monitor whether or not any part of  
 20 the church was complying with your procedures?  
 21 **A. The NCSC doesn't directly monitor; it would come through**  
 22 **CSAS as to whether issues are raised as to whether**  
 23 **somebody is following the policy and procedures.**  
 24 Q. When we say we don't have good quality information to  
 25 allow us to know that policies are not being followed,

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1 **A. I mean, there are professional staff involved within the**  
 2 **NCSC. Within CSAS, you've got professional staff and**  
 3 **with commissions you've got professional staff, at**  
 4 **a local level. Whether or not it needs an overarching**  
 5 **commission, in terms of professional staff that sit**  
 6 **outside of that, well, that's, I think, within the**  
 7 **context of the current independent safeguarding review**  
 8 **we want to undertake, and I would just want to make the**  
 9 **point that doing an independent review is a whole-system**  
 10 **approach, as opposed to reacting to individual issues**  
 11 **that might arise.**  
 12 Q. I want to go to page 6 now, please. Further down, it  
 13 says the negative points were -- the fourth bullet point  
 14 down:  
 15 "Commission chairs ..."  
 16 By which you mean individual safeguarding chairs, do  
 17 you?:  
 18 "... have a role spec -- how do we know they are  
 19 doing it?"  
 20 Is that the same point as earlier about not having  
 21 good information about compliance?  
 22 **A. I can't remember whether or not the commission chair's**  
 23 **role specification had then been updated from this.**  
 24 **I can't remember.**  
 25 Q. Further down, you note a negative point was:

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1 "Complexity of policies and procedures."  
 2 Which is something you touched upon earlier.  
 3 Could I take you now to a different document,  
 4 please, CHC001936\_002. Chair, it's behind your tab 13.  
 5 Right at the top of the page, the top bullet  
 6 point -- just to introduce the document, this is an NCSC  
 7 Survivors Advisory Panel document, "Key thoughts on  
 8 victim and survivor perspective", and we see there the  
 9 top bullet point:  
 10 "Let the church drive the policy/response not the  
 11 insurers."  
 12 Is that a sentiment that you recognise?  
 13 **A. I think that has been the case in the past, yes.**  
 14 Q. By which you mean that it's no longer the case?  
 15 **A. I'm not fully conversant with any issues where insurers**  
 16 **have driven policy, but we have policy and procedures**  
 17 **that have been agreed, so I can't see why insurers would**  
 18 **want to step outside of that, and if they have, then it**  
 19 **will come to our notice.**  
 20 Q. But they are part of the sign-off process?  
 21 **A. Insurers might be, yes, if it has impact upon them.**  
 22 Q. Do you have experience of policy being changed as  
 23 a result?  
 24 **A. No.**  
 25 Q. I'm now looking at paragraph 3.1 of your statement,

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1 **procedures to reflect some of the issues that had been**  
 2 **raised.**  
 3 Q. "They" being the archdiocese?  
 4 **A. Yes. And they were informed not to do so because to do**  
 5 **so would step outside of the "One Church" approach, and**  
 6 **that's crucial, I think, to make sure that people are**  
 7 **following -- when I say "people", commissions, bishops,**  
 8 **Congregation of Religious -- a policy and procedure**  
 9 **approach, but also within that is the whole context of**  
 10 **the culture of safeguarding, so it isn't just policy and**  
 11 **procedures, it's the whole context.**  
 12 Q. It's quite a simple concept, isn't it, that every part  
 13 of the church subscribes to one set of national policies  
 14 and procedures?  
 15 **A. Yes.**  
 16 Q. What is it that's been difficult about people  
 17 understanding that?  
 18 **A. I suppose some of it relates to culture.**  
 19 Q. What does that mean?  
 20 **A. Well, in terms of safeguarding, there should be, as**  
 21 **there is with any organisation that deals with**  
 22 **safeguarding, an understanding that doesn't need, in**  
 23 **a sense, to be thought through. It should be an**  
 24 **automatic response. So an allegation of abuse comes in,**  
 25 **there should be an automatic response to that, ie, to**

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1 Mr Pearson, which is on page 7. You say, to underpin  
 2 the NCSC's work, you recently developed a strategic  
 3 business plan which sets out the commission's core  
 4 strategic aims, strategic and operational objectives and  
 5 the annual plan. And we can see the 2018 to 2021  
 6 strategic business plan at CHC001726 -- chair, your  
 7 tab 20. We will just go on to page 2, please, to get  
 8 a flavour of what the plan looks like. These are the  
 9 strategic objectives:  
 10 "To model and promote good governance with respect  
 11 to safeguarding within the church.  
 12 "To set the standards ..."  
 13 If we look at point (g)(ii), promoting the "One  
 14 Church" approach. Now, the "One Church" approach was  
 15 something first spoken about by the Nolan Report --  
 16 **A. Yes.**  
 17 Q. -- which was some time ago now. Is it still the case  
 18 that one has to persuade parts of the church to  
 19 subscribe to the "One Church" approach?  
 20 **A. I think there needs to be more of a better understanding**  
 21 **of what "One Church" approach means, so if I can --**  
 22 Q. Who is it that needs to understand?  
 23 **A. If I can give you an example, following the hearing here**  
 24 **on the Archdiocese of Birmingham, there was a response**  
 25 **that they wanted to change some of the policy and**

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1 **report to statutory agencies. And that should be, in**  
 2 **the context of culture, not have to be thought about.**  
 3 **That's my understanding within, for instance, local**  
 4 **authority safeguarding, which I've worked in. You don't**  
 5 **need to tell people what to do in that context.**  
 6 **The church, in terms of dealing with safeguarding,**  
 7 **is relatively new, in terms of history of safeguarding,**  
 8 **and so there are elements, I think, that still need to**  
 9 **be embedded in ensuring that automatic knowing what to**  
 10 **do without having to constantly look at procedures. So**  
 11 **it's embedding that within thought, not just, "What do**  
 12 **I do about this?"**  
 13 Q. And during your tenure, what has the NCSC done to do  
 14 that? I know it is a broad question, but --  
 15 **A. It is a broad question. Well, one of the first things**  
 16 **we did was to review the whole policy and procedures, to**  
 17 **make them much easier to be able to scope around, to**  
 18 **have an electronic system that made it much easier as**  
 19 **well, so there are very clear definitions in the**  
 20 **difference between what is a policy, what is**  
 21 **a procedure, what is guidance, what is information.**  
 22 **That was very confusing when I first came into the**  
 23 **position of chair.**  
 24 Q. Can I ask you about a separate topic, which is the  
 25 extent of any contact between the NCSC and the

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1 Congregation for the Doctrine of the Faith and/or the  
 2 Holy See. You say -- I'm looking at paragraph 4.1 of  
 3 your statement, which is on page 8, if that assists --  
 4 as chair, you have not had any contact with the CDF or  
 5 the Holy See in relation to child protection and  
 6 safeguarding matters. Is that right?  
 7 **A. That was the case at the time I wrote this.**  
 8 Q. Right. Which was October 2017?  
 9 **A. Yes.**  
 10 Q. The position has updated since, has it?  
 11 **A. Yes. It was an issue that arose when -- if you just let**  
 12 **me reflect a second to try and remember. I was notified**  
 13 **by the -- by Colette Limbrick that there was**  
 14 **a disclosure of victim information which had either been**  
 15 **disclosed by the two dioceses who had that information**  
 16 **and which was then given to the Holy See, the Doctrine**  
 17 **of the Faith.**  
 18 Q. What was your communication with the -- was it with the  
 19 CDF or another part of the --  
 20 **A. Well, I was advised of this issue arising, and I think**  
 21 **that was early October 2018, and within a week or so,**  
 22 **I wrote a letter to the congregation to say, "This is**  
 23 **the issue that's arisen. Can you assure me that you**  
 24 **have not leaked this information?"**  
 25 Q. Did you receive a response?

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1 **A. That's correct.**  
 2 Q. Can I also ask, one point you did make is that the  
 3 monitoring of compliance is undertaken by CSAS through  
 4 audits?  
 5 **A. Yes.**  
 6 Q. But is it not right that, between 2015 to 2018, CSAS  
 7 didn't select any part of the church for audit. There  
 8 were two audits: Archdiocese of Westminster and of  
 9 Hexham, and they were carried out for specific reason?  
 10 **A. Yes.**  
 11 Q. So how much monitoring was there being done between 2015  
 12 and 2018?  
 13 **A. This was the period, I think, that we were collectively**  
 14 **working towards improving the policy and procedures.**  
 15 **It's very difficult to do an audit against policy and**  
 16 **procedures that may be out of sync, because what are you**  
 17 **going to audit?**  
 18 Q. You wanted the policies sorted first and then you can  
 19 audit against those policies?  
 20 **A. Yes.**  
 21 Q. So the changing of the policies meant it stifled, if you  
 22 like, the monitoring that could take place?  
 23 **A. I'm not sure the word "stifle" is the right phrase, but**  
 24 **I do think that the need to have some order to the**  
 25 **policy and procedures to make sure that people fully**

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1 **A. No.**  
 2 Q. Having not received a response, did you chase for one?  
 3 **A. My understanding at the time is that are there had been**  
 4 **attempts previously to gather information, and the**  
 5 **responses extremely slow, and to send yet another letter**  
 6 **would probably not get a response.**  
 7 Q. That was -- you were told that, were you?  
 8 **A. Yes.**  
 9 Q. By whom?  
 10 **A. I can't remember where the conversation happened, but it**  
 11 **was a time after I'd sent the letter.**  
 12 Q. We heard from your immediate predecessor,  
 13 Danny Sullivan, that there were meetings that  
 14 Danny Sullivan attended that the Papal Nuncio was  
 15 present at. Have you had the same experience?  
 16 **A. No.**  
 17 Q. I'm going to move on to explain how the NCSC oversees  
 18 the work of CSAS, please. I'm looking at paragraph 5.1  
 19 of your statement which is at page 9.  
 20 You have already outlined the process by which  
 21 policies are drafted and implemented, so I shan't go  
 22 through that again. But I will go through to  
 23 paragraph 5.3, please, on page 10. You say that you  
 24 have never encountered a refusal to ratify  
 25 implementation of a policy or procedure; is that right?

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1 **understood, because there were significant changes to**  
 2 **them, and then to measure audit against those would be**  
 3 **the view that I'm familiar with in working with the**  
 4 **local authority or the NHS. They wouldn't do audits**  
 5 **against something that hadn't yet been properly**  
 6 **examined, in terms of, well, is this up to date with**  
 7 **current practice?**  
 8 Q. And that policy review was 2015 to 2018?  
 9 **A. During that whole period, yes.**  
 10 Q. Do you think it could have been done shorter, quicker?  
 11 **A. I'm sure that that would be the case. I think one of**  
 12 **the issues that arose was the company that managed the**  
 13 **electronic records could only adjust the policy and**  
 14 **procedures every six months. That was the contract that**  
 15 **was in place with them. So --**  
 16 Q. What do you mean by that, sorry?  
 17 **A. The policy and procedures being electronic.**  
 18 Q. As in on the CSAS website?  
 19 **A. Yes. And any adjustments to those had to wait for**  
 20 **the -- whenever the next six-month period would arise.**  
 21 Q. Why?  
 22 **A. Because that's the contract that was in place. I wasn't**  
 23 **party to that contract. That was there before my time**  
 24 **and before Colette Limbrick's time. So one of the areas**  
 25 **of not just reviewing the policies and procedures, but**

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1 **was also to develop a better way of being able to make**  
 2 **adjustment immediately, and that's why then we**  
 3 **commissioned -- I say "we", because it had been agreed**  
 4 **through the process that's in place for policy and**  
 5 **procedures, that was agreed for a different company to**  
 6 **take over the web page.**  
 7 Q. So it isn't the situation now?  
 8 **A. Immediate change can be done.**  
 9 Q. If the conferences ever refused to implement a policy  
 10 that you had presented to them, you say that you would  
 11 point out the risk that may be associated with such  
 12 refusal. That would be what you --  
 13 **A. Yes, absolutely, and in writing.**  
 14 Q. But you believe the conferences support and accept the  
 15 mandate they gave to the NCSC and CSAS?  
 16 **A. Yes.**  
 17 Q. To be clear, the NCSC has no involvement in the  
 18 investigation of allegations, does it?  
 19 **A. No, that's correct.**  
 20 Q. That is for the diocese or religious congregation --  
 21 **A. Yes.**  
 22 Q. -- who have that responsibility. If you receive an  
 23 allegation directly, what do you do?  
 24 **A. It is communicated to the relevant commission**  
 25 **responsible for where the allegation originates from, in**

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1 Q. Can you help us with the input that you get from the  
 2 Survivors Advisory Panel? How does that work?  
 3 **A. It's normally taken by CSAS to the advisory panel. They**  
 4 **would make comment. They would come back to CSAS, who**  
 5 **would then bring it to the commission. There may be, as**  
 6 **part of our process, that we want adjustments to any**  
 7 **policy and procedure being suggested and we may also**  
 8 **then refer back to the Survivors Advisory Panel.**  
 9 Q. Dealing with your procedures, if we could go, please, to  
 10 INQ004784, please -- chair, behind your tab 22 -- this  
 11 is the current section which is entitled "Children -  
 12 policy and procedure for the management of allegations  
 13 and concerns". We see that it was updated quite  
 14 recently -- 2 October 2019. That's right at the bottom  
 15 of the page.  
 16 **A. Yes.**  
 17 Q. It is to be reviewed in April 2021. The first question  
 18 I would like to ask you is, who are these procedures  
 19 meant for? Do you recognise this document?  
 20 **A. I do, yes. It is relatively new, did you say?**  
 21 Q. It was updated October 2019, but with very small  
 22 amendments to a document that was uploaded, I think, in  
 23 the earlier part of this year.  
 24 **A. Okay.**  
 25 Q. Who is this meant for?

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1 **other words, where the person is domicile.**  
 2 Q. If there is a complaint about the handling of a case,  
 3 you may become involved; would that be fair?  
 4 **A. It would be brought to my attention, in terms of the**  
 5 **handling of the case, yes.**  
 6 Q. If an allegation involves a bishop or a religious  
 7 leader, or there has been a breach of policy or a case  
 8 has been in the public domain, CSAS may brief you on it?  
 9 **A. Yes.**  
 10 Q. You say that in your tenure, although this statement was  
 11 dated October 2017, in your tenure, you have never had  
 12 to raise any concerns with Safeguarding Commissions.  
 13 Does that remain the case?  
 14 **A. I'm not aware currently, but -- I'm not aware that**  
 15 **that's been the case.**  
 16 Q. I'm going to go to paragraph 10.4 of your statement,  
 17 please, Mr Pearson, which is on page 18. This is where  
 18 you describe the period of review of the policies and  
 19 procedures and any changes to the policy or procedures  
 20 are robustly scrutinised by the NCSC and the Survivors  
 21 Advisory Panel --  
 22 **A. Yes.**  
 23 Q. -- before they are recommended for submission to the two  
 24 conferences?  
 25 **A. Yes.**

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1 **A. This would suggest it's meant for commissions and**  
 2 **safeguarding coordinators.**  
 3 Q. If we go, please, to section 3 of this document, which  
 4 is on page 6, you said in your statement that there's  
 5 a policy of mandatory reporting in the Catholic Church,  
 6 is there not?  
 7 **A. Yes, as long as I make the caveat "mandatory" is not**  
 8 **a legal position, it's a position where we expect that**  
 9 **if an allegation comes in, it's reported.**  
 10 Q. Well, the first section -- we must be clear about  
 11 this -- relates to the management of allegations and  
 12 concerns in relation to individuals who are not in roles  
 13 within the Catholic Church in England and Wales. It  
 14 says:  
 15 "If a child is considered to be in immediate danger,  
 16 then a referral should be made directly to the police,  
 17 informing the safeguarding coordinators as soon as  
 18 possible afterwards.  
 19 "In cases where the child is not considered to be in  
 20 immediate danger but where there is a risk of  
 21 significant harm to a child:  
 22 "1. The person receiving the information about  
 23 alleged harm to a child must discuss the matter with the  
 24 safeguarding representative, who will consult with the  
 25 safeguarding coordinator as soon as possible ..."

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<p>1 So is there a distinction, then: immediate danger, 2 go to the police; not immediate danger, go in the first 3 instance to the safeguarding representative? 4 <b>A. Yes.</b> 5 Q. There is a lot about what to do if somebody isn't 6 available. I'm just going to proceed on the basis that 7 everyone that should be is available. 8 <b>A. Okay.</b> 9 Q. Point 2: 10 "Through discussion with the safeguarding 11 coordinator and, if required, in consultation with the 12 commission chair, the safeguarding coordinator will 13 determine whether the matter should be referred to the 14 statutory authorities ..." 15 So we are in a position in which, if there is a risk 16 of significant harm to a child and the person against 17 whom the allegation is made is not within a role within 18 the church, there is a discretion exercised, is there 19 not, as to whether or not to report to the statutory 20 authorities? 21 <b>A. That would suggest that that's the case, yes.</b> 22 Q. Is that the position, as you understand it to be, or is 23 this at variance to what you understood? 24 <b>A. It is at variance to what I understood.</b> 25 Q. "It is not for individuals within the church to decide</p> <p style="text-align: center;">Page 117</p>	<p>1 whether a child about whom they have concerns meets the 2 threshold of being at risk of significant harm; 3 "If in doubt, all concerns should be referred to the 4 local authority Children's Services Department for 5 consideration ... 6 "The safeguarding coordinator will usually seek 7 consent from parents/carers to make a referral to the 8 local authority Children's Services Department. 9 However, if the concerns are a child protection matter, 10 no consent is required as to involve the parents or 11 refusal to make the referral might compromise the safety 12 of the child." 13 I'm asked to ask you in respect of that, do you 14 accept that this is unsound safeguarding practice, 15 particularly given that parents can be persuaded that it 16 is not in their child's interests to make a referral 17 and, in any event, other children may be at risk? 18 What's your view on that? 19 <b>A. I think it's right that parents should be informed</b> 20 <b>there's going to be -- there is an issue of</b> 21 <b>safeguarding, and whether that should be reported or</b> 22 <b>not. The second part of that makes it clear that if</b> 23 <b>there are concerns about child protection, then consent</b> 24 <b>isn't required, so it would be reported.</b> 25 Q. Following that:</p> <p style="text-align: center;">Page 118</p>
<p>1 "Information will be shared with families, unless to 2 do so would compromise a child's safety as directed by 3 statutory agencies." 4 <b>A. Yes.</b> 5 Q. The paragraph following that: 6 "In addition to any intervention provided by 7 statutory authorities, the parish safeguarding 8 representative, in consultation with the safeguarding 9 coordinator, will consider whether there is any local 10 assistance or support that can be offered to the child 11 and family. This might include signposting to relevant 12 services or facilitating access to existing parish 13 activities. If assistance is initially refused, the 14 child and family should be informed that they can take 15 up the offer of assistance at any time." 16 I read that out for the sake of completeness. That 17 is section 3, effectively? 18 <b>A. Yes.</b> 19 Q. Section 4, the title of which is at the bottom of the 20 same -- you have it there at the top -- there, I think, 21 digitally: 22 "Management of allegations and concerns in relation 23 to clergy, religious, rectors, vice-rectors, seminary 24 staff members, members of the safeguarding structure, 25 laypersons and volunteers acting in the name of the</p> <p style="text-align: center;">Page 119</p>	<p>1 Catholic Church in England and Wales." 2 Starting with the first paragraph, "Application of 3 the policy and procedure": 4 "This policy and procedure should be read in 5 conjunction with statutory guidance on managing 6 allegations against people working with children ..." 7 We don't need to go to it, but the footnote refers 8 the reader to two pieces of legislation: Working 9 Together to Safeguard Children 2018; and Safeguarding 10 Children: Working Together under the Children Act 2004 11 (2007) Wales. So we are looking at the policy and 12 procedure, we are looking at two pieces of legislation, 13 the local HR policies, so that's the fourth document, 14 and procedures of the diocese or religious congregation 15 or order and the Catholic Bishops' Conference of England 16 and Wales' Directory on the Canonical Status of the 17 Clergy (Catholic Trust Society, 2009). So that's the 18 fifth document. It is quite a lot to get through, isn't 19 it? 20 <b>A. It is, but if you look at safeguarding procedures within</b> 21 <b>the local authority or within health, you have those</b> 22 <b>same contexts. People are referred from one procedure</b> 23 <b>to the next to make sure that there is a connection.</b> 24 Q. "It is the policy of the Catholic Church in England and 25 Wales to report to the statutory authorities all</p> <p style="text-align: center;">Page 120</p>

<p>1 allegations of abuse made against those working in the 2 name of the church, regardless of whether the 3 allegations or concerns relate to a person's behaviour 4 in relation to their role within the church or another 5 setting." 6 So that's the mandatory reporting paragraph. 7 <b>A. Yes.</b> 8 Q. "This procedure must be applied in all situations where 9 it is alleged that a member of the clergy or 10 religious ...", and so on, and three bullet points: 11 "Has behaved in a way that has harmed or may have 12 harmed a child; 13 "May have committed a criminal offence against or 14 related to a child; or 15 "Has or may have behaved towards a child in a way 16 that indicates they may pose a risk of harm to children. 17 "Allegations or concerns may be about current events 18 or something that happened in the past but is now only 19 being reported. In either case, the response must be 20 the same. This is particularly necessary as events in 21 the past may have current relevance to the safety of 22 others that might need protecting. 23 "When a person's conduct towards a child may impact 24 on their suitability to work with or continue to work 25 with children, this must be referred to the local</p> <p style="text-align: center;">Page 121</p>	<p>1 authority's designated officer (LADO) for safeguarding 2 children." 3 By whom? 4 <b>A. That would be done by the safeguarding coordinator, if 5 it's brought to their attention.</b> 6 Q. Would you agree that that isn't clear from these 7 procedures, who it is that actually is to do the 8 referring? 9 <b>A. It's clear within the policy and procedures who takes 10 responsibility for reporting to statutory agencies, and 11 that's a safeguarding coordinator. That's their 12 responsibility.</b> 13 Q. Should the matter be raised with them. It is dependent 14 on that, isn't it? 15 <b>A. The mandatory reporting context is saying that's where 16 it goes.</b> 17 Q. "Allegations about conduct that do not meet the 18 threshold for implementing safeguarding procedures", is 19 the next section. What does that mean, can you help us 20 with that? 21 <b>A. Sorry, just refer me to that particular part?</b> 22 Q. Following on, on the same page, please, if we could 23 highlight a section which should say "Allegations about 24 conduct that do not meet the threshold for implementing 25 safeguarding procedures". I don't think you have that.</p> <p style="text-align: center;">Page 122</p>
<p>1 Yes, thank you. Do you see the bold type at the top? 2 <b>A. Yes, thank you.</b> 3 Q. "Allegations about conduct that do not meet the 4 threshold for implementing safeguarding procedures"? 5 <b>A. Yes. And your question about that was ...?</b> 6 Q. What does that mean? 7 <b>A. Well, if it doesn't meet the threshold of allegations of 8 abuse of children, and there are procedures within local 9 authorities as to threshold for safeguarding, then the 10 issue there is saying, so if it doesn't meet that 11 criteria, then it's still within the context within the 12 Catholic Church, should be referred to bishop, 13 religious, and so on.</b> 14 Q. Do you think the reader of this document could easily 15 identify which threshold you're referring to? 16 <b>A. Within the context of dealing with this on a daily 17 basis, yes.</b> 18 Q. But the policies talk about referring the matter to the 19 safeguarding representative, so is this not a policy or 20 procedure that can be looked at by somebody that isn't 21 within the safeguarding structure, that just has 22 a concern and wants to know what to do? 23 <b>A. The policy and procedures within this are about enabling 24 safeguarding representatives of an alert that's given to 25 them, is reported to the safeguarding coordinator. The</b></p> <p style="text-align: center;">Page 123</p>	<p>1 <b>safeguarding coordinator, having received that 2 information, reports directly to statutory authorities. 3 That's the process. So I'm not sure I'm connecting with 4 you saying this is a complex process.</b> 5 Q. I don't think I have said that, actually. I'm asking 6 you about it. 7 <b>A. My apologies, then, if you didn't.</b> 8 Q. "Concerns about conduct which do not meet the criteria 9 for referral to statutory agencies should be referred to 10 the bishop, religious congregation leader or their 11 delegate for consideration as to whether any further 12 action is required to address the matter." 13 So your position is, the safeguarding coordinator 14 exercises his or her discretion as to whether or not 15 something meets the threshold for implementing 16 safeguarding procedures. Should the decision be that it 17 doesn't meet the threshold, the safeguarding coordinator 18 goes to the bishop or the leader of -- 19 <b>A. No, the threshold -- the -- a referral given to 20 a safeguarding coordinator is not for discretion.</b> 21 Q. What if the safeguarding coordinator takes the view that 22 it doesn't meet the threshold for implementing -- 23 <b>A. It is not for the safeguarding coordinator to decide 24 thresholds; it's the local authority who decide 25 thresholds.</b></p> <p style="text-align: center;">Page 124</p>

<p>1 Q. "Procedure for dealing with an allegation", 4.2: 2 "If a child is considered to be at immediate risk of 3 harm, a referral should be made directly to the 4 police ..." 5 That's there at 4.2, isn't it? 6 <b>A. Yes.</b> 7 Q. At 4.2.1: 8 "Reporting arrangements for allegation against 9 clergy, religious, laypersons and volunteers." 10 If we go over the page: 11 "In cases where the child is not considered to be at 12 immediate risk of harm, the person receiving the 13 information about alleged harm discusses the matter with 14 the safeguarding representative, who will consult with 15 the safeguarding coordinator as soon as possible ..." 16 Then we again talk about what happens when people 17 aren't available. Is that in addition to referring to 18 the police or the statutory authorities? We are talking 19 about not immediate risk of harm, but risk of harm? 20 <b>A. This, again, is in relation to not meeting the threshold 21 of safeguarding, ie, there's not immediate risk. So it 22 is saying, if there are concerns that need to be raised, 23 then that goes from the safeguarding representative to 24 the safeguarding coordinator.</b> 25 Q. Section 4.2 is procedure for dealing with an allegation,</p> <p style="text-align: center;">Page 125</p>	<p>1 and that talks about what happens when a child is 2 considered to be at immediate risk? 3 <b>A. Yes.</b> 4 Q. Go to the police? 5 <b>A. Yes.</b> 6 Q. I'm referring you now to 4.2.1, and the numbering is 7 suggesting it is the same section as what we just spoke 8 about, immediate risk. 9 <b>A. Yes.</b> 10 Q. So is it anything to do with the section above it about 11 meeting the threshold? 12 <b>A. My understanding of this is there are two levels. One 13 is immediate risk: it has to be reported. If there is 14 not an immediate risk, and I can't think of an 15 example -- so say, for instance, a child in a playgroup 16 that takes place within a community hall within the 17 Catholic Church, within a parish, and the child is 18 handled roughly by somebody who manages that, and 19 there's no immediate risk of harm because somebody, say, 20 for instance, has stepped in, but it should be reported 21 to the safeguarding -- if it goes direct to the 22 safeguarding representative or the safeguarding 23 coordinator and there's the view given there's no 24 immediate risk, then that's where that matter, I think, 25 would fit within those procedures.</b></p> <p style="text-align: center;">Page 126</p>
<p>1 Q. Which is to basically operate within the church's 2 safeguarding structure? 3 <b>A. Yes.</b> 4 Q. So the mandatory reporting only relates to children 5 thought to be at immediate risk? 6 <b>A. I think there needs to be a caveat to that that if, on 7 the basis of when somebody is reporting something that 8 seems to be a concern and, as part of gathering 9 information, it then emerges there's a more serious 10 issue here, then that would be taken by the safeguarding 11 coordinator directly to the LADO.</b> 12 Q. A couple of paragraphs down, it's at the bottom of the 13 screen that we are looking at now: 14 "The bishop or religious congregation leader must 15 consider whether the behaviour in question may be 16 subject to canonical penalties ..." 17 I want to focus there on the use of the word "must". 18 Do you agree that that word is unequivocal, that is what 19 has to happen? 20 <b>A. Yes.</b> 21 Q. Do you agree that the word "should" is less unequivocal 22 than that? 23 <b>A. Yes.</b> 24 Q. If we look at 4.2, and I'm sorry to jump around, but 25 back to page 7 at the bottom:</p> <p style="text-align: center;">Page 127</p>	<p>1 "If a child is considered to be at immediate risk of 2 harm, a referral ...", it says "should be made"? 3 <b>A. Yes, that should say "must", I would agree with you.</b> 4 Q. There is also use of the word "vital" in the procedures. 5 Can I take you to page 6, please, at the top of that 6 page, the second paragraph: 7 "Given that allegations can affect livelihoods and 8 reputations, it is vital that a high level of 9 confidentiality is maintained always." 10 I'm asked to ask you this: because that's the only 11 time that word "vital" is used, would this suggest that 12 the church's primary concern appears to be a reputation 13 of its own? 14 <b>A. No. I think that would be in the context of any 15 reporting, the allegation of abuse, or one where the 16 concern has been raised; that the information people are 17 given within a safeguarding context is confidential.</b> 18 Q. On a similar point, can I take you, please, to page 15 19 of the same document, section 9, "Temporary removal from 20 ministry, ecclesiastical office or other post". It 21 says: 22 "There are occasions during an investigation when 23 there is a need to prevent scandal, protect the freedom 24 of witnesses and to safeguard the course of justice, and 25 so a temporary withdrawal from ministry, ecclesiastical</p> <p style="text-align: center;">Page 128</p>



<p>1 office or other post within the church is necessary."                  2 Why is it that "prevent scandal" is the first                  3 justification in that paragraph for removing somebody                  4 from ministry temporarily?                  5 <b>A. I don't know.</b>                  6 Q. Do you think it should be there?                  7 <b>A. On reflection, no.</b>                  8 Q. But it's the NCSC that robustly scrutinise, in your                  9 words, these procedures?                  10 <b>A. Yes.</b>                  11 Q. Has this slipped through the net?                  12 <b>A. I'd have to say yes.</b>                  13 Q. On the same point, if we go, please, to tab 25,                  14 INQ004766. Chair, it is tab 27. I want to be fair.                  15 There is a flowchart in addition to the chapter that we                  16 spoke about which gives a quick guide, as it says, to                  17 responding to all allegations of abuse or concerns about                  18 children and adults at risk. If we go down the page,                  19 please, "Concerns" in the middle of the screen, beneath                  20 that:                  21 "Is there any immediate risk or danger?"                  22 We have said already, if there is, yes, it is clear:                  23 immediately contact the police, social services or LADO.                  24 No: contact the safeguarding coordinator. If the                  25 safeguarding coordinator is not available, contact the</p> <p style="text-align: center;">Page 129</p>	<p>1 police; take notes and it says there allegations of past                  2 abuse should be reported to the police even if the                  3 alleged perpetrator is no longer alive or not perceived                  4 to be a current risk to children/adults at risk, and                  5 safeguarding coordinator will provide feedback.                  6 Do you accept, if the document is talking about                  7 contacting the safeguarding coordinator, this must be                  8 pitched at people other than the safeguarding                  9 coordinator?                  10 <b>A. Yes.</b>                  11 Q. And so it's left to that person's discretion -- and we                  12 know not whether that person is an expert or a layman --                  13 as to whether or not there is an immediate risk of                  14 danger. If they decide no, it's the church's                  15 safeguarding structure that's looked at, not the                  16 statutory authority's. Do you agree?                  17 <b>A. Yes.</b>                  18 Q. If we look finally, before we take a short break,                  19 Mr Pearson, subject to the chair's view, go to, chair,                  20 your tab 26, INQ004786. Page 37 of that document,                  21 please. This is the annual report 2018 from the NCSC,                  22 and there's a section on the right-hand side of the                  23 page, "Reporting to statutory authorities":                  24 "The church referred 62 per cent of allegations and                  25 concerns to statutory agencies.</p> <p style="text-align: center;">Page 130</p>
<p>1 "In the remaining cases, 28 per cent were already                  2 known to statutory agencies and the remaining                  3 10 per cent were not reported to statutory agencies due                  4 to there being insufficient evidence or the allegations                  5 or concerns appearing to be unsubstantiated, there being                  6 no safeguarding issue or the victim not consenting to                  7 the referral."                  8 Who is it that decides whether or not there is                  9 insufficient evidence to refer?                  10 <b>A. I would take that to be the safeguarding coordinator.</b>                  11 Q. So it's the church, is it?                  12 <b>A. Yes.</b>                  13 MR SAAD: Chair, may I ask that we have a brief break there,                  14 please, perhaps only for five minutes.                  15 THE CHAIR: I think we will take our afternoon break just                  16 now and return at 3.15 pm.                  17 MR SAAD: I see, very well.                  18 (3.00 pm)                  19 (A short break)                  20 (3.15 pm)                  21 THE CHAIR: Mr Saad?                  22 MR SAAD: Thank you, chair.                  23 Mr Pearson, picking up again on the point about the                  24 reference to preventing scandal in the part of the                  25 procedures I referred you to, I have been asked to ask</p> <p style="text-align: center;">Page 131</p>	<p>1 this: the term "scandal", does it have a different or                  2 a particular definition in a canonical sense? Do you                  3 know that?                  4 <b>A. No idea.</b>                  5 Q. In a canonical sense, it means an act or omission that                  6 causes sin and spiritual harm to others. Were you aware                  7 of that?                  8 <b>A. No, not in terms of canonical.</b>                  9 Q. "The concept of scandal is therefore about recognising                  10 the victims and survivors of a canonical crime and                  11 preventing them from being spiritually undermined by                  12 what has taken place."                  13 I'm reading from a witness we will hear from next                  14 week, Monsignor Gordon Read:                  15 "It should not be misinterpreted as relating to                  16 reputational or public relations considerations. In                  17 many cases, the antidote to scandal is, in fact,                  18 publicity addressing the issue and showing it is being                  19 dealt with."                  20 Having read out the full piece to you, were you                  21 aware of that?                  22 <b>A. Could you just say that again, please?</b>                  23 Q. Were you aware that the concept of scandal, in the                  24 canonical sense, is, therefore, about recognising the                  25 victims and survivors of a canonical crime and</p> <p style="text-align: center;">Page 132</p>

<p>1 preventing them from being spiritually undermined by 2 what has taken place? 3 <b>A. No, I wasn't aware.</b> 4 Q. Can you help us with whether the reference to "scandal" 5 in the procedures is meant to be in the canonical sense 6 or not? 7 <b>A. It suggests that's the way.</b> 8 Q. What suggests, sorry? 9 <b>A. Sorry, in terms of what you have just read out, it's</b> 10 <b>around preventing scandal in terms of victims and</b> 11 <b>survivors; is that correct?</b> 12 Q. Well, I'm asking -- the word "scandal" is used in your 13 procedures, and I'm asking if it's being used in the 14 canonical sense or not; do you know? 15 <b>A. No.</b> 16 Q. You don't know whether -- 17 <b>A. I don't know whether it is.</b> 18 Q. We were looking at the NCSC 2018 annual report. I would 19 like to go to page 5 of that, so that's INQ004786, 20 please. This is a part of the foreword that had been 21 highlighted. You say: 22 "It is important to highlight that safeguarding 23 structures and arrangements to protect children, young 24 people and adults at risk from harm are not an 'add on' 25 to the work of the Catholic Church in England and Wales,</p> <p style="text-align: center;">Page 133</p>	<p>1 they are expected to be intrinsic to the very fabric of 2 the church." 3 Are you saying that because you feel you still need 4 to persuade people that safeguarding has to be intrinsic 5 to the fabric of the church? 6 <b>A. I'm saying it in the context of, culture of safeguarding</b> 7 <b>needs to be embedded, as I was referring to earlier,</b> 8 <b>that one shouldn't be in a position of trying to think</b> 9 <b>through, "Well, what do I do?", when you have an issue</b> 10 <b>of safeguarding harm, whether to a child or a vulnerable</b> 11 <b>adult, and, therefore, there should be a clear</b> 12 <b>understanding of what to do and why one is doing it. In</b> 13 <b>that context, then, it shouldn't be -- safeguarding</b> 14 <b>shouldn't be seen as an add-on, as another element of</b> 15 <b>the Catholic Church. As I say, it has to be embedded</b> 16 <b>and is intrinsic to safeguarding.</b> 17 Q. On a separate topic, can you describe to us -- we have 18 heard about a link role. 19 <b>A. Yes.</b> 20 Q. What is that, please? 21 <b>A. It was an arrangement put in place to support diocesan</b> 22 <b>commissions and those who are independent religious</b> 23 <b>commissions in making a connection between the NCSC and</b> 24 <b>those commissions. That was in place before I came into</b> 25 <b>this position.</b></p> <p style="text-align: center;">Page 134</p>
<p>1 <b>What I had understood, as I became aware of the</b> 2 <b>issues around safeguarding within the Catholic Church as</b> 3 <b>chair of the commission, that the link role was</b> 4 <b>sometimes misinterpreted as being an audit process, and</b> 5 <b>it isn't.</b> 6 <b>So the NCSC did a review of what that meant, in</b> 7 <b>terms of the link role, and revised the arrangements for</b> 8 <b>what "link role" meant, which is about trying to support</b> 9 <b>commissions on a visit, to see what safeguarding</b> 10 <b>arrangements are in place, what barriers there may be in</b> 11 <b>relation to implementing procedures, for instance, as</b> 12 <b>well as understanding: well, what work are you doing</b> 13 <b>that's actually effective and are there issues that need</b> 14 <b>to be addressed by the NCSC that we could support those</b> 15 <b>commissions with?</b> 16 Q. So it is another strand of the NCSC monitoring what's 17 going on and really getting a feel for what's happening? 18 <b>A. It's a better understanding. As I say, it's not an</b> 19 <b>audit process, but it is seen as a means of supporting</b> 20 <b>commissions and to make sure there's not a total</b> 21 <b>disconnect between the NCSC and commissions.</b> 22 Q. Do you, via the link role or any other part of 23 monitoring, have any oversight of the budgets that are 24 allocated for safeguarding by any part of the church? 25 <b>A. No.</b></p> <p style="text-align: center;">Page 135</p>	<p>1 Q. Do you think you should? 2 <b>A. I think it's for dioceses to determine, first of all, in</b> 3 <b>terms of their geographical makeup, what arrangements</b> 4 <b>need to be in place for safeguarding. Now, in that</b> 5 <b>context, that's not any different to those working in</b> 6 <b>safeguarding, say, in the statutory sector: they have to</b> 7 <b>determine the amount of work that's coming in, the</b> 8 <b>demands, the resources they need, to then respond to</b> 9 <b>them appropriately.</b> 10 <b>I am aware that there is a difference in terms of</b> 11 <b>the monies that are held within dioceses, but I don't</b> 12 <b>know the amount, so I understood from the previous NCSC</b> 13 <b>chair before me that one particular diocese had</b> 14 <b>insufficient monies to be able to carry out</b> 15 <b>responsibilities, not just in terms of safeguarding but</b> 16 <b>other aspects, and so, therefore, were supported by</b> 17 <b>other dioceses.</b> 18 Q. Now, you also, in a more recent statement that you 19 provided in July this year, talk about audits and 20 quality assurance. I'm going to speak in more detail 21 about that with Dr Limerick tomorrow. But you have 22 moved, haven't you, from what was felt to be something 23 like a tick-box exercise before your tenure into 24 something more thematic now? 25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 136</p>

1 Q. Is that a fair summary?  
 2 **A. That's a summary, yes.**  
 3 Q. The more thematic approach has been adopted from the  
 4 beginning of this year and it is ongoing as we speak?  
 5 **A. Yes.**  
 6 Q. We have already spoken -- I'm looking, if it helps you,  
 7 Mr Pearson, at page 12 of your second statement, which  
 8 you will find behind tab 2 of the bundle in front of  
 9 you. You say:  
 10 "The NCSC does not have any powers to ensure  
 11 compliance with its policies. The national policies and  
 12 procedures are approved by the Catholic Bishops of  
 13 England and Wales and in turn are taken to their  
 14 trustees for approval of implementation. The NCSC can  
 15 bring matters of non-compliance to the attention of  
 16 bishops and religious leaders. It is the responsibility  
 17 of the bishops, religious leaders and trustees of the  
 18 respective dioceses and religious congregations to  
 19 ensure that policies are complied with and take remedial  
 20 action."  
 21 But you can't recall, is this right, an occasion  
 22 when the NCSC was required to bring a matter of  
 23 non-compliance to the attention of a bishop or religious  
 24 leader?  
 25 **A. That's correct, yes.**

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1 **A. It wasn't implemented, but, nevertheless, the commission**  
 2 **did have discussions about how to overcome this.**  
 3 Q. This is during your tenure?  
 4 **A. This is during my tenure.**  
 5 Q. So what's changed?  
 6 **A. There was an arrangement in America, for instance, where**  
 7 **they had an overarching policy which, effectively, is**  
 8 **this general decree, so the general decree sets out the**  
 9 **overarching policy, but the policy and procedures**  
 10 **underneath around safeguarding would then not need**  
 11 **ratifying for every change, and so that's the process**  
 12 **that was then put in place in April/May.**  
 13 Q. April/May would have been very soon after the meeting at  
 14 the NCSC in which you expressed frustration at not being  
 15 able to assert the commission's will perhaps more  
 16 assertively, if I can put it that way?  
 17 **A. Yes.**  
 18 Q. Would this help with that?  
 19 **A. I think this makes a tremendous difference, because it**  
 20 **holds the Catholic Church to follow safeguarding**  
 21 **arrangements that are in place. It would mean, for**  
 22 **instance, if a bishop or congregation leader didn't**  
 23 **follow procedures, then that would be immediately**  
 24 **a breach of Canon law.**  
 25 Q. I want to ask you, please, how decisions are made on the

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1 Q. At paragraph 23, you talk about what was  
 2 recommendation 72 in the Cumberlege Report, which is  
 3 what I will call the general decree recommendation.  
 4 That was made in -- the Cumberlege Report was 2007. It  
 5 was suggested or advised that this recommendation should  
 6 be implemented 12 months after the acceptance of the  
 7 report, which is obviously way before your tenure. Are  
 8 you able to help us with why nothing was done until more  
 9 recently about this?  
 10 **A. There were certainly discussions from my tenure around**  
 11 **how to put in place the recommendations, what was termed**  
 12 **recognitio. The challenges with doing that was, it**  
 13 **would have to be signed off, so to speak, by the**  
 14 **Holy See, Doctrine of the Faith, and if there were then**  
 15 **subsequent changes, that would have to go back for**  
 16 **amendment, and so, though it was a Cumberlege Commission**  
 17 **recommendation, that clearly wouldn't be acceptable, in**  
 18 **safeguarding terms, to continually go to the Holy See to**  
 19 **make changes.**  
 20 Q. I said nothing was done. That's perhaps wrong. It was  
 21 considered, but the consideration was, actually, if we  
 22 were to do this, it would make the changing of the  
 23 policy so difficult that it's not workable?  
 24 **A. That's correct.**  
 25 Q. So it wasn't implemented?

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1 NCSC. A suggestion was made by Mr Spear that some  
 2 decisions, at least, are taken by yourself, the  
 3 vice-chairs, perhaps in negotiation with the two  
 4 conferences, and some decisions are presented to the  
 5 commission as a fait accompli. What's your response to  
 6 that?  
 7 **A. Sorry, can I just clarify, are you talking about**  
 8 **decisions that I take to the plenary meetings?**  
 9 Q. Is it ever the case that a decision -- and a specific  
 10 example was cited about the Safer Spaces Project.  
 11 **A. Yes.**  
 12 Q. Mr Spear attended a meeting and had been told that  
 13 a decision had already been taken about the level of  
 14 funding to be given to it. Do you agree, firstly, that  
 15 a decision was made about that before the meeting?  
 16 **A. The decision was made before my time, in terms of**  
 17 **setting up a pastoral support scheme, and when I came**  
 18 **into position as chair, I took on then that**  
 19 **responsibility to progress it, along with others. There**  
 20 **were difficulties -- if I just concentrate on**  
 21 **Safe Spaces, because I think it is a good example.**  
 22 **There were difficulties trying to get this into place;**  
 23 **in part, because the amount of monies that would be**  
 24 **needed to support what effectively was being seen as**  
 25 **a helpline wasn't very clear, and the arrangements that**

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<p>1 need to be put in place were quite complex because we                  2 had advice from a pro bono independent lawyer who was                  3 helping us to take through the process.                  4 I don't agree that people were not party to the                  5 decision making, nor do I agree it was taken as a given                  6 and no consultation, because Mr Spear, for instance, was                  7 involved in two meetings at which the issues around                  8 funding were discussed in detail, the issues around what                  9 needed to be in place, which was a helpline, was also                  10 discussed fully, and also within the NCSC.                  11 The development of that then took a different                  12 course, when the Church of England expressed interest                  13 that they were looking to do something similar and,                  14 therefore, the decision was taken to set up a management                  15 board to progress that.                  16 Now, that was fully reported in every meeting, and,                  17 yes, of course decisions have to be made. If you only                  18 have four meetings a year, decisions have to be made                  19 outside of that. So the mandate of taking that forward                  20 was very clear as well, which was with myself and                  21 vice-chairs.                  22 Q. Do you think, given the workload of the NCSC, that                  23 having four meetings a year and for the chair to be                  24 given, at least in the job description, one day a week,                  25 that that's anywhere near enough?</p> <p style="text-align: center;">Page 141</p>	<p>1 A. I think the comment I made earlier about the need to                  2 review safeguarding arrangements and structures within                  3 the Catholic Church has to encompass that in terms of                  4 the resources that are necessary, how decisions are made                  5 needs to be more than just within four meetings, and so,                  6 part of the terms of reference that have been drafted                  7 includes -- and the scope includes looking at the whole                  8 issue, as a -- a whole approach as opposed to                  9 a piecemeal approach, because that will then address                  10 collectively the range of issues that are challenging                  11 within safeguarding within the Catholic Church of                  12 England and Wales.                  13 Q. I want to ask you about the Cumberlege Report and                  14 monitoring the progress of it, but does it come down to                  15 this, and I want to go to page 14, please, paragraph 29.                  16 You say:                  17 "The fact that the safeguarding landscape has                  18 changed since Cumberlege is something that has been                  19 considered by the wider church. Reports containing                  20 stark revelations of child sexual abuse within the                  21 Catholic Church and evident failures of local leadership                  22 have caused the bishops of England and Wales to reflect                  23 on their own leadership and on the responsibility they                  24 hold for ensuring that safeguarding is embedded in every                  25 aspect of the life of the church."</p> <p style="text-align: center;">Page 142</p>
<p>1 Are you saying, really, the Cumberlege Report was so                  2 long ago, things have changed so much since then, really                  3 it's time for another review?                  4 A. Yes, I am.                  5 Q. And that's what has been started and that's what -- work                  6 is ongoing on that now?                  7 A. Yes. We have appointed the chair to the independent                  8 review and suggested a panel of people to support the                  9 chair.                  10 Q. A point was made that, before this review, the current                  11 review, there was little by way of monitoring the                  12 implementation of the Cumberlege recommendations. Would                  13 you agree or disagree with that?                  14 A. I would disagree. I think the issues of Cumberlege were                  15 addressed in the very early days by previous chairs.                  16 The statement of the -- my predecessor has made it clear                  17 that -- he makes reference to Cumberlege, and there was                  18 a record kept of all the recommendations and what had                  19 been achieved, and my statement relates to the                  20 particular areas that were still yet to be achieved.                  21 Q. We have seen earlier today correspondence between you                  22 and Mr Spear.                  23 A. Yes.                  24 Q. Can I summarise his criticisms and give you an                  25 opportunity to respond to them. The first was really</p> <p style="text-align: center;">Page 143</p>	<p>1 that he felt that the NCSC was not a strategic body, but                  2 one that was reactive rather than proactive. Would you                  3 agree or disagree with that?                  4 A. I would disagree. The whole focus of the NCSC has been                  5 strategic. The fact we put together an agreed quality                  6 assurance framework, we put together a business plan, we                  7 amended the business plan. Mr Spear was part of that                  8 whole process. He had opportunities to be able to                  9 contribute to the discussions that took place with the                  10 business plan. It does set out strategic objectives --                  11 aims and objectives.                  12 Q. His view was that, without having a grasp on prevalence                  13 of abuse, it's difficult to have clear strategy                  14 thereafter. Do you, firstly, agree that you didn't                  15 carry out analysis of prevalence?                  16 A. I think analysis of prevalence has to be more than                  17 knowing how many people abuse. The methodology of                  18 looking at abuse and the statistical information we                  19 have, there needs -- and this is a challenge, I think,                  20 in every safeguarding arena, it's not new to the                  21 Catholic Church in terms of how do you look -- you can't                  22 just look at allegations, for instance, because you need                  23 to know what the evidence is of when it's been proven,                  24 what the evidence is in terms of allegations that                  25 haven't been proven, and so on. It's that analysis that</p> <p style="text-align: center;">Page 144</p>

<p>1 needs to be considered. The NCSC, as part of that                  2 process, have highlighted in the 2018 report that there                  3 needs to be a far more in-depth approach to data                  4 analysis, and that's why we have decided to separate the                  5 data analysis from the narrative for 2018, so it will                  6 give a better picture.</p> <p>7 But, having said that, the strategic approach to                  8 safeguarding is ensuring that people are safeguarded,                  9 whatever the number might be.</p> <p>10 Q. Finally, the inquiry asked a number of core participants                  11 to provide proposals as to what this inquiry ought to                  12 recommend for the Catholic Church going forward. One of                  13 the suggestions is an independent auditing programme,                  14 perhaps external from NCSC and CSAS and, indeed, the                  15 church at all. What's your view on that?</p> <p>16 A. I think one of the difficulties of externalising audits                  17 is, it then is not owned by those who are carrying out                  18 the process of safeguarding.</p> <p>19 So, for instance, if I give an example, within local                  20 authorities' safeguarding arrangements, they have                  21 inspections, and they occur every so often, which will                  22 include a whole audit process. The problem with that                  23 is, it doesn't take place as regularly as it should,                  24 they're seen sometimes as taking so much time up that                  25 people actually can't get on with the day job of</p> <p style="text-align: center;">Page 145</p>	<p>1 safeguarding.</p> <p>2 One of the other problems is, it almost becomes                  3 a divorce from those regulating to those carrying out                  4 the task. If, on the basis of the current audits that                  5 are being taken, it does suggest there is more ownership                  6 of safeguarding, I think the whole safeguarding review                  7 is something that needs to consider whether there is an                  8 independent arm or not, but I think there are both                  9 advantages and disadvantages of having an external audit                  10 process, and if we are talking about the church                  11 embedding a culture of safeguarding, there is a real                  12 difficulty, I think, of then it becomes somebody else's                  13 job.</p> <p>14 Q. Are there any proposals you would like the inquiry to                  15 consider?</p> <p>16 A. In relation to ...?</p> <p>17 Q. How to improve safeguarding within the Catholic Church                  18 in the future?</p> <p>19 A. Well, I think mandatory reporting has been discussed for                  20 a number of years, in terms of regulatory mandatory                  21 reporting. I do think the Catholic Church has reached                  22 the point of telling people that that's what needs to                  23 happen. Having it in place is the right thing, I think.                  24 It can be a bit complex as to who then is involved in                  25 the mandatory reporting. I do think there should be</p> <p style="text-align: center;">Page 146</p>
<p>1 mandatory reporting in any allegation where somebody is                  2 in a position of trust in the Catholic Church. That                  3 will require legislation. But I do think, at the same                  4 time, the general decree reinforces that mandatory                  5 reporting.</p> <p>6 So, for instance, if you have a congregation of                  7 religious who step outside of safeguarding within the                  8 general decree, the bishop has the power to say, "You                  9 are not staying here".</p> <p>10 Q. Finally, can I ask you this: A711 gave evidence to this                  11 inquiry on Tuesday, and this was somebody who approached                  12 you for help and you met with her, I think, on a number                  13 of occasions, but had to say to her that you couldn't                  14 force any part of the church to do something, and she                  15 said this about you:</p> <p>16 "I found Chris supportive and willing to listen,                  17 but, no fault of his, ineffectual, in the sense of that                  18 he cannot have influence over dioceses to make them                  19 compliant and, in that sense, it makes me question the                  20 point of having these national bodies, because dioceses                  21 can just do as they want."</p> <p>22 Is she wrong?</p> <p>23 A. I think there was -- or there is a challenge. There is                  24 a challenge, in terms of the NCSC are not mandated to                  25 investigate, and it did cause me considerable concern</p> <p style="text-align: center;">Page 147</p>	<p>1 that, here is a person who wanted to resolve not                  2 a safeguarding issue, as such, but to raise concerns                  3 about the process that was undertaken, and that process                  4 lies with either a religious order and diocese and, in                  5 this particular instance, the interface between dioceses                  6 and religious order wasn't dealt with properly.</p> <p>7 My ability, as -- sorry, it's not my ability, but                  8 the position of the NCSC to step in and resolve that is                  9 not within the mandate of the NCSC, so I fully                  10 understood her frustration and concern and the emotional                  11 impact and psychological impact it had for her, trying                  12 to deal with this over a significant period of time.                  13 I know you said I met with her. We actually had regular                  14 correspondence --</p> <p>15 Q. Yes.</p> <p>16 A. -- in terms of emails, to try to move on and work with                  17 the diocese to respond appropriately.</p> <p>18 Now, I do think that whole scenario, first of all,                  19 was captured in terms of my meetings with                  20 Colette Limbrick to look at, how do we deal with issues                  21 around process that are not dealt with properly,                  22 separate to safeguarding investigations, but part of it.                  23 So if somebody is unhappy with the process, what does                  24 one do? And a draft document has been put together to                  25 take that forward. I did say to the individual I would</p> <p style="text-align: center;">Page 148</p>

1 **be more than happy that she became part of reviewing**  
 2 **that process, but, clearly, it's -- it was a painful**  
 3 **experience for her and probably not the right time for**  
 4 **her to be involved, but, nevertheless, on an individual**  
 5 **basis, that was offered.**  
 6 **The issue about dealing with people not dealing**  
 7 **properly with due process that is there, I would like to**  
 8 **see as part of the whole review of safeguarding. So**  
 9 **there has to be: what happens if somebody doesn't do**  
 10 **what they should do? And this is not about not**  
 11 **following up allegations of abuse, this is more around**  
 12 **how we deal with people.**  
 13 MR SAAD: Those are all the questions I have for you,  
 14 Mr Pearson. Chair, are there any questions you have?  
 15 THE CHAIR: No, we have no questions. Thank you,  
 16 Mr Pearson.  
 17 (The witness withdrew)  
 18 MR SAAD: The next witness will be dealt with by Ms Carey,  
 19 so I hand over to her.  
 20 MS CAREY: Chair, the next witness is going to be  
 21 Mr David Marshall. We will just take a moment to  
 22 rearrange the witness box. Thank you very much.  
 23 MR DAVID JOHN MARSHALL ( affirmed)  
 24  
 25

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1 and you helped deliver training -- is this right? -- in  
 2 the area of safeguarding?  
 3 **A. Yes, that's correct.**  
 4 Q. Can we turn, please, to the creation of SAP, as it is  
 5 known, the Survivor Advisory Panel, and although you  
 6 became the inaugural chair, I don't think you were  
 7 involved in actually setting up SAP; is that right?  
 8 **A. No, not at all.**  
 9 Q. So your knowledge of how and why it came to be set up  
 10 comes from other documents that you have subsequently  
 11 seen?  
 12 **A. Just that one key document, yes.**  
 13 Q. If we have a look, please, on screen at CHC001937,  
 14 I think you were provided with this document, when it  
 15 comes up, and we go to the first page.  
 16 **A. Yes.**  
 17 Q. Mr Pearson, who we have just heard from, who is the  
 18 chair of the NCSC, provided you with a briefing paper to  
 19 understand the background to the creation of SAP?  
 20 **A. Yes, that's correct.**  
 21 Q. In short, in June 2014, the NCSC approved the  
 22 establishment of what was then called a task and finish  
 23 group to shape and advance the proposal of the Survivor  
 24 Advisory Group, SAP as it became?  
 25 **A. That's correct, yes.**

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1 Examination by MS CAREY  
 2 MS CAREY: Take a seat, Mr Marshall. Thank you very much.  
 3 You are, I believe, David John Marshall?  
 4 **A. That's me, yes.**  
 5 Q. You are now the chair of the Survivor Advisory Panel,  
 6 and, indeed, have been the chair since its inaugural  
 7 meeting on 12 February 2016?  
 8 **A. That's correct, yes.**  
 9 Q. By way of background, I think you were a police officer  
 10 for about 30 years, at least nine of which were spent in  
 11 child abuse investigations. You were the head of the  
 12 paedophile unit. You have chaired an ACPO working group  
 13 and updated guidance in relation to child abuse?  
 14 **A. Yes.**  
 15 Q. You now act as a consultant; is that right?  
 16 **A. That's correct.**  
 17 Q. In what area?  
 18 **A. Well, primarily in investigating child homicides and**  
 19 **suspicious deaths, but also safeguarding training. My**  
 20 **statement mentions working for CPAS. I don't work for**  
 21 **them anymore. But that's to do with family commitments,**  
 22 **nothing else. But I did a lot of safeguarding training**  
 23 **for churches as well.**  
 24 Q. I think, between 2012 and 2016, you worked in Belfast on  
 25 their public inquiry into historic institutional abuse,

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1 Q. Have you had any discussions beyond this document as to  
 2 why it was felt that there was a need for a Survivor  
 3 Advisory Panel?  
 4 **A. Not specific discussions with that specific question,**  
 5 **but, clearly, over the -- over -- when it was formed and**  
 6 **when I was interviewed, it was, "Why do we need one?**  
 7 **What's the importance of it?"; and, throughout, it was**  
 8 **stressed the importance of including survivors and**  
 9 **victims in the -- in an understanding of legislation,**  
 10 **policy, procedures and perceptions and all sorts. They**  
 11 **just saw it as a key role that was -- that was now**  
 12 **needed.**  
 13 Q. If we actually call up on screen your statement, at  
 14 CHC001934\_003, we will see what are called the terms of  
 15 reference for the SAP.  
 16 **A. Yes.**  
 17 Q. We can see there the purpose was to ensure that the  
 18 commission receive appropriate and timely information  
 19 and advice from the survivor perspective that will help  
 20 inform the work of the NCSC and subsequently the  
 21 safeguarding policies and practices within the  
 22 Catholic Church.  
 23 The remit has five subsections, if I can call them  
 24 that: the provision of advice; offering knowledge and  
 25 insight into the experience of those who have been hurt;

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1 making a positive contribution; informing/influencing  
 2 the work of the commission; and providing input on the  
 3 commission's media and communications strategy, for  
 4 example, the annual report.  
 5 It is all well and good to say that, but just help  
 6 us in practice: what does the SAP do?  
 7 **A. I think the summary, the function of the SAP, if I could**  
 8 **go to that in my statement?**  
 9 Q. Yes.  
 10 **A. My memory is not as good as it used to be.**  
 11 Q. You will find it at paragraph 7, I think, Mr Marshall.  
 12 **A. Yes, 7, page 5. So advise recommendations on matters**  
 13 **relevant to victims and survivors, knowledge and insight**  
 14 **into the experience of abuse, which I think is a real**  
 15 **key one, and that's one of the aspects that I've seen**  
 16 **make a real difference and a mind-set kind of change,**  
 17 **actually hearing from victim/survivors first hand of**  
 18 **their experiences and what they think and they feel and**  
 19 **the way they perceive and see things. That's really**  
 20 **invaluable, and the most powerful influence that we**  
 21 **have.**  
 22 **Positive contributions to improve responses**  
 23 **regarding victim disclosures and church support.**  
 24 **Inform and influence work. So sometimes we are**  
 25 **given a particular topic, perhaps the "Hurt by Abuse"**

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1 **adult. She was abused. So we have got quite**  
 2 **a cross-section.**  
 3 **Then we have professionals who have worked with**  
 4 **perpetrators as well as victims/survivors, worked in the**  
 5 **police role with survivors and various different**  
 6 **contexts, so we try to capture -- we appreciate that you**  
 7 **can't have a group represent the interests of all**  
 8 **survivors because it's such a broad spectrum of views**  
 9 **and ideas and perceptions, but actually, I think we have**  
 10 **done quite well in getting a really good cross-section,**  
 11 **and they're not all from the church. There are some**  
 12 **with no faith, some with a different faith, some who**  
 13 **celebrate the Christian faith in a different**  
 14 **denomination, so it's not specific --**  
 15 Q. Can I just pick up on that. The fact they are not all  
 16 members of the church, is that by design or was that  
 17 a deliberate decision in appointing the members to make  
 18 sure there were nonreligious, if I can call them that,  
 19 on the --  
 20 **A. I think, looking at the terms -- from the document**  
 21 **regarding the creation of SAP, and survivors -- there**  
 22 **was a group of survivors who advised on that in the very**  
 23 **first instance, it's really -- I think it was identified**  
 24 **it was more people with the experience and the**  
 25 **understanding rather than being -- you didn't have to be**

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1 **leaflets that have been produced and asked for our**  
 2 **perspective on that, which we then took control of and**  
 3 **actually produced our own leaflets, but it is a two-way**  
 4 **process, so we might be asked to review things or look**  
 5 **at things, but, likewise, we would put forward things,**  
 6 **"Actually, have a look at this", and the first meeting**  
 7 **that I chaired, we had a kind of a roundtable discussion**  
 8 **of what did we think were the key issues that we would**  
 9 **like to be raised and discussed, and we -- I kind of**  
 10 **divided those up between the different panel members to**  
 11 **kind of lead on them, as a group. That became our work**  
 12 **plan, which you have had a copy of and which has evolved**  
 13 **over the --**  
 14 Q. Pause there. We will come to the work plan. It might  
 15 help everyone understand the work of SAP if we can  
 16 understand a little about the makeup of the panel.  
 17 There's obviously you, as the chair. How many members,  
 18 how many survivors? Give us an idea of the breakdown --  
 19 **A. There are a total of eight SAP members, including**  
 20 **myself. Some of those are survivors of abuse, some are**  
 21 **survivors of abuse who are now professionals or experts**  
 22 **working in that field as well. We have survivors who**  
 23 **were abused as children within the church, outside of**  
 24 **the church, but who went to church. We have a lady who**  
 25 **was actually abused as a member of the religious as an**

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1 **a Catholic to do it. If you had the necessary skills or**  
 2 **experience, then so be it.**  
 3 Q. So you're not looking to fulfil a quotient of four  
 4 survivors who happen to have been Catholics, two of whom  
 5 are now practising, two of whom who aren't, or two who  
 6 want nothing to do with Catholicism? It is not set out  
 7 in that kind of --  
 8 **A. Not at all. As the chair, I'm not a practising**  
 9 **Catholic, I'm a Christian but I practice in a different**  
 10 **denomination. My experience in Northern Ireland on**  
 11 **their equivalent of what is now the Truth Project here,**  
 12 **the acknowledgement forum, I heard lots of survivors in**  
 13 **Catholic settings and my view of the Catholic Church at**  
 14 **times was not very high from what I'd heard. So**  
 15 **I didn't come from a pro-Catholic environment. But**  
 16 **likewise, I met lots of really lovely Catholic people --**  
 17 **survivors, victims and people involved. But it was**  
 18 **having that balance across, I think. I think we hit**  
 19 **that balance. It's certainly not pro-Catholic, if**  
 20 **that's the right way to put it.**  
 21 Q. Let me ask you this: is it an anti-Catholic?  
 22 **A. No, I don't think it is. But I think we're very honest**  
 23 **and, if there are things we don't agree with or we think**  
 24 **that's not quite right, or we don't think our voice is**  
 25 **being listened to, then we're not afraid to say that.**

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1 **And that's with those within the church and those**  
 2 **outside the church, they are happy to say what they**  
 3 **think.**  
 4 Q. You have told us about the makeup. How long are panel  
 5 members appointed for?  
 6 **A. I think it's initially for three years, with an**  
 7 **extension for another three years.**  
 8 Q. If I understand it right, the Survivor Advisory Panel  
 9 meets four times a year?  
 10 **A. It meets -- there are four scheduled meetings a year,**  
 11 **but a lot of them get involved with other initiatives**  
 12 **and things falling out of the SAP work throughout that.**  
 13 **So it might be training or helping with -- our new**  
 14 **initiative is a pastoral support -- not a pastoral --**  
 15 **well, we are involved with the pastoral support service,**  
 16 **Safe Spaces as well, but that was in their own time, in**  
 17 **addition.**  
 18 Q. In relation to the panel members, in the briefing note  
 19 that you were given by Mr Pearson, there is reference  
 20 there to panel members signing  
 21 a confidentiality/conflict of interest agreement.  
 22 **A. Yes.**  
 23 Q. Can you help us with why it is that panel members sign  
 24 a confidentiality agreement? What is it that they are  
 25 keeping confidential?

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1 evidence really was how key it was that the experiences  
 2 of the survivors is conveyed --  
 3 **A. Yes.**  
 4 Q. -- to the NCSC. I want to try and understand how,  
 5 practically, that is done? SAP meets four times a year?  
 6 **A. Yes.**  
 7 Q. How is it that the survivors are engaged? How is their  
 8 message conveyed to the NCSC?  
 9 **A. Well, I think it was -- I have forgotten which year it**  
 10 **was, but it is in my statement. The NCSC had a training**  
 11 **day and we were given the programme for that day. So we**  
 12 **ran -- nearly everyone on the SAP did a presentation or**  
 13 **undertook a section which highlights different aspects**  
 14 **that we had highlighted as a group that we thought it**  
 15 **was important that the NCSC were aware of.**  
 16 Q. So the away-day was October 2017, according to your  
 17 statement?  
 18 **A. Yes.**  
 19 Q. Does all of the NCSC attend? Is attendance compulsory?  
 20 **A. I don't think attendance was compulsory, but I think we**  
 21 **had quite a lot of people attend -- well, they did.**  
 22 **I mean, I attend NCSC meetings. I have an obligation to**  
 23 **attend at least one every year and more if I am able to.**  
 24 **There was a majority of the NCSC were there. There were**  
 25 **a few absences.**

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1 **A. I think they refer to the actual agreement which I have**  
 2 **supplied sets out what it is. But, mainly, I think it's**  
 3 **the fact that you work in an arena where very personal**  
 4 **and confidential information may be discussed and is, in**  
 5 **any kind of role where you might be privy to**  
 6 **confidential agreement, that you safeguard that**  
 7 **information and deal with it in an appropriate way.**  
 8 Q. There's nothing in the confidentiality agreement that  
 9 precludes a member of SAP speaking out against the  
 10 church if that's what they felt it was the appropriate  
 11 thing to do?  
 12 **A. No, I think there is a phrase at the bottom:**  
 13 **"The safeguarding of children/adults at risk remains**  
 14 **paramount. Nothing in this section prevents the passing**  
 15 **of information to the relevant authorities where**  
 16 **a member believes individuals are at significant risk in**  
 17 **the church processes and the NCSC have failed to respond**  
 18 **appropriately. This rule does not prevent you passing**  
 19 **information about panel practices and procedures to**  
 20 **a professional legal adviser in the course of obtaining**  
 21 **legal advice or in compliance with a legal obligation."**  
 22 Q. So it is not an inhibition on whistleblowing, to call it  
 23 colloquially, or anything of that nature?  
 24 **A. No.**  
 25 Q. One of the things you said at the beginning of your

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1 Q. Putting the SAP away-day to one side and your attendance  
 2 once a year at the NCSC, at your meetings every three  
 3 months effectively, or there or thereabouts, what do you  
 4 do after a meeting to ensure that, whatever is raised at  
 5 the meeting gets fed back to the NCSC?  
 6 **A. We have detailed minutes obtained of the meeting. The**  
 7 **work plan which we work to is updated, which Mr Pearson**  
 8 **gets a copy of that. Key issues, even if I can't attend**  
 9 **the NCSC meeting, I supply a little update briefing**  
 10 **document of all the key points. And on the SAP is**  
 11 **a link member from the NCSC who will be attending all**  
 12 **the NCSC meetings. So if I'm not there, they have also**  
 13 **got that input as well, along with CSAS, who also have**  
 14 **a link member on the SAP now as well.**  
 15 Q. Do you get any sense there is any difficulty with lines  
 16 of communication between SAP and the NCSC or NCSC and  
 17 SAP?  
 18 **A. No. I mean, a lot is through email, but often I can**  
 19 **ring Chris Pearson on the phone or have conversations,**  
 20 **and if issues arise, like they did when we produced the**  
 21 **"Hurt by Abuse" leaflets, I was able to resolve -- after**  
 22 **the meeting there was some differences of opinion, but**  
 23 **I was able to get hold of Chris and resolve those and**  
 24 **work it through.**  
 25 Q. I'm going to look at "Hurt by Abuse" and the redesign of

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1 that a little later on in your evidence, if I may.  
 2 In the summary of the SAP work, at paragraph 7 at  
 3 the end, you say that SAP is -- will necessarily perform  
 4 the function of a "critical friend".  
 5 **A. Yes.**  
 6 Q. Help us, please: what do you mean by performing the role  
 7 of a critical friend?  
 8 **A. Well, the spirit of why the church is there and its**  
 9 **organisation and being part of it is important. We are**  
 10 **advising the NCSC, so we are part of that organisation.**  
 11 **But -- so in that way, we are a friend, but, likewise,**  
 12 **if there's things that we don't think are right or they**  
 13 **need changing or we need to revise or review or rethink,**  
 14 **then we are going to be critical, but say it in a nice**  
 15 **way.**  
 16 Q. Can you give us an example?  
 17 **A. Well, I could probably use the "Hurt by Abuse" leaflet.**  
 18 **Can I use that?**  
 19 Q. Let's look at that now. Chair, it may be sensible, just  
 20 give me one moment, to pull up on screen, please,  
 21 CHC001935. It is also, I think, behind your tab 2.  
 22 This is a work plan, I think -- was it devised by you?  
 23 **A. What happened, at our initial meeting we sat around the**  
 24 **table and decided which areas were important, allocate**  
 25 **them to different people to take the lead for, and then**

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1 **with what victims and survivors actually thought was**  
 2 **important to include in a leaflet". So we did that.**  
 3 **We produced two leaflets. One is a guide for**  
 4 **victims and survivors and the other is for those**  
 5 **receiving complaints or concerns.**  
 6 Q. Right.  
 7 **A. We then gave that with the idea that that would then be**  
 8 **published in the format that we'd given it. Then it**  
 9 **went to a design company, and the design company then**  
 10 **came back with a format for SAP that, actually, the**  
 11 **survivors didn't really like, because they thought,**  
 12 **"It's completely changed, you've altered the format.**  
 13 **It's not victim/survivor friendly in that way". They**  
 14 **could understand why the changes were made, but they**  
 15 **preferred their kind of simpler, more simplistic**  
 16 **leaflet, which they thought for a victim/survivor, and**  
 17 **from their point of view, was appropriate.**  
 18 **Now, some of them were saying, "Well, we have told**  
 19 **you what kind of leaflet we would like, we have given it**  
 20 **to you, but you have come back to us with a completely**  
 21 **different thing. Are you really listening to us?" So**  
 22 **that was when I had the conversations with Chris Pearson**  
 23 **and talked through those changes with the others**  
 24 **involved as well and it then was decided that actually**  
 25 **we would go back to the design that we had come up with,**

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1 **that document every meeting would be added to, things**  
 2 **might come off it if they'd been completed, or we'd**  
 3 **changed our minds. But it is a kind of a record of --**  
 4 **all the versions of it was kept and this is the very**  
 5 **latest version from our last meeting in -- actually,**  
 6 **that says "March 2019", and the last one**  
 7 **was October 2019.**  
 8 Q. I think this would have been provided to us before then.  
 9 If we can go to page 3, which has got two boxes on it,  
 10 can I go to the second box, please. We will see,  
 11 I hope, at the top there, number 10, reference to work  
 12 in relation to "Hurt by Abuse" which was redesigned?  
 13 **A. Yes.**  
 14 Q. Back to some basics, firstly, Mr Marshall: what was  
 15 "Hurt by Abuse"?  
 16 **A. It was -- a leaflet had already been produced to help**  
 17 **advise survivors/victims if they wanted to report their**  
 18 **concerns, and we were initially kind of shown the**  
 19 **initial version of it and, "Do you think this is okay?**  
 20 **We are thinking of changing it", and whatever else. We**  
 21 **suggested some changes and whatever else. The leaflet**  
 22 **then came back to us. But then we came to the**  
 23 **conclusion, "Actually, we are starting with something**  
 24 **that you've given us. It would be much better if we**  
 25 **went away with a blank page and we actually came back**

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1 **even though it wasn't corporate or it wasn't as**  
 2 **professionally produced, but it was what victims and**  
 3 **survivors thought would be effective and get the message**  
 4 **over. So that's perhaps an example of that working in**  
 5 **practice.**  
 6 Q. The leaflet was to be given to a victim if they went to  
 7 report abuse to the church?  
 8 **A. No, when they were originally brought out, they were to**  
 9 **be kind of left in the back of the church, so that they**  
 10 **were there. But there was an issue about those -- some**  
 11 **churches didn't display them or there weren't copies of**  
 12 **them and things like that.**  
 13 Q. One thing I was going to ask you was, how does the work  
 14 of SAP sort of get disseminated to back of the parish  
 15 church or to the orders? Do you know, practically, how  
 16 the comments that SAP makes end up being disseminated at  
 17 ground level?  
 18 **A. I mean, primarily, and I think this is sometimes an**  
 19 **issue, SAP really -- we are advising the National**  
 20 **Catholic Safeguarding Commission. We are a subgroup of**  
 21 **them, and we are primarily advising them. By advising**  
 22 **them, then CSAS and others may then communicate. That's**  
 23 **how our message may filter down.**  
 24 **However, SAP are beginning to take on a bit of a new**  
 25 **role in a way. They are undertaking local training**

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1 sessions and training for bishops and things like that.  
 2 So as well as advising the NCSC, also members of SAP  
 3 have also advised others, including the  
 4 Pontifical Commission in Rome as well.  
 5 Q. You mentioned there training that is provided by SAP,  
 6 and I think you said in your statement at page 10 that  
 7 recently you received a request to provide training for  
 8 the Westminster commission on a survivor's perspective.  
 9 That's just one of 22 dioceses coming to SAP for  
 10 assistance. Is there perhaps a sense it is a bit  
 11 ad hoc?  
 12 A. That is one of the issues that we raised at our last  
 13 meeting, which is on the October version of the work  
 14 plan, that we understood the importance of training. We  
 15 thought face-to-face training was much better than  
 16 a video, because you could lose control and ownership of  
 17 it. That face-to-face training was the training that  
 18 had the most impact. But, likewise, it was a huge -- of  
 19 the members of SAP who were prepared to do that, that  
 20 was quite a big commitment, and although many were  
 21 prepared to do it and whatever else, we thought,  
 22 actually, in the future, our idea was to identify local  
 23 survivors for dioceses, or others who would be prepared  
 24 to do similar training in the diocese -- perhaps not in  
 25 their own diocese, because that was another issue that

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1 go to just the first page of that document and highlight  
 2 that so I can read it, can we see there at number 2, as  
 3 at the date of the inaugural SAP meeting, the topic  
 4 under consideration was development of pastoral support  
 5 service for survivors/victims. It says underneath that  
 6 this has now become a joint initiative with the  
 7 Anglican Church and the Welsh Church, what's called  
 8 commonly the Safe Spaces Project?  
 9 A. Yes.  
 10 Q. You can see there, as at March, it was ongoing and it is  
 11 still ongoing now, as at, I think, October 2019?  
 12 A. Yes, the latest -- well, four SAP members were involved  
 13 in the procurement process for the person who was going  
 14 to supply it, and at our last SAP meeting they had  
 15 a confidential meeting with Maureen McGrath, the project  
 16 director, because they're now looking at the interview  
 17 stage, which is likely to be in November 2019.  
 18 Q. May I make this observation to you, Mr Marshall: we are  
 19 now well over three years on since your first meeting,  
 20 and Safe Spaces still is not yet in force. I appreciate  
 21 you don't hold the purse or anything of that nature.  
 22 But one of the criticisms and themes running throughout  
 23 this is it takes an inordinately long time for the  
 24 church to do anything, Safe Spaces potentially being an  
 25 example. How do the members of SAP feel about,

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1 was highlighted, that, actually, it is very difficult,  
 2 in your own diocese, telling people about your abuse,  
 3 but, actually, if you went to another diocese, it might  
 4 be easier.  
 5 But it was an idea that SAP would come alongside --  
 6 particularly SAP survivors come alongside other  
 7 survivors in other dioceses and help and encourage them  
 8 in that training role. That's what we see as a key  
 9 thing, that face-to-face explaining and training  
 10 tailored to the audience that you are in front of as  
 11 well. So whether it is safeguarding coordinators or it  
 12 is bishops or it is whoever, it was appropriate.  
 13 Q. Although, as it stands, it's up to the diocese to come  
 14 to SAP and say, "We would like you to do some training";  
 15 there is no national programme involving SAP or anything  
 16 of that nature?  
 17 A. No, I think it is something that Baroness Hollins is  
 18 undertaking, a review of SAP.  
 19 Q. She is. We are going to hear from her tomorrow.  
 20 A. That's one of the areas that we are kind of looking at,  
 21 because it is not a direct function of SAP to do that.  
 22 It is something additional that we have taken on but we  
 23 really think is very worthwhile.  
 24 Q. Can I stick with some of the work that is in the work  
 25 plan at CHC001935, if we have still got that. If we can

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1 sometimes, the length of time it takes for these things  
 2 to actually come to fruition?  
 3 A. I think it's frustrating, but it's something that really  
 4 struck me. I had this impression from coming outside of  
 5 the Catholic Church: the Pope says something happens, he  
 6 tells the bishops, the bishops make it happen. I found  
 7 out that, in reality, most of the power actually sits  
 8 with the bishops rather than the Pope. And then, within  
 9 the diocese, they might all do it in a slightly  
 10 different way and then you've got the religious  
 11 congregations and all these other aspects that all have  
 12 to come together.  
 13 It is frustrating, but it's something that --  
 14 I think the other reason for its delay is, if you are  
 15 going to do it, it's got to be done properly. There's  
 16 no point rushing it in and then it failing. It's a very  
 17 difficult thing to evolve. We had a meeting with  
 18 Maureen McGrath and we did a big, "What do  
 19 victims/survivors actually want?". Some want different  
 20 things. What's the most appropriate? What's already  
 21 been provided in other areas? So it was filling those  
 22 gaps and making it fit for purpose, really. That was  
 23 really very tricky saying, how could you actually  
 24 provide this around the country and some geographical  
 25 areas may need a different response to something else?

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1 So, as a national one, how does that work?  
 2 **But it is frustrating the time it takes for these**  
 3 **things to happen. But I think the SAP in the -- the**  
 4 **four meetings a year, I think, personally, the group**  
 5 **have actually come on and actually made quite a few**  
 6 **considerable changes since they have been in position,**  
 7 **influencing Cardinal Nichols, but also influencing the**  
 8 **PCPM in Rome as well.**  
 9 Q. I am going to come to that.  
 10 A. Sorry.  
 11 Q. It is all right. I just want to ask you about one thing  
 12 because there is a tendency sometimes to concentrate on  
 13 how the message is disseminated to the dioceses and into  
 14 the parishes. What about SAP's involvement with the  
 15 religious orders? Can you help explain about how SAP  
 16 engages with the orders?  
 17 A. Specifically, I suppose we haven't, but then our role is  
 18 to advise the NCSC so they then pass it on. So that's  
 19 our specific role and remit at the moment.  
 20 Q. You mentioned there the involvement of SAP with  
 21 Cardinal Nichols. Can I turn to page 4 of that work  
 22 plan at CHC001935\_004. I think it is the bottom  
 23 section. Is this the position, that on 4 January this  
 24 year, did Cardinal Nichols attend a SAP meeting?  
 25 A. He asked if he could attend a SAP meeting because he was

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1 A. No.  
 2 Q. Observing him listen to the survivors and take away  
 3 their thoughts, did you get any sense of how important  
 4 it was for the survivors who had met him that he had  
 5 attended?  
 6 A. I thought it was -- they thought it was very, very  
 7 important. They were very pleased that he had. But the  
 8 thing I think impressed them the most was the fact --  
 9 what I would describe as his humility. He sat there and  
 10 it was first-name terms. He just sat and listened.  
 11 Q. So the six key things, to use your phrase -- in fact,  
 12 can we have a look at that document; CHC001936. Chair,  
 13 it is behind your tab 4. Was this a document that he,  
 14 as far as you're aware, actually took to Rome with him  
 15 for the Protection of Minors Conference?  
 16 A. Yes.  
 17 Q. We will have a look, please, at the first key theme,  
 18 that of communication. You have included there:  
 19 "Respond with honesty, humility and openness of  
 20 heart."  
 21 A. Yes.  
 22 Q. The "Comments for clarification" box, help us with what  
 23 that was trying to remind the cardinal about that he  
 24 takes away with him?  
 25 A. The comments were -- we identified the six key things

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1 going to Rome, and he wanted to talk to us about that.  
 2 Q. I think, on that occasion, he met with a number of  
 3 members of the SAP; is that right? Then at the  
 4 conclusion of that meeting, he wanted some thoughts  
 5 distilled into a written document?  
 6 A. Yes. I mean, he came, and I thought he was going to do  
 7 a lot of talking, but, actually, he did a lot of  
 8 listening. He sat there and he listened patiently to  
 9 everyone around the table, and said, "I'm going to Rome.  
 10 From a victim/survivor perspective, I had to think of  
 11 six things, a list of six, "What would be your top six  
 12 things?". So we had that kind of table discussion which  
 13 went on for well over an hour and, at the end of it, we  
 14 decided that I would pull together those key thoughts  
 15 and we might add to them and send them to him, which we  
 16 did. Some of the comments we made, he did a little  
 17 video which was on the Catholic website before he went  
 18 to Rome and he actually took direct lifts from some of  
 19 the comments the victims and survivors had made, so he  
 20 clearly had been listening. Then he came back to us  
 21 in --  
 22 Q. I will come back to post the conference?  
 23 A. Sorry.  
 24 Q. Had he been to engage with SAP prior to the January '19  
 25 meeting?

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1 which fell under "Communication, training or victim  
 2 focus", and these are our kind of bullet point comments  
 3 that people actually made during those discussions and  
 4 things like that, that they then fell under -- so the  
 5 comments were made which then fell under the key  
 6 thoughts, the six key thoughts.  
 7 Q. The top one, really, probably encapsulates it:  
 8 "Most victim/survivors simply want to be believed,  
 9 have their pain acknowledged and receive a sincere  
 10 apology. Financial considerations are often not even an  
 11 issue."  
 12 Can you help, is SAP doing any work about the role  
 13 of apologies and what guidance should or shouldn't be  
 14 given when a person who reports an allegation actually  
 15 wants an apology? Are you getting involved in something  
 16 like that?  
 17 A. Well, yes, through the -- the other "Hurt by Abuse"  
 18 leaflet, the advice is about apologetics, accepting,  
 19 listening. One of their key messages, particularly when  
 20 they do tell their personal stories, is emphasising the  
 21 role and the fact that if people say sorry and they  
 22 listen, that that's really crucial. Often compensation,  
 23 they describe it as a bit of a myth, really.  
 24 Compensation is often a last resort because no-one is  
 25 listening, so that's the only course of action we now

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<p>1 <b>have. But if people actually grasp the nettle and</b>                  2 <b>actually listen to us, they might find that actually</b>                  3 <b>that -- we can resolve this. But if you ignore us and</b>                  4 <b>just push it off and don't listen, then that's often our</b>                  5 <b>recourse we have. That's what they tell me and the</b>                  6 <b>experience I have had with speaking to survivors.</b>                  7 Q. Funnily enough, you put that in your sixth bullet point,                  8 if we can go to page 3 of that document. Under the                  9 theme "Loss of victim/survivor focus":                  10 "Don't assume or tell survivors what they need --                  11 ask them -- may be surprised."                  12 On the right-hand side of the table:                  13 "Compensation in majority of cases is not the                  14 motivation for disclosure but it may become so when seen                  15 as the only apparent way to make the church listen/take                  16 action.                  17 "If dealt with correctly from outset may see                  18 compensation as less of an issue if appropriate                  19 victim/survivor focused response including support.                  20 "Want justice and support having experienced a sense                  21 of unfairness and abuse of position of power."                  22 Just finally, a little further down:                  23 "It is a scandal that some victims are apparently                  24 still confronted by responses totally devoid of                  25 integrity or compassion. Lives have and are still being</p> <p style="text-align: center;">Page 173</p>	<p>1 broken."                  2 That's obviously words of some of the people on the                  3 panel --                  4 <b>A. Yes.</b>                  5 Q. -- trying to convey them. Can I just ask you this: do                  6 you get a sense of whether there has been any change                  7 from the victims and survivors' perspective of perhaps                  8 things have been done not so well in the past, but it is                  9 better now or are there still problems occurring now?                  10 <b>A. I think it is work in progress. I think progress has</b>                  11 <b>been made. They do see a change. They do feel their</b>                  12 <b>voice is being listened to, certainly through the SAP.</b>                  13 <b>But there's still a way to go in some areas. I think</b>                  14 <b>it's usually those are kind of anecdotal stories was,</b>                  15 <b>"I went to this church and there was nothing on</b>                  16 <b>safeguarding or there was no leaflet for 'Hurt by Abuse'</b>                  17 <b>or I heard a parishioner say, 'Why are we having to do</b>                  18 <b>safeguarding training? We don't have those problems</b>                  19 <b>here'", or things like that, but they are kind of</b>                  20 <b>anecdotal stories. I think the main -- the big picture</b>                  21 <b>is that people are listening and, the phrase earlier,</b>                  22 <b>they do "get it", but there are some who are still</b>                  23 <b>struggling with that, believing that certain people are</b>                  24 <b>capable of abuse, which isn't unusual, really.</b>                  25 Q. Final matter in that document, please, on page 2, under</p> <p style="text-align: center;">Page 174</p>
<p>1 "Theme of communication":                  2 "To demonstrate practically true acknowledgement of                  3 the issues:                  4 "Be honest.                  5 "Say sorry and mean it.                  6 "Exhibit zero tolerance of abuse or any type of                  7 coverup."                  8 Chair, you will recall we have already looked at                  9 this phrase with a witness earlier today, on the                  10 right-hand side of the page, that "The church drive the                  11 policy response, not the insurers". Is there still                  12 a sense among the victims and survivors that, when it                  13 comes to apologising, the concern is really not to do                  14 anything that jeopardizes insurance or civil claims?                  15 Can you help us with that, Mr Marshall?                  16 <b>A. I think there's certainly a perception a reluctance to</b>                  17 <b>apologise is from an insurance perspective. That's the</b>                  18 <b>perception. I can see there's more than one side to the</b>                  19 <b>account of why you might -- you would take advice from</b>                  20 <b>insurers. There's certainly a perception of survivors</b>                  21 <b>that, "Actually, listen to us".</b>                  22 Q. Mr Pearson, when asked about this quote, said he thought                  23 this was a problem of the past. Do you agree with that?                  24 <b>A. I think the church has got a lot better, and we have</b>                  25 <b>heard lots of apologies, which is great. So perhaps</b></p> <p style="text-align: center;">Page 175</p>	<p>1 <b>it's not as a highlight as it was. But I don't know.</b>                  2 <b>That was the perception of the people on the group. So</b>                  3 <b>sometimes it's perceptions and reality; sometimes it's</b>                  4 <b>with communication people can understand better.</b>                  5 Q. When the cardinal came back from the conference in Rome,                  6 I think you said he was due to give an update?                  7 <b>A. Yes.</b>                  8 Q. Did he come back to the SAP and speak?                  9 <b>A. He came -- on the latest work plan, he came</b>                  10 <b>back July 2019. He came to the meeting again. He spent</b>                  11 <b>an hour there. He told us what had gone on with the</b>                  12 <b>cardinal's discussions with the Pope and his feelings</b>                  13 <b>and whatever else, and he'd also met some of the</b>                  14 <b>survivors in a meeting in Spain with all the bishops --</b>                  15 Q. In Valladolid, yes?                  16 <b>A. -- at which three of the survivors had spoken, and it</b>                  17 <b>was really interesting seeing the interaction between</b>                  18 <b>the survivors and the cardinal there. There was some</b>                  19 <b>laughing and joking and things about him making coffee</b>                  20 <b>for them in Valladolid and things like that.</b>                  21 Q. Without wishing to trivialise it, though, it sounds,                  22 actually, him coming to these meetings is actually quite                  23 important from the victims' and survivors' perspective?                  24 <b>A. It is essential. I think one of the points on</b>                  25 <b>"Demonstrate practically true acknowledgement of the</b></p> <p style="text-align: center;">Page 176</p>

1 issues: be honest, say sorry". If you are going to say  
 2 something, then follow it up with action, don't just say  
 3 it. I think he really did. And he wasn't in a rush to  
 4 go. He was quite happy sitting there, talking with them  
 5 and discussing the issues. So for me, I thought it was  
 6 a very genuine, humble response to the survivors there,  
 7 and the survivors took great comfort and were really  
 8 encouraged by that and spoke very highly of him  
 9 afterwards.

10 Q. Two final topics, please. We have looked at work that's  
 11 been done. What about work that is going to be done?  
 12 Can you help? Are the SAP going to be involved in any  
 13 way in the review that the NCSC have announced and are  
 14 currently about to undertake?

15 A. I think one of the key parts of it is that survivors are  
 16 going to be represented on that review. That's super.  
 17 As you are going to hear from Baroness Hollins, there is  
 18 the review of the SAP, so I think there is other work in  
 19 relation to that which we will also be involved with.  
 20 On the work plan, there's new work on there, item 19,  
 21 which I think is on your --

22 Q. I don't know if it is on the document that we are able  
 23 to call up -- oh, it is, yes. Can I go to the final  
 24 page, forgive me, page 4 of CHC001935. Number 19 in the  
 25 bottom box.

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1 selection process, it is only in the last year or so  
 2 it's really found its feet and been able to provide more  
 3 support to the NCSC.

4 Today, I think it was, that Mr Pearson said SAP  
 5 was -- the "whole essence of SAP was to ensure the  
 6 voices of victims and survivors would be part of the  
 7 whole process". Do you think that actually that's been  
 8 achieved or is being achieved?

9 A. I think "being achieved" is the word. I think it's the  
 10 people on the group getting to know each other. There's  
 11 a lovely synergy. We have now got another -- a new  
 12 member and she is fitting in really, really well. But  
 13 as people get to know each other and trust each other,  
 14 actually, we are able to have those conversations. And  
 15 also I think, having had personal stories told to the  
 16 NCSC, particularly at Valladolid recently, I have seen  
 17 a complete sea change in a particular individual who now  
 18 gets it, and it's taken that time for people -- they  
 19 hear it, but it doesn't always go in the first time.  
 20 But when they hear it from a survivor face to face in an  
 21 appropriate way, all of a sudden the penny drops. And  
 22 they are making a difference. We look back at all the  
 23 things they do and get involved with, which are a lot  
 24 more than just coming to the SAP meetings, they are  
 25 making a difference.

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1 A. That's ongoing, ongoing work.

2 Q. Help us with what is, in a nutshell, the work that's  
 3 ongoing.

4 A. One of the key six thoughts was: don't leave God out of  
 5 the equation. These are people who have a faith and  
 6 a belief, so don't leave God out of it, he is the key --  
 7 well, the most crucial point for many people. So this  
 8 was all about survivors helping in forming special  
 9 services and liturgy for helping survivors coming to  
 10 terms with the abuse in that setting, and so, again,  
 11 people had put forward plans for services and things  
 12 which, actually, when the survivors reviewed them, said,  
 13 "Actually, that's not really appropriate. You need to  
 14 do it this way". So there is a lot of work now for  
 15 appropriate services and liturgy which links in with  
 16 abuse and survivors.

17 Q. Does SAP get involved in any way in individual  
 18 complaints?

19 A. No. Specifically, there is a policy now that anything  
 20 is referred straight to CSAS or the NCSC.

21 Q. I think finally, I would just like to ask you about  
 22 a comment you make in your statement where you say at  
 23 paragraph 8 -- obviously SAP has been developed over the  
 24 last three and a bit years, but with only four meetings  
 25 a year and the members being volunteers and an ongoing

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1 Q. That's what I wanted to ask, because Mr Pearson also  
 2 said that SAP -- sorry, CSAS policies were "robustly  
 3 scrutinised by both the NCSC and SAP". I was wondering  
 4 if you could give us an example of where there was such  
 5 robust scrutiny?

6 A. They have a lot of policies.

7 Q. They do.

8 A. We did have them and we did look at them. The one in  
 9 particular was -- we highlighted at our last meeting, in  
 10 fact, and that was where perpetrators or suspected  
 11 perpetrators and victims/survivors worshipped in the  
 12 same church and how sometimes the policy was all about  
 13 the protection or the managing of the offender or  
 14 suspected offender and forgetting, "Hold on a minute,  
 15 the survivor is in the same church, what impact does  
 16 that have?". So we have recently reviewed that and,  
 17 although some changes have been made, we have some more  
 18 to be made as well. So it is like an ongoing process.  
 19 But there are some we really have looked at and others,  
 20 perhaps, we haven't looked at in as much detail because  
 21 they are not specifically relating to our work.

22 MS CAREY: Mr Marshall, that's all I wanted to ask. Please  
 23 just wait there for one moment.

24 Chair, is there anything you or the panel would like  
 25 to ask Mr Marshall?

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<p>1 THE CHAIR: No, we have no questions. Thank you,                  2 Mr Marshall.                  3 <b>A. Thank you.</b>                  4 <b>(The witness withdrew)</b>                  5 MS CAREY: Thank you. Chair, I think tomorrow we can revert                  6 to the 10.30 am start, if that is convenient.                  7 THE CHAIR: Thank you.                  8 MS CAREY: Thank you very much.                  9 (4.30 pm)                  10 (The hearing was adjourned to                  11 Friday, 1 November 2019 at 10.30 am)                  12                  13                  14 I N D E X                  15                  16 MR DANNY SULLIVAN (sworn) .....1                  17                  18 Examination by MR SAAD .....1                  19                  20 MR STEPHEN SPEAR (sworn) .....53                  21                  22 Examination by MR SAAD .....53                  23                  24 MR CHRISTOPHER PEARSON (sworn) .....82                  25</p> <p style="text-align: center;">Page 181</p>	<p>1 Examination by MR SAAD .....82                  2                  3 MR DAVID JOHN MARSHALL ( affirmed) .....149                  4                  5 Examination by MS CAREY .....150                  6                  7                  8                  9                  10                  11                  12                  13                  14                  15                  16                  17                  18                  19                  20                  21                  22                  23                  24                  25</p> <p style="text-align: center;">Page 182</p>
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