

**THE INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE
RELIGIOUS ORGANISATIONS AND SETTINGS**

**Response of the CHARITY COMMISSION to the
Note on Virtual Hearings dated 27 March 2020**

1. The Charity Commission understands the difficulty faced by the Inquiry in navigating the current public health crisis and ensuring that its vital work continues.
2. In response to the questions posed by the Solicitor to the Inquiry, the Charity Commission's position is as follows.

a. Whether the Charity Commission agrees in principle that, in the current circumstances, the investigation hearing can and should be held remotely in the way set out above;

3. The Charity Commission recognises the importance of the Inquiry, and the Charity Commission has devoted significant efforts to support the Inquiry's investigation.
4. Consequently, in principle, in the current circumstances, the Charity Commission does not object to the investigation hearing taking place by virtual hearing as described in paragraph 5 of the Note, but does have some observations set out underneath the response to other questions posed by the Inquiry.

b. Whether there are any practical difficulties they foresee to the holding of a virtual hearing - e.g. lack of availability of suitable broadband connections etc.

5. Video evidence from the Charity Commission is unlikely to be possible. All proposed attendees from the Charity Commission do have access to a suitable broadband connections, however, it is anticipated that Mr Harvey Grenville will only be able to provide his evidence by audio connection. This is because his broadband connection is unable to support simultaneous audio and video connection, as experienced, over this recent period of remote working.

6. If live streaming is achievable, the Charity Commission has no observations on the proposal for only one or two active members of the Core Participant teams. However, if this is not achievable, the Charity Commission is concerned that limiting access to the virtual hearing will limit Core Participants' ability to participate effectively.
7. The Charity Commission suggests, if viable, that a test run is organised before the commencement of the virtual hearing to ensure that the technology copes well under the pressure of having a number of different parties dialling in. Although it is appreciated that the technical team will be confident that the platform will support a virtual hearing, the benefits of a test run will ensure that there is some familiarity amongst Core Participants with the platform proposed.
8. Finally, the Charity Commission understands that the proposal is for a virtual hearing to commence on 20 April 2020. Subject to the observations below on the start date, if the investigation hearing is to take place virtually, it may be prudent to extend the time reserved for the hearing to account for the technological issues that may arise, such as attendees being unable to connect at the beginning of a day.

c. Whether they agree to the Inquiry's proposal that the Inquiry proceed with a virtual hearing commencing 20 April 2020 as planned. If not, providing reasons, in detail about the availability of individual core participants and witnesses if non-availability of key personnel is a particular issue and whether potential alternative hearing slots in May or June 2020 could be used instead;

9. If the investigation hearing is to take place virtually, the Charity Commission ask the Inquiry to commence the virtual hearing at a later date from mid-May to the end of June 2020. In the circumstances the Charity Commission ask the Inquiry NOT to hold the hearing in April for the following reasons:
 10. Firstly, as with all public bodies, the Charity Commission has had to focus significant resources to deal with the impact of Covid-19 on all charities. The effects of the Pandemic on charities is very significant and ever evolving, and the Charity Commission, particularly as a smaller agency, does not know yet the full impact and demand on its resources in the coming weeks. It is averred that reconvening the hearing in April 2020 potentially compromises the Charity Commission's (and other

government departments) ability to comply with its statutory duties at a time when charities will need its support and oversight the most. In the circumstances the public interest would be currently better served by the Commission dealing with our regulatory functions rather than the hearing in the sort term given our limited capacity

11. Secondly, in order to participate in the originally schedule hearing in March, the Charity Commission had to reschedule some aspects of its critical case work. To reconvene on such short notice in April 2020 would result in a further delay and would have a consequential effect on charities that are already suffering a significant economic detriment, which would then have a further knock on effect on beneficiaries.
12. At present, all proposed attendees from the Charity Commission are healthy enough to attend the hearing and currently do not have any care responsibilities which may impact their attendance. However, as the Inquiry will undoubtedly be aware, the Government has indicated that the UK has not yet reached the peak of the curve, and is unable to assess where the UK is in respect of the curve until the review that is due to take place in 2-3 weeks. The Charity Commission is concerned that, even with the current social distancing protocol, rescheduling the investigation hearing in this short time frame may mean that witnesses (or representatives of core participants) may become unavailable because of their own health or the health of their dependents.
13. The Charity Commission would invite the Inquiry to consider convening the hearings between the middle of May and end of June 2020.
14. In terms of availability, as at the date of drafting:
 - a. Mr Harvey Grenville, who is due to give evidence for the Commission, will not be available during w/c 21 April due to pre existing operational commitments which would be problematic to change.
 - b. Counsel for the Charity Commission is unavailable from 20 to 22 April; 4 to 6 May; 11 to 22 May (for hearings) and 10 to 26 June [REDACTED]. However, many of these dates are hearings that may be adjourned because those court centres will be unable to facilitate remote hearings, however in Counsel's experience the court centres have been unable to address their minds to hearings earlier than a few days before the scheduled hearing. In respect of the June dates,

Counsel has indicated that [REDACTED]
[REDACTED], she will [REDACTED] accommodate the investigation hearing.

d. Whether they agree with the Inquiry’s provisional analysis that section 18(1) of the 2005 Act requires a livestream of proceedings to the public where physical access cannot be provided and therefore the Inquiry should proceed even though a three minute delay to the transmission is not possible.

15. Section 18(1) of the 2005 Act requires that the chair must take reasonable steps to secure that members of the public are able to attend the inquiry or to see and hear the simultaneous transmission of proceedings. The question is whether it is a reasonable step to livestream proceedings where there is a risk of an inadvertent breach of restriction orders. Such is ultimately a matter for the chair.
16. The evidence from the Charity Commission is unlikely to give rise to an inadvertent breach of restriction orders and the law, and the Inquiry will inevitably take into account the views of those who benefit from the protection of restriction orders.
17. Nevertheless, the Charity Commission is concerned that, whilst remedial action may be taken, it cannot cover all potential problems or the distress arising from an inadvertent disclosure.
18. It may be prudent to invite those proposing the technological solution to set out in writing what consideration they have given to the options and platforms, what those were and explain the reasons that there is no viable alternative solution that would allow for a delay in transmission.

31 March 2020