



From: **David Frei** <[redacted]>
Date: Wed, 8 Apr 2020 at 16:43
Subject: Re: IICSA CPIROS Witness Letter
To: Legal Support <[redacted]>

Dear Robert

Re United Synagogue/ Evidence of Dr Steven Wilson

I write further to the letter from the Inquiry, dated 7th April 2020 (the 'Letter'), addressed to Dr Steven Wilson, in which the solicitor to the Inquiry: -

Notified Dr Wilson of the Chair's provisional decision to resume the Investigation into Child Protection in Religious Organisations and Settings ('CPIROS') hearing in the weeks commencing 11 and 18 May 2020.

Asked Dr Wilson to confirm: -

Whether, given his pre-existing commitments and professional obligations, Dr Wilson would be able to give evidence remotely on a date between 11 - 22 May 2020.

The address for delivery of equipment, the speed of broadband connection at the relevant location, and the availability of private space at that address.

Whether he wished to swear on oath or to affirm when he gave evidence and, if the former, whether he would have access to the relevant holy book at the location in question.

Although not referred to in the Letter in the PD the Chair indicates that, in addition to the May dates, there will be a further hearing in the week commencing the week of 10 August 2020 to enable witnesses who were unavailable in May to give their evidence.

The Provisional Decision

Whilst the United Synagogue ('US') is disappointed by the Chair's decision to resume the CPIROS hearing in May it recognises that, by providing for a hearing in August, the Inquiry is able to accommodate those witnesses, such as Dr Wilson, who due to their current obligations in responding to the COVID-19 pandemic are unable to effectively prepare for or commit to attending the May hearing.

That being said the US would nevertheless urge the Chair to revisit the provisional decision – in particular in light of the increasingly clear evidence that the demands of the pandemic are likely to escalate significantly over the next 6 weeks due to a combination of the rise in number of people infected by the COVID-19 virus and the increasing adverse impact of isolation the longer people are required to remain in their homes.

It is self-evident that for a charity such as the US there will be no reduction in May in the demands placed on its increasingly stretched resources and, in particular, on its Chief Executive, Dr Wilson, in providing critical support to members of the Jewish Community. Whilst in no way seeking to diminish the needs of victims of child abuse, at the same time it is important not to lose sight of the needs of the elderly and vulnerable who are reliant on the US for spiritual and practical support in these very difficult times.

Turning now to aspects of the provision decision which are particularly relevant to Dr Wilson.



Paragraph 11 b. the Chair notes that: -

b. The United Synagogue said that its Chief Executive is very busy running services for the US community including spiritual and practical advice and would find it difficult to be diverted from this. Whilst it is acknowledged that this is a summary of the position, the US is nevertheless concerned that it may not have set out in sufficient detail the demands on Dr Wilson arising from his role as Chief Executive of the US. Dr Wilson is (and has been over the last weeks) working up to 20 hours a day, together with many of his staff, dealing with the impact of the pandemic on religious, educational, cultural and financial/staffing matters. He is engaged in decision making across a huge range of matters – by way of examples Dr Wilson is dealing with: The impact of the rise in deaths on burial services (shortage of coffins, arranging volunteers for burial services, engaging with the Beth Din on spiritual matters raised by Rabbis/members arising from the inability to attend funerals, arranging support for the bereaved etc). Setting up a large and operationally complex distribution for kosher food packages to those in need. The issuing of numerous different guidance for Rabbis, communal lay leaders and Members of our Synagogues, setting out how to respond to the consequences of the lock down and the support that is available. Arranging meetings/communications. For example, Dr Wilson recently arranged a zoom briefing for 280 representatives of Jewish Burial societies across the country – involving medical, religious law, and burial experts. The practical impact on the US as a Charity – for example the operational needs of the organisation, the need to furlough staff whilst delivering core services, identifying the steps needed to respond to the reduction in income, arranging and funding welfare support for staff and Rabbis and, above all, ensuring that he is constantly available and accessible to staff for support and assistance in their decision making. Understandably Dr Wilson is as are many of his staff, exhausted and drained by the relentless demands of being confronted with and seeking to help resolve the devastating consequences of the pandemic. It goes without saying that the longer the situation continues, the greater the anxiety and stress which Dr Wilson is likely to feel. For this reason, the US considers that it would be fundamentally unfair (if not reckless) to add to the pressure Dr Wilson is already experiencing by requiring him to give evidence at a hearing in May.

At paragraphs 12 & 13 the point is made that in some cases: -

“operational pressures would make it impossible for witnesses ... to properly prepare to give evidence or to commit to giving evidence at any given time at a hearing” which “would impede the fairness and quality of the hearing, and also do a disservice to complainants, victims, survivors and the general public”. This is precisely Dr Wilson’s concern. Over the next weeks it is simply not possible for Dr Wilson to prepare and give the necessary attention to assisting the Inquiry given the other pressing demands on his time. This is the position whether one looks at it by reference to the sheer number of matters that Dr Wilson has to deal with on a daily basis, or if one looks at it in the context of his ability to concentrate on the evidence for the Inquiry in circumstances where all around him are urgent matters that require his undivided attention.

Paragraph 27: - reference is made to the Inquiry being different to Court hearings in that:

“it is an inquisitorial process, has the ability quickly to implement a technological solution which is sophisticated; does not have the limitations on technology that it can deploy, can act flexibly and is only dealing with a small number of hearings”.

It is unclear how it is said that the technological solution proposed by the Inquiry is more sophisticated than those being considered or adopted by the Courts. Leaving this aside, what past experience has demonstrated is that there are inevitable and often prolonged teething problems when attempts are made to implement new sophisticated technological solutions.

In addition, there are undoubtedly limitations on the technology that the Inquiry can deploy (not least the inability to delay transmission of live evidence) and, even more significantly, the proposal to hold a two week hearing with dozens of witnesses giving evidence (and the involvement of multiple Core Participants) goes well beyond any remote hearing arranged by the Courts.

Paragraph 30: - the Chair states that she is: -

“satisfied that the restriction orders already made, or any new order it is necessary for me to impose, will enable me to manage the evidence provided during a virtual hearing to reduce the risk of any breach of a restriction order, or the provisions of the Sexual Offences (Amendment) Act 1992.”

It is clear from this statement that the Chair recognises that, despite the protective steps that are being proposed, there is still a risk that witnesses such as Dr Wilson may inadvertently breach the provisions of the Sexual Offences (Amendments) Act 1992 and, as such, commit a criminal offence. Even if, which is not accepted, the steps proposed by the Inquiry are adequate, Dr Wilson is concerned that he might inadvertently commit a criminal act and, in this regard, notes that the Inquiry has provided no assurance to him (or other witnesses) as to what would happen in those circumstances.

Paragraph 42: - the Chair acknowledges that: -

“some witnesses may not be able to attend because they are at the “front line” of dealing with the national response to the pandemic and are required to work on their primary operational responsibilities such that they would be unlikely to be able to attend any hearing. I consider that this would relate primarily to those from central government and local authorities.”

For the reasons given above, Dr Wilson falls squarely within the category of those who are “at the front line” in dealing with the response to the pandemic.

The role played by the US in supporting both locally and at a national level a community of approximately 40,000 members is analogous to many of the key functions of a local authority. In both organisations, the focus is on providing guidance and support to those in the community – in particular those who are vulnerable. And in both

cases, the unprecedented demands of the pandemic require all available operational resources (and in particular those of their senior management) to be available to deal with the needs of the community.

Paragraph 43: - the Chair refers to the fact that there are “a significant number of witnesses in this hearing who do not fall into this category and who have indicated that they could attend a hearing in May 2020...[and] that the vast majority of witnesses would already have been prepared to give evidence at the hearing in late March 2020 and had all the relevant preparatory information to do so, and so no issue arises in respect of preparation as may do in other circumstances. I anticipate it being helpful to all those who were prepared to attend the hearing in March to proceed to the resumed hearing as soon as practicable”.

The US would strongly disagree with the suggestion that preparation for the March hearing means that “no issue arises in respect of preparation” for Dr Wilson. The absolute priority over the last few weeks and over the next weeks and months for Dr Wilson is dealing with the pandemic. This has and will continue to dominate Dr Wilson’s thoughts which means that, whether the hearing is in May or in August, preparation for any hearing will to all intents and purposes have to start afresh (the difference being that hopefully in August the situation will have improved sufficiently to allow Dr Wilson time to prepare).

Questions

Addressing the questions in turn: -

Given his professional obligations Dr Wilson cannot commit to giving evidence between 11 – 22 May. As reflected by the daily demands of his role over the last few weeks Dr Wilson needs to be available at all times to deal with existing issues and to be able respond to unforeseen eventualities. Furthermore, as explained above, he cannot prepare over the next weeks for giving evidence, and it would be wholly inappropriate to add to his existing pressures by obliging him to give evidence in May. Dr Wilson is, however, able to give evidence in the week commencing 10 August and it is acknowledged that, if the situation relating to the pandemic has improved by that date, this is likely to remove the current impediments preventing Dr Wilson from giving evidence in May.

Given the current circumstances, it would be inappropriate for anybody other than those living with Dr Wilson to enter his home - whether to deliver equipment or assist in setting it up. [REDACTED]

Conclusion

For the reasons given above, the Chair is invited to reconsider her provisional decision.

Insofar as the Chair remains of the view that the CPIROS hearing should proceed in May and August then, for the reasons summarised above, Dr Wilson is unfortunately not available for the May hearing, but will be able to give evidence at the August hearing.

The US remains fully committed to assisting the Inquiry in its important work and, noting the Chair’s reference to there being “a significant number of witnesses ...who have indicated that they could attend a hearing in May 2020”, is reassured that in giving evidence in August Dr Wilson would not be preventing progress being made.

Lastly, the Inquiry should note that Passover and the 8 day Jewish festival starts in the evening of 8 April 2020, and that during this period it will be particularly difficult to respond to requests from the Inquiry (or indeed to undertake work in relation to the Inquiry).