

<p>1 Friday, 22 May 2020</p> <p>2 (10.30 am)</p> <p>3 THE CHAIR: Good morning, everyone, and welcome to Day 11 of</p> <p>4 this public hearing. Please go ahead, Ms Scolding.</p> <p>5 MS SCOLDING: Thank you very much, and good morning, chair</p> <p>6 and panel. This morning we will hear first from</p> <p>7 Mr Matthew Gould, an official from the</p> <p>8 Ministry of Justice.</p> <p>9 MR MATTHEW GOULD (affirmed)</p> <p>10 Examination by MS SCOLDING</p> <p>11 MS SCOLDING: Good morning, Mr Gould. Thank you very much</p> <p>12 for coming to give us evidence this morning. I know you</p> <p>13 are incredibly busy working upon the COVID-19 pandemic</p> <p>14 and the impact it's having upon the criminal courts, so</p> <p>15 thank you for giving up your time to come to see us.</p> <p>16 A few introductory matters. Firstly, this isn't</p> <p>17 a test of memory. Please feel free to refer to your</p> <p>18 notes and to anything within the bundle.</p> <p>19 Secondly, we will be having a break at 11.30 am. We</p> <p>20 find that concentrating at a screen for longer than an</p> <p>21 hour at a time isn't productive. But if you need</p> <p>22 a break earlier than that, please do, in the</p> <p>23 old-fashioned way, just raise your hand, rather than</p> <p>24 a virtual hand, please, and we can have as many breaks</p> <p>25 as you need.</p> <p style="text-align: center;">Page 1</p>	<p>1 Thirdly, you should have a bundle in front of you.</p> <p>2 We will be able to bring up that bundle on screen to</p> <p>3 look at some of the exhibits and to look at your witness</p> <p>4 statement in a little bit more detail.</p> <p>5 So could I ask you to turn to tab A1 of the bundle,</p> <p>6 please. If you go to the fifth page, can you confirm</p> <p>7 that you signed this witness statement?</p> <p>8 A. I can, yes.</p> <p>9 Q. Is it true, to the best of your knowledge and belief?</p> <p>10 A. It is.</p> <p>11 Q. Have you had an opportunity to read it and the relevant</p> <p>12 exhibits attached to it recently?</p> <p>13 A. I have.</p> <p>14 Q. You are giving evidence today on behalf of</p> <p>15 the Ministry of Justice. Please could you tell us what</p> <p>16 your role is within that organisation?</p> <p>17 A. Thank you for inviting me and giving me a chance to</p> <p>18 participate in the hugely important work that this</p> <p>19 inquiry is doing. My role in the Ministry of Justice is</p> <p>20 the criminal justice system. I'm responsible for policy</p> <p>21 affecting the criminal courts, the criminal law and the</p> <p>22 criminal justice system.</p> <p>23 Q. You are, as I understand it, a deputy director?</p> <p>24 A. That's right.</p> <p>25 Q. So you are effectively -- you have a fairly senior role</p> <p style="text-align: center;">Page 2</p>
<p>1 within the Ministry of Justice in that respect?</p> <p>2 A. That's right. I'm responsible for about 11 teams</p> <p>3 working across those areas, and I have accountability</p> <p>4 for the work that the criminal courts and Criminal Law</p> <p>5 Policy Unit do.</p> <p>6 Q. Looking at paragraph 5 of your witness statement, the</p> <p>7 government identifies clearly that it is essential not</p> <p>8 just that existing offences are used robustly, but that</p> <p>9 the criminal law is what you say is "fully equipped to</p> <p>10 deal with the scourge of sexual abuse"; is that right?</p> <p>11 A. That's right.</p> <p>12 Q. Therefore, that means that where there are not suitable</p> <p>13 criminal offences in place, they should be introduced if</p> <p>14 that is necessary and proportionate? Is that right?</p> <p>15 A. That's right. I can give you an example of a law we</p> <p>16 changed last year for that purpose, if helpful.</p> <p>17 Q. The responsibility for that lies with the</p> <p>18 Ministry of Justice. Am I right in that?</p> <p>19 A. Yes.</p> <p>20 Q. The existing law of sexual offences, and in particular</p> <p>21 sexual offending against children, is fairly</p> <p>22 complicated. Would you agree?</p> <p>23 A. Yes, I would.</p> <p>24 Q. In particular, the law relating to consent, so someone's</p> <p>25 capacity to consent to sexual relations, has</p> <p style="text-align: center;">Page 3</p>	<p>1 a particular complexity and can be difficult for both</p> <p>2 members of a jury, but also lawyers, to understand the</p> <p>3 nuances sometimes of the issue of consent. Is that</p> <p>4 correct?</p> <p>5 A. I think, in a sense, and obviously we are talking about</p> <p>6 victims over the age of 16 when we talk about consent.</p> <p>7 I think it is fundamentally difficult. It is one of</p> <p>8 the hardest issues to prove in court. It is very hard</p> <p>9 for people in the country to fully understand. I gave</p> <p>10 an example in my evidence of how people sometimes assume</p> <p>11 that consent is rather simple, and, actually, if there</p> <p>12 is pressure or coercion, which might be verbal, not</p> <p>13 physical, then consent does not apply. I think that is</p> <p>14 a complex message to get across, and I think more is</p> <p>15 needed to help people, including young people,</p> <p>16 understand that.</p> <p>17 Q. Because of the concerns there were about issues largely</p> <p>18 around consent and not necessarily physical coercion but</p> <p>19 what we these days would probably call grooming, the</p> <p>20 Sexual Offences Act 2003 introduced a specific number of</p> <p>21 offences which criminalised sexual activity between</p> <p>22 someone who is aged between 16 and 17 and somebody who</p> <p>23 holds a defined position of trust. What was the purpose</p> <p>24 of introducing those offences?</p> <p>25 A. I believe the purpose, when parliament passed that bill,</p> <p style="text-align: center;">Page 4</p>

<p>1 was to provide 16- and 17-year-olds with greater 2 protection against people who had a very clearly defined 3 role that gave them, in some cases, almost a quasi 4 parental degree of responsibility over children. 5 I think people watching this inquiry would understand 6 that the sort of power a teacher or care home leader has 7 over a young person makes it quite inappropriate for 8 that 17-year-old to consent. 9 So in those clearly defined areas, parliament made 10 it impossible for a 16- or 17-year-old to consent to 11 a physical relationship. 12 Q. Recognising, of course, the abuse of power that can take 13 place in that context? 14 A. Absolutely. 15 Q. But the Act, in and of itself, provides an exhaustive 16 defined list, doesn't it? So it is not an inclusive 17 list. It doesn't say, "These positions include ..."; it 18 says, "These following positions, there is criminal 19 activity if this takes place", and that is care homes, 20 hospitals and educational institutions? 21 A. That's right. I think the heart of the debate that we 22 are having, and I've seen the evidence that's been 23 submitted to your inquiry, is, is that list sufficiently 24 exhaustive or, actually, is that, in hindsight, too 25 narrow an approach? So I think there's a really</p> <p style="text-align: center;">Page 5</p>	<p>1 important debate to be had there. 2 Q. So, at the moment, just to clarify, a faith leader, 3 someone who could be in a position of significant trust, 4 almost reverence, could have sex with a 16-year-old and 5 a 17-year-old without that being a criminal offence. 6 That's right, isn't it? 7 A. Yes. I think what we can say with utter clarity is that 8 faith leaders are not within the bounds of the position 9 of trust rule. I think lawyers could debate are there 10 other laws that could apply in some instances. I think 11 you could make an argument based on consent if, for 12 example, a very devout 17-year-old felt a degree of 13 moral or spiritual pressure. So you could try and 14 pursue that argument in court. But you're absolutely 15 right, and it is clearly problematic, that faith leaders 16 are not on the list of positions of trust. 17 Q. There's been a growing awareness of, and campaign for, 18 change in the law, both in respect of faith leadership, 19 which is what we are looking at, and broader issues of 20 leadership. So the NSPCC has been running a campaign 21 called Close the Loophole since November 2018, triggered 22 largely, as I understand it, by investigations into 23 individuals like Barry Bennell and the widespread sexual 24 abuse that was found to have taken place in the football 25 community. As part of that, they submitted a Freedom of</p> <p style="text-align: center;">Page 6</p>
<p>1 Information request to LADOs -- local authority 2 designated officers -- terminology not everybody is 3 familiar with. They are the people that deal with, in 4 effect, potential issues of abuse within the context of 5 those who act in positions of trust, irrespective of 6 where they are within the local authority. So the 7 obvious example is schools, but it could also be 8 voluntary activities and faith activities. 9 If you wouldn't mind looking at tab 3, please, which 10 is the witness statement of Almudena Lara from the 11 NSPCC. She's the head of policy and public affairs. 12 Danny, NSP000071_005, paragraphs 27 and 28. 13 They asked about the number of complaints there had 14 been between 2014 and 2018, and this was via a Freedom 15 of Information Act complaint, which identified that the 16 police had recorded just over 1,000 offences of abuse of 17 a position of trust. However, there were an additional 18 653 complaints which arguably dealt with people who were 19 in positions of trust of some degree or another, and we 20 can see that the second largest group was religious 21 groups, of which around 12 per cent. 22 Would you agree that that is a fairly significant 23 number of complaints over that period of time? 24 A. Absolutely. It's very worrying. In a way, if I might 25 just add, I think one of the interesting things with</p> <p style="text-align: center;">Page 7</p>	<p>1 this evidence is towards the bottom of the screen, the 2 end of paragraph 28, where it talks about 3 extracurricular activities. I think when we start to 4 think about positions of trust and abuse of power in 5 that relationship, we could go a lot further, of course. 6 This is one of the challenging things to think about it. 7 But it is not immediately clear to me that this only 8 applies in extracurricular contexts. A 17-year-old who 9 works might rely very greatly on their boss. There 10 could be a difficult relationship there. 11 So I think you can make an argument for saying, 12 absolutely, the figures on religious leaders are 13 worrying and we could take an even wider view if we 14 wanted to. 15 Q. As a result, possibly, of the work that the NSPCC were 16 doing, I understand you started a review; is that right? 17 A. It is. 18 Q. We will come back in some detail to that review later 19 on. I'm just going to try and take things 20 chronologically. 21 The second sort of piece of information is, 22 obviously you may be aware that we undertook a case 23 study into the subject of a gentleman called Peter Ball, 24 who was a Bishop of Gloucester, and, as part and parcel 25 of that, we made a recommendation as to altering the</p> <p style="text-align: center;">Page 8</p>

<p>1 criminal law. Danny, would you mind getting that up, 2 please? It is behind tab 6, chair and panel and 3 Mr Gould. It is INQ005163_001, please. It is the 4 bottom. So the recommendation that the chair and panel 5 made was that the relevant section of the Sexual 6 Offences Act should be amended, so as to include clergy 7 who are exercising pastoral authority over individuals 8 to prohibit them from being able to enter into sexual 9 activity. 10 The Ministry of Justice responded to that letter, to 11 our recommendation, because, within six months, we have 12 an anticipation that everyone will respond to our 13 recommendations and say what they are going to be doing 14 about them or not. Can we go behind tab 7, please, 15 MOJ000912. 16 You say here at the fifth paragraph down -- well, 17 you don't say personally; the Parliamentary 18 Under-Secretary of State for Justice says: 19 "Such behaviour is likely to be caught by the robust 20 laws we already have in place and I want to actively 21 encourage anyone ... We remain determined that such 22 activity should be investigated, prosecuted and 23 punished ... 24 "We want to ensure that existing offences are being 25 used effectively ... we have taken forward a review of</p> <p style="text-align: center;">Page 9</p>	<p>1 existing offences." 2 Do you and the ministry still stand by that 3 statement, that behaviour is likely to already be caught 4 by the laws that we have in place, or do you accept that 5 there is a considerable amount of evidence that the 6 current legislation doesn't capture or isn't used in the 7 way that one would anticipate and wish? 8 A. I certainly think there's a lot of evidence that's it's 9 not being used and people are therefore being let down. 10 I think I would probably read this particular quote 11 together with the evidence on page 2 of this letter. 12 Perhaps -- and it will be my fault if this wasn't 13 drafted clearly, but I feel the penultimate paragraph 14 tries to keep an open tone about next steps. That is 15 the paragraph that reads: 16 "We are considering the findings of the review and 17 will announce next steps in due course." 18 Q. That's _002, please, Danny. 19 A. I think that's what this paragraph was trying to say, 20 but perhaps could have said more clearly, that we 21 absolutely had not, at that stage, ruled out a need to 22 change the law, and certainly today, we emphatically 23 have not ruled out changing the law. In fact, our 24 ministers are very keen to change the law. So I hope 25 that sheds a bit of light on the evidence (interference)</p> <p style="text-align: center;">Page 10</p>
<p>1 that. 2 Q. If I could just take you briefly back again to Ms Lara's 3 statement, therefore, that's NSP000071_003, tab 3, chair 4 and panel. Paragraph 17, please. Just following on 5 from that, in terms of the law, I know there is 6 expressed, in the context of some of the information you 7 provided us with, some concerns about whether or not 8 this is an attempt to change the age of consent by the 9 back door and I think what Ms Lara says has to be looked 10 at. It is not seeking to change the age of consent, it 11 is simply seeking to extend those categories of persons 12 whom we recognise have, or can have, an undue influence, 13 I think -- I mean, that is adopting an analogy from the 14 civil law, but an undue influence on young people, 15 before they are adults at the age of 18, which, at the 16 moment, isn't recognised. That's right, isn't it? 17 A. It is, and I certainly am not suggesting that the NSPCC 18 or anyone else is trying to raise the age of consent. 19 I think the fundamental -- forgive me if I 20 (interference). The fundamental challenge for this 21 policy issue is that we are trying to balance two very 22 difficult things. One is the desire to protect that 23 16/17-year-old from abuse, and the other is the right 24 parliament has given to a 16/17-year-old to consent. It 25 is a risk that, as more and more occupations and roles</p> <p style="text-align: center;">Page 11</p>	<p>1 are added to the list of positions of trust, the balance 2 between those things shifts and the sexual rights that 3 parliament has given to a 16/17-year-old are reduced. 4 That's the balance, I think, that needs to be 5 considered. We might come on later in this evidence to 6 think, how might we approach that. One of the issues, 7 of course is, do you just add professions or do you try 8 to define, in a slightly smarter way, what makes 9 a position of trust. We may come on to that. But 10 I thought I would answer it. 11 Q. That's fine. It is not just the NSPCC. We had evidence 12 in the Peter Ball inquiry from Mr Gregor McGill, who was 13 the legal director to the Crown Prosecution Service -- 14 obviously the prosecutorial body responsible -- who said 15 he would welcome the addition of that offence because he 16 considered that it was an obvious loophole. 17 And not just that, but finally, we also have 18 information from the All-Party Parliamentary Group on 19 Safeguarding in Faith Settings, which reported 20 in January 2020. 21 I think it would be helpful for us to have a quick 22 look at that behind tab 9 of your bundle, Mr Gould. 23 Chair and panel, behind tab B9. It is THO000080_001. 24 Simply to identify, this was an inquiry specifically 25 about whether or not -- the positions of trust in</p> <p style="text-align: center;">Page 12</p>

<p>1 safeguarding young people within faith settings. It 2 wasn't about dealing with the NSPCC point, which is 3 a larger point about extracurricular activities 4 generally. It was specifically about within the context 5 of faith settings. 6 Now, they got evidence -- can we go to _007, please. 7 Unfortunately, this document has been photocopied to be 8 so tiny and minuscule that it is almost impossible to 9 read so I'm just going to have to indicate to you that 10 a number of faith-based organisations gave evidence and 11 gave written evidence, all of whom, including the 12 Baptist Church, the Catholic Church, the 13 Church of England, the Jehovah's Witnesses, the 14 Methodist Church, the Quakers and the United Reform 15 Church, alongside the NSPCC, but also the national LADO 16 network and the Association of Child Protection 17 Professionals, and two academics who did work in the 18 area, particularly around LADO reporting, all of whom 19 said that the law needed to be changed. If we go to 20 _007 and _008, that sets out the faith bodies who gave 21 evidence. There was also oral evidence given by various 22 individuals, which I don't think we need to go through. 23 But their findings, I think it would be quite 24 helpful for us to look at -- THO000080_012, please, 25 Danny. It is page 19 of the internal pagination, if you</p> <p style="text-align: center;">Page 13</p>	<p>1 can read it. I'm afraid my age may well mean -- Danny, 2 could you try to get up "The extent of the problem and 3 the need for change"? Could you try to get that up to 4 try to be as comprehensible as it possibly can be? 5 I would be grateful. 6 I'm just going to look at the bottom paragraph: 7 "All respondents to this inquiry agreed that the 8 definition of position of trust is currently too narrow 9 in scope and needs to be extended. Although different 10 perspectives offered slightly varying factors to be 11 considered, there was not a single respondent to this 12 inquiry who took the view that the current law was 13 adequate to protect the welfare of children in what are 14 primarily institutional settings within the faith 15 community. When considering the main focus of 16 regulation and legislative reform, we cannot afford for 17 the faith sector to be overlooked or neglected. It is 18 already clear there are a significant number of adults 19 who look after children who are seen as trusted adults 20 who are not covered by the existing definition. 21 'Position of trust' should be extended to include any 22 adult who has regular and direct contact with children 23 and is also in a position of authority over them. 24 Changing the law in this way would be thoroughly in line 25 with the original intent of the legislator who drafted</p> <p style="text-align: center;">Page 14</p>
<p>1 it." 2 I think there is sort of unanimous views, and 3 I think that's also reflected, as I understand, if 4 I read your witness statement correctly, you, the MoJ, 5 has undertaken an internal review, as I understand it. 6 You have identified the bodies that you have consulted 7 with -- this was in 2019 -- and that's MOJ000911_003, 8 please, Danny, if you wouldn't mind getting that up. 9 You began a review of the law with a number of 10 different individuals and stakeholders. Is that right, 11 Mr Gould? 12 A. It is, yes. 13 Q. That included the police, CPS, sports bodies, religious 14 organisations, and we see a number of religious 15 organisations mentioned there, as well as a large number 16 of sporting individuals. 17 At paragraph 22 -- Danny, it is on the next page, 18 _004 -- "most contributors felt a change in the law was 19 required"? 20 A. That's right. 21 Q. Given that, what this inquiry is wondering is why any 22 proposed legislation has not yet been put forward and 23 why the Ministry of Justice has not, as yet, identified 24 the need for the law to change? Because there seems to 25 be an absolute consensus amongst everyone involved in</p> <p style="text-align: center;">Page 15</p>	<p>1 this issue that the law, at the moment, is currently not 2 fit for purpose. So what's the Ministry of Justice 3 going to do about it? 4 A. I think it is a fair challenge about timeframes and why 5 things haven't moved quicker. I think there are two 6 issues here. One is I think, as you have identified, 7 there is clear consensus that the law needs to be 8 improved. I think what hasn't yet been decided is how 9 to improve it. 10 There's a relatively straightforward way that would 11 require primary legislation, so we would obviously need 12 to find a vehicle, and there's been a bit of confusion. 13 People thought, perhaps, a quick bit of secondary 14 legislation could add faith leaders, and legal advice is 15 that it can't. So there is a point of realism about 16 finding a parliamentary slot for change. 17 The more substantive and tricky policy question is, 18 how would we change the law? Perhaps the simplest 19 option for us to deliver would be to add roles to the 20 current list. So the list, as you rightly say, 21 currently includes teachers. We could add religious 22 leaders. We would, of course, need to define what 23 a religious leader was, and that isn't always 24 straightforward. 25 Nobody in their right mind would say that it is</p> <p style="text-align: center;">Page 16</p>

<p>1 appropriate for a priest or a rabbi or an imam to have 2 a physical relationship with a member of their 3 congregation. But quite where you define or where you 4 draw the line between someone who is in a religious 5 community and might be influential and somebody who is 6 a designated leader, including in faiths that perhaps 7 have different sorts of structure, perhaps like in the 8 very hierarchical nature that some faiths have, isn't 9 straightforward, and that's within the rather simple 10 approach of adding professions to a list.</p> <p>11 There is then a question about whether that 12 approach, by itself, works. As I said earlier, there is 13 at least an argument for thinking that simply including 14 all sports coaches, including someone who coaches 15 a 17-year-old for an hour a week at football, but not 16 including employers who might have great sway over 17 a 17-year-old's future prospects, in itself creates 18 a slightly strange and perhaps unequal playing field.</p> <p>19 So, broadly, I think there are two ways in which the 20 law could change. One is adding to the existing list, 21 which would require primary, defining clearly what each 22 category means, but the risk of loopholes there is high, 23 or trying to find a way to define harm and define what 24 a position of trust is without reference to a specific 25 occupation so that you catch the offending behaviour</p> <p style="text-align: center;">Page 17</p>	<p>1 rather than saying, you know, "There is one rule if 2 you're a sports coach, but that doesn't apply if you're 3 a music coach giving peripatetic music tuition". 4 I think there are quite a number of issues to work 5 through that.</p> <p>6 Q. Assuming that -- the former is more straightforward, 7 although we accept that the definition of who could be 8 a religious leader would need careful consideration, 9 because you would want to make sure you captured 10 individuals who might not have undergone any particular 11 religious training but who had a mechanism of power and 12 influence, which is the issue. The issue, really, is 13 the abuse of power.</p> <p>14 But surely it must be possible -- I mean, 15 legislative draftsmen define all sorts of very difficult 16 and complicated things, much more complicated, to be 17 honest with you, than a position of trust and what 18 a position of trust is, on a fairly routine basis. It 19 wouldn't be impossible to undertake, or, at the very 20 least, provide some sort of inclusive definition, if 21 necessary with accompanying statutory guidance, because 22 one can always have -- I accept the fact that any 23 legislative change would have to be in primary 24 legislation. I can't see, given that you're adding 25 a criminal offence, that it could be done in a secondary</p> <p style="text-align: center;">Page 18</p>
<p>1 way. But surely it would be possible to do that, and, 2 if necessary, add a practice -- I mean, the CPS already 3 issue, don't they, quite detailed Codes of Practice 4 about various offences. It's not an impossible task, 5 Mr Gould, is what I'm saying to you. So I suppose the 6 inquiry's view is, why hasn't it happened?</p> <p>7 A. I think that is legitimate. Indeed, the answer in the 8 near term is that we were hoping to have an answer, but 9 in the last two months we have been largely focused on 10 trying to recover some performance in the criminal court 11 system, and that explains why our initial hope to give 12 ministers a clear (telephone rings - inaudible) has 13 moved to the right. So I'm not trying to pretend that's 14 good, but I think it is a relevant explanation in the 15 near term.</p> <p>16 Q. Okay.</p> <p>17 A. The wider point, I do agree with your point that this 18 should not be impossible. There are many complex bits 19 of the law.</p> <p>20 Just let me give you one example that I think is 21 relevant to the faith setting as well. Within the 22 sporting community, I think everyone would accept that 23 if there is a young athlete who wants to be part of an 24 Olympic team, trying to become a professional, and they 25 are 17, they are highly dependent on their coach and</p> <p style="text-align: center;">Page 19</p>	<p>1 coaching staff. It seems to me that the link there is 2 absolutely as dependent as a teacher and a student and 3 there seems a very strong case for treating the coach, 4 therefore, in the same way that we would a teacher 5 teaching A levels.</p> <p>6 There is, I think, a legitimate debate, and there 7 are questions for ministers to consider, about whether 8 a 19-year-old who informally trains a team of 9 17-year-olds on a Saturday, kicking a ball around 10 a field in the local park, is a sports coach and should 11 be captured by the same offence.</p> <p>12 If you are willing to take a decision to define the 13 terms broadly, in other words, if you entirely 14 prioritise protection, which is a legitimate call, then 15 that's straightforward, because anybody who advises 16 anybody on a sporting matter is captured. If, however, 17 you feel that there's a need to balance those two things 18 that I mentioned earlier, in other words, the need to 19 protect people from abuse and the sexual rights 20 parliament has given a 16- or 17-year-old, then I think 21 it becomes a little bit more complex as to where you 22 draw the line between the Olympic coach and the informal 23 kick-around. Defining that for a number of different 24 occupations is not as straightforward as it might sound. 25 As I say, the risk is that you end up criminalising</p> <p style="text-align: center;">Page 20</p>

<p>1 a relationship that both people feel is consensual</p> <p>2 between a 17-year-old and a 19-year-old who meet playing</p> <p>3 football for an hour, but not criminalising</p> <p>4 a relationship between the same two people who meet</p> <p>5 outside a shop or in a library.</p> <p>6 Q. But surely that challenge is overcome by sensible</p> <p>7 policing and sensible prosecution? There are lots of</p> <p>8 situations -- for example, the same argument can</p> <p>9 sometimes be, and sometimes is, run about those who are</p> <p>10 just over the age of 16 who engage in sexual activity</p> <p>11 with those who are just under the age who are at school</p> <p>12 together. They could be in the same year at school, one</p> <p>13 of them is 16, one of them is 15. They engage in sexual</p> <p>14 activity. That is a criminal offence. But the vast</p> <p>15 majority of times, people are not prosecuted for that.</p> <p>16 The courts also provide a useful role in clarifying the</p> <p>17 legislation and in saying either, "This is</p> <p>18 a circumstance which we don't consider falls within the</p> <p>19 context of abuse of trust", or, you know, "We think</p> <p>20 there needs to be a proportionate approach taken to the</p> <p>21 sorts of circumstances in which a prosecution would take</p> <p>22 place", and, plainly, one only prosecutes if it is in</p> <p>23 the public interest.</p> <p>24 Your concerns are present in a number of areas of</p> <p>25 criminal law, I would suggest, particularly around</p> <p style="text-align: center;">Page 21</p>	<p>1 sexual offending and about not wanting to criminalise</p> <p>2 people in truly consensual relationships. However, that</p> <p>3 is often dealt with -- the decision is made that one</p> <p>4 criminalises it, but one accepts that the police and the</p> <p>5 prosecution act responsibly, and if they don't act</p> <p>6 responsibly, then the courts will say that that is</p> <p>7 inappropriate, they will either stop the prosecution or</p> <p>8 they will clarify the legislation.</p> <p>9 Because this is not dissimilar to a number of other</p> <p>10 areas, particularly around sexual offending, where there</p> <p>11 are concerns about consent and about capacity, and the</p> <p>12 courts -- and juries. I mean, largely, juries won't</p> <p>13 convict people of those sorts of abuses if they believe</p> <p>14 the relationship is genuinely consensual, I suspect.</p> <p>15 The jury usually knows best in these circumstances.</p> <p>16 Isn't that the way around it?</p> <p>17 A. I think there are two points there. One is, it's</p> <p>18 absolutely legitimate to rely on the jury, and our</p> <p>19 ministers are strongly in favour of the principle of</p> <p>20 the jury trial. We see that as the check and balance</p> <p>21 that will ensure justice is done and inappropriate cases</p> <p>22 aren't brought -- or at least aren't taken forward.</p> <p>23 They might be brought to court, of course.</p> <p>24 I think it is also legitimate to say you can rely on</p> <p>25 the public interest test the CPS will apply. They are</p> <p style="text-align: center;">Page 22</p>
<p>1 two possible ways through this issue. Whether, however,</p> <p>2 it is right to proceed with a law that we know might not</p> <p>3 be clear and might not be easy to explain to people in</p> <p>4 the country and simply rely on those tests that come</p> <p>5 later in the process, after the police have been</p> <p>6 involved, is, I think, an open question, and it is at</p> <p>7 least worth thinking, are there other ways, in addition</p> <p>8 to the two that you rightly raise, that might help</p> <p>9 balance the (interference) law and that there are</p> <p>10 a number of options.</p> <p>11 You could, for example, introduce a test that said</p> <p>12 it would apply to people with a certain age gap between</p> <p>13 them. So a 19-year-old would not be prosecuted. That's</p> <p>14 another option to add to your two.</p> <p>15 It is not perfect, because you might get deeply</p> <p>16 abusive people, who are 19, who therefore aren't</p> <p>17 captured. I do think this is an unusual law to this</p> <p>18 extent: everything we are talking about -- the abuse of</p> <p>19 power, the inappropriate use of position to try and gain</p> <p>20 a physical relationship with someone -- applies to</p> <p>21 people who are 19, 29, 39. I think this is particularly</p> <p>22 nuanced because of the narrow age range that we are</p> <p>23 talking about with these young adults who have been</p> <p>24 given certain rights, but also, everyone, I think, who</p> <p>25 I have heard give evidence believes deserve particular</p> <p style="text-align: center;">Page 23</p>	<p>1 protections that we are not currently talking about</p> <p>2 giving to the 21-year-old. So, of course, they might</p> <p>3 also be very, very vulnerable to some of these abusive</p> <p>4 power dynamics as well.</p> <p>5 Q. Yes, but of course there are separate offences which</p> <p>6 cover those over the age of 18 who may well have reasons</p> <p>7 why they don't have capacity to consent. So the Sexual</p> <p>8 Offences Act already takes account of those groups of</p> <p>9 people, arguably, in the laws that it has around those</p> <p>10 who lack capacity because of their learning disabilities</p> <p>11 or other forms of disability and their vulnerability.</p> <p>12 It is plain that, although parliament has allowed 16</p> <p>13 to be the age of consent, allows sexual activity during</p> <p>14 that, it is absolutely clear that the age of 18, one is</p> <p>15 a child until one is 18.</p> <p>16 It is also clear that parliament has decided that</p> <p>17 those who are in positions of trust, and that can't</p> <p>18 simply be those which entirely replicate in loco</p> <p>19 parentis, it has to be wider than that, because it is</p> <p>20 unlikely that a religious leader would be in loco</p> <p>21 parentis, but it must be the case that there can be</p> <p>22 a definition drawn which tries to avoid the issues that</p> <p>23 you identify, whether it's the idea of significant</p> <p>24 power, whether you have -- I can imagine you could have</p> <p>25 a series of examples in the legislation, saying, "In</p> <p style="text-align: center;">Page 24</p>

<p>1 particular, look at X and Y and Z", or you could have 2 a schedule to the regulations which set out some kind of 3 code. I don't think any of us is suggesting that it is 4 the most straightforward thing to draft. But I would 5 also say to you that there are -- you know, I don't want 6 to encourage unclear legislation, but there are plenty 7 of pieces of legislation which have to be interpreted 8 against the way that our society operates. Much of 9 criminal law operates in that way. Therefore, one has 10 to, I think, to a certain extent, suck it and see. 11 Plainly, if you extend it, you then have a series of 12 wholly inappropriate prosecutions one then tries. But 13 I think, from our perspective, what we should say is we 14 have rarely seen such unanimity of view on anything in 15 the context of this inquiry. So we would sort of say to 16 you, you have obviously indicated you want to change the 17 law. We identify the complexities in that. When do you 18 think you are going to be in a position to say to us, 19 "Right, the law is changing in this way"?" 20 A. So I think the starting point is, yes, we do want to 21 change the law. As I put in the evidence, there is, 22 I agree, a very strong degree of support for that, it 23 includes right across the political spectrum, it is not 24 just sports bodies and religious bodies, there are 25 others too, the Victims' Commissioner, supporting.</p> <p style="text-align: center;">Page 25</p>	<p>1 In terms of timeframe, I think probably the hope 2 will be that we can get advice to ministers on some of 3 these difficult issues this summer. There won't be 4 a legislative slot this year, this calendar year. It 5 will then be a case of trying to bid for legislation. 6 I think ministers are keen. That's my reading of it. 7 But I think a clear direction will emerge this year. 8 The immediate priority -- and I don't wish to overstate 9 this, but, you know, in the last six weeks we have had 10 four jury trials in all of England and Wales. That 11 obviously is terrible for victims, it is particularly 12 challenging with the types of cases that your inquiry 13 has been talking about, because we know timeliness 14 matters when people do have the courage to report, and 15 so we are working exceptionally hard to try and recover 16 performance. So that, I think -- and naturally 17 ministers will want to take a decision and give me 18 direction, but I will be suggesting that recovering 19 system performance should be the main focus of my 20 division's work in the near term. 21 So I think, therefore, advice in the summer in time 22 to bid for a legislative slot in the next session is 23 probably the timeframe we are looking at now. 24 Q. Do you agree that you will continue to write to us and 25 update us on this, and if the legislation is not</p> <p style="text-align: center;">Page 26</p>
<p>1 pursued, you will provide us with good reasons why it is 2 not going to be pursued? 3 A. Yes, absolutely. I'm very happy to agree that. My 4 strong belief is that ministers want there to be 5 legislation. We just need to iron out some of 6 the details. 7 Q. Can I ask you, lastly, just about a slightly different 8 topic, which was raised by some of our participants to 9 this inquiry last week, which is about the private 10 member's bill that was introduced earlier this year 11 about child marriage, so about outlawing -- well, in 12 effect, suggesting that the age of marriage should go 13 up, largely, to 18 rather than 16, as it currently is. 14 Does the Ministry of Justice have a position on this 15 and on this private member's bill? 16 A. I think this is Pauline Latham's bill, if I understand 17 the question correctly. 18 Q. I think so. 19 A. I think we are primarily very interested to follow 20 developments and keeping an open mind. The data is 21 quite interesting. So I can give you the latest figures 22 we have, which are for 2017, which show that, of 235,000 23 marriages across the country, only 183 individuals were 24 under the age of 18. So the numbers of people affected 25 is notably small.</p> <p style="text-align: center;">Page 27</p>	<p>1 I understand Pauline Latham is revising her bill to 2 include measures on adding a criminal offence of aiding 3 and abetting the marriage of someone under 18. We are 4 watching its through the House closely. I think, 5 although clearly this is a matter for parliamentary 6 experts, it has also been introduced by 7 Baroness Hussein-Ece -- 8 Q. Yes, it has, yes. 9 A. -- but perhaps not in a place on the ballot where 10 progress is likely to happen swiftly. We understand it 11 will be a ten-minute-rule bill in the House of Commons 12 so, again, the chance of success is relatively low. 13 So that's a bit of an update on the sort of 14 parliamentary process, as I understand it. 15 In terms of the content, I think the numbers are, as 16 I say, interesting and I think the Ministry of Justice 17 is keeping an open mind on whether further reform is 18 needed. The latest update given to parliament was by 19 Victoria Atkins, who is one of the ministers 20 responsible, and I think you will be familiar with her 21 statements on 28 October of last year, in which she 22 faced a couple of questions on this, and that remains 23 the government's position. 24 Q. So you're keeping an open mind but you're not promising 25 that you are going to adopt it as your own, which</p> <p style="text-align: center;">Page 28</p>

<p>1 obviously sometimes happens with private member's bills 2 and rule bills. 3 Given the very small numbers of people we are 4 talking about, a compromise position may well be for the 5 government to say, "Well, we are not necessarily going 6 to adopt this bill, but we might consider removing the 7 issue of parental consent between 16 and 18. So if you 8 want to get married, you have to go to court to do so". 9 Now, as I understand it, that used to be the position 10 years and years ago. You used to have to go to court, 11 if you were under an age, in order to seek the court's 12 approval, which would possibly cure the difficulties 13 which are identified if parliament still wishes to keep 14 those between the ages of 16 and 18 being able to get 15 married? 16 A. Yes, I agree. I think that is one possible way forward. 17 Q. Given the very small numbers, we wouldn't be talking 18 about imposing unnecessarily, either on the court system 19 or an individual's right to marry, because there would 20 be a process by which that could take place? 21 A. Yes, I totally understand the point. 22 Q. Again, can you identify and promise that you will maybe 23 write to us about the progress of the child marriage 24 bill and about any steps the Ministry of Justice wish to 25 take or may wish to take in this respect?</p> <p style="text-align: center;">Page 29</p>	<p>1 A. Yes, I'm very happy to do that. 2 MS SCOLDING: I have no further questions for you, Mr Gould, 3 but please wait there, because the chair and panel may 4 well have questions for you. Professor Jay? 5 THE CHAIR: I have no further questions, but I will ask my 6 colleagues. Ms Sharpling? 7 MS SHARPLING: No, thank you, chair. 8 THE CHAIR: Sir Malcolm? 9 PROF SIR MALCOLM EVANS: No, thank you, chair. 10 THE CHAIR: And Mr Frank? 11 MR FRANK: No, thank you, chair. 12 MS SCOLDING: Thank you very much, Mr Gould. 13 Chair, I'm going to suggest that we take a slightly 14 earlier break and that we return to hear Mr Brown and, 15 if necessary, we take a slightly earlier lunch break. 16 Would that be acceptable to you, chair? 17 THE CHAIR: Yes. We will return at 11.35 am, and I also 18 would like to thank Mr Gould for his assistance. Thank 19 you. 20 (The witness withdrew) 21 (11.15 am) 22 (A short break) 23 (11.35 am) 24 MS SCOLDING: Chair, with your permission, may I call 25 Professor Keith Brown.</p> <p style="text-align: center;">Page 30</p>
<p>1 PROFESSOR KEITH LAWSON BROWN (sworn) 2 Examination by MS SCOLDING 3 MS SCOLDING: Good morning, Professor Brown. Thank you so 4 much for coming to give evidence, especially as I know 5 you've been doing lots of things to do with COVID-19 and 6 advance planning. So thank you for giving up your time. 7 A. Pleasure. 8 Q. Just before we start, a few preliminary matters. 9 Firstly, this isn't a test of memory. By all means, 10 please feel free to refer to your witness statement or 11 any other documents in your bundle or any other notes 12 you may well have prepared to make. 13 Secondly, we can stop at any time and for any 14 reason, but we will be stopping at 12.35, in any event. 15 I suspect your evidence may well not quite be finished 16 by then, so we will ask you to return after the lunch 17 break, but one never knows. 18 In the course of my questions, I may ask for some 19 documents to be put up on the screen, and we should all 20 be able to see them and refer to them, if the technology 21 works as planned, but you have a written bundle in front 22 of you, just in case the technology doesn't work. 23 A. Thank you. 24 Q. Could I ask you to turn to tab A1 of the bundle in front 25 of you, please. Could you go to page 5 of that. Could</p> <p style="text-align: center;">Page 31</p>	<p>1 you identify whether or not you signed that witness 2 statement, please? 3 A. Yes, I did. 4 Q. Is it true, to the best of your knowledge and belief? 5 A. It is. 6 Q. Have you had an opportunity to read it recently? 7 A. I have. 8 Q. Professor Brown, please could you provide your full name 9 and your job title? 10 A. So I'm Professor Keith Lawson Brown and I'm the director 11 of the National Centre for Post Qualifying Social Work 12 and Professional Practice at Bournemouth University. 13 Q. What is the National Centre for Post Qualifying Social 14 Work and Professional Practice? 15 A. Yes, it is a rather long name, isn't it? So we became 16 the national centre ten years ago, following 17 recommendations from the General Social Care Council, 18 because we primarily provide expert education to 19 qualified social workers, but also to some nurses and 20 doctors, so it's in the sort of CPD arena, so 21 particularly around child protection, mental health and 22 mental capacity. 23 We work with about half of the local authorities in 24 England and Wales doing that work. 25 Q. As you've identified, sort of mental health, mental</p> <p style="text-align: center;">Page 32</p>

<p>1 capacity and child protection, what particular work do 2 you do around child protection? 3 A. So for a number of years, we were a pretty major 4 provider of the Post Qualifying Children and Family 5 Social Work Award to social workers, ranging from about 6 Cornwall to Gloucester and across to London. That award 7 doesn't really run so much now because it's not 8 statutorily required, so we are doing far more work in 9 the BIA mental capacity because that's the statutory 10 requirement for local authorities. 11 Q. You state, at paragraph 6 of your witness statement, 12 that the national centre has a strong record in policy 13 development and research. 14 A. Yes. 15 Q. And works with an organisation called Learn to Care? 16 A. Yes. 17 Q. Can you tell us what Learn to Care is, please? 18 A. Yes, of course. Learn to Care represents all the local 19 authorities in England, the workforce and development 20 managers. So each Local Authority Social Services 21 Department, children's and adults, will have somebody 22 within them who will be responsible for workforce 23 development, workforce planning, and Learn to Care 24 represents all those local authorities through its 25 membership that way.</p> <p style="text-align: center;">Page 33</p>	<p>1 Q. You have worked -- well, the centre works 2 collaboratively with Learn to Care to provide something 3 called the National Children's Safeguarding Framework. 4 You have also developed a similar framework for adults, 5 as I understand it. 6 A. Yes. 7 Q. Can you explain what the framework is and when it was 8 produced, please? 9 A. So the children's framework was developed in 2010/2011, 10 and it was at a request from local authorities when the 11 early local authority area safeguarding children's 12 boards were being set up. There was a request there 13 really for some sort of sense of a framework for helping 14 them understand the operation and the training and 15 learning requirements of staff within local authorities. 16 As I said in my evidence, that was set up around 17 that time. We then set up the adults' framework. 18 That's now been revised three times and kept moving on. 19 The children's framework does need a refresh and 20 a revision because some children's law has moved on. 21 It is heavily used by quite a few local authorities 22 children's safeguarding boards, and indeed, just in 23 these last 12 months, I've had two or three of them 24 request me to update, because this is their source 25 documentation. I just literally haven't had the time or</p> <p style="text-align: center;">Page 34</p>
<p>1 the scope, because it's quite a big task. 2 Q. Could we have a quick look at it, if possible. Chair 3 and panel, it is behind tab B and it is tab 9 of your 4 bundle. Professor Brown, it is behind tab B9 of your 5 bundle as well. 6 A. Yes. 7 Q. Could we go to page 2, if you wouldn't mind. Danny, 8 would you mind getting up KBN000004_002. I think we can 9 see the third paragraph down: 10 "The aim of this framework, as with other 11 publications in this series, is to provide a baseline 12 for standards of competence that individuals can expect 13 to receive from those professions and organisations who 14 are tasked with safeguarding children. It also provides 15 employees and employers with a benchmark for the minimum 16 standard of competence required of those who work to 17 safeguard ... Target staff groups are listed below." 18 Can we have a quick look at the target staff groups, 19 if you wouldn't mind, Danny. This is the bit 20 immediately below that. Was this aimed exclusively at 21 statutory agencies or was it aimed at voluntary agencies 22 possibly as well? 23 A. Learn to Care represents local authorities, so it is 24 fair to say that, primarily, we were aiming this at the 25 statutory sector. Clearly, many local authorities</p> <p style="text-align: center;">Page 35</p>	<p>1 commission work outside of the sort of main local 2 authority structure into the, you know, third sector, so 3 it could be used in that way. But the language of 4 2010/11 was probably, and is, more welfare state focused 5 than the voluntary sector focus that it would be if we 6 wrote it today. 7 Q. Is that because the voluntary sector now occupies a much 8 larger role in the context of safeguarding and child 9 protection than it did back in 2010? 10 A. Maybe not so much a larger role in the context of -- in 11 the context of safeguarding, for example, lots of local 12 authority youth services have been closed entirely due 13 to cutbacks. So youth services in an area are often, 14 and usually, now driven by voluntary sector 15 organisations and charities. So I think there has been 16 really quite a significant move into that direction, and 17 I think an update of this would need to reflect that. 18 Q. If we can look -- so we have got different levels of 19 targets. So we have got, shall we say, those who are in 20 frequent contact first. You're talking about 21 librarians, GP receptionists. Then staff target to 22 regular contact. Then members of the workforce who work 23 predominantly with children and those who have 24 responsibility for undertaking what's known as 25 section 47 enquiries. Those are enquiries into whether</p> <p style="text-align: center;">Page 36</p>

<p>1 or not a particular child or group of children have been 2 the subject of significant harm as identified under the 3 legislation. It then goes on to those who are basically 4 higher up the food chain in terms of levels of seniority 5 within local authorities, senior managers and members of 6 the LCSB. 7 What you then do is set out what you thought would 8 be the basic competence levels needed for those 9 different groups. So if we look, maybe, at staff target 10 group 2, who would probably be who a large number of 11 individuals in the voluntary sector might fall under, 12 "regular contact or intense but irregular contact", and 13 we go to _004, please, of this document, we can see -- 14 you have already set out in staff target 1 what they 15 need to know, basically: so skills, knowledge 16 of theoretical -- skills and ability to use computer 17 technology and agency structures, appropriate 18 information, et cetera, et cetera. 19 So this is more about how staff respond to and 20 basically deal with questions of possible abuse and what 21 you should be able to do to try to respond to that 22 effectively. Is that right? 23 A. Certainly. 24 Q. So it is focused more upon what I would call the 25 statutory safeguarding requirement rather than on</p> <p style="text-align: center;">Page 37</p>	<p>1 looking after children in a more holistic manner; is 2 that right? 3 A. That's right. 4 Q. You, however, have done some specific work -- well, in 5 draft form anyway -- in respect of creating 6 a safeguarding framework for Christian faith contexts. 7 A. Yes. 8 Q. As I understand it, you did that work alongside 9 Dr Lisa Oakley, who we heard from earlier this week? 10 A. That's right. 11 Q. As I understand it, this has not as yet been published. 12 Can you tell us why that has been the case and then we 13 will have a quick look at it? 14 A. Sure. No specific reason, other than, in a sense, 15 I wanted to hold fire until your inquiry had finished. 16 I have a belief that we need to have a much broader, 17 sector-wide look at some of these issues. There has 18 been very little research nationally to kind of gauge 19 the sort of issues around safeguarding children in faith 20 contexts and what the guidance is, and so I was hoping, 21 at the end of this inquiry, to find out what your 22 recommendations were and then to start and drop and 23 populate some of those recommendations and developments 24 into something like this. 25 Q. You said in the evidence you have just given that there</p> <p style="text-align: center;">Page 38</p>
<p>1 needs to be a much broader search into these issues. 2 What do you mean by that? 3 A. It slightly concerns me that, besides myself and 4 Dr Lisa Oakley, there hasn't really been much out there 5 in the literature -- there doesn't appear to be that 6 many other organisations or bodies specifically looking 7 at safeguarding in faith-based contexts. There are 8 clearly some faith-based contexts that are writing their 9 own materials. There are bodies like Thirtyone:eight, 10 formerly CCPAS, that operate in this area, in this 11 space, but there hasn't been, to our findings, much, you 12 know, research, empirical research, from university 13 level. 14 Q. Why do you think that is? 15 A. I suspect that most academics are still in the mind-set 16 that, you know, it's what the state provides, you know, 17 what is the welfare state. Youth work for a number of 18 years was driven by local authorities in the statutory 19 context, and we have underplayed for a long time the 20 contribution of the voluntary sector, and I think, in 21 particular, the faith-based sector. I suspect that the 22 majority of youth work these days in the country, and 23 youth clubs, are run by faith-based organisations in 24 terms of scale of numbers of children attending, and we 25 have just taken our eye off the ball and we have just</p> <p style="text-align: center;">Page 39</p>	<p>1 not been looking at that space. 2 Q. That's very helpful. You have provided us with a draft 3 of this. Chair and panel, it is behind tab B8. Can 4 I just ask a preliminary point: it says "a safeguarding 5 framework for Christian faith contexts". Is there any 6 reason it is designed for the Christian faith context 7 rather than generally? 8 A. Yes. I think our thinking was, if we wrote it for all 9 faith contexts, it might fall into the void of no faith 10 contexts wanting to pick it up and own it, if that makes 11 sense, and so it's kind of like -- if we produced this 12 for the Christian faith context, hopefully that context 13 will pick it up. There are clearly many faith contexts. 14 That's maybe something I'd like to have a further 15 reflection on, but my concern would be, if we talk about 16 all faiths, then lots of people will think, "Well, 17 that's not my faith and therefore not relevant to me". 18 So how do we bridge that gap to make sure that people 19 are comfortable and confident using the material, and 20 I think we took a judgment at that moment in time that 21 we stick at this time with the Christian faith context. 22 Q. Is that because you and Dr Oakley have a particular 23 understanding and knowledge of the Christian faith 24 context? 25 A. Yes. I mean, I think that would be certainly the case</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 for Dr Oakley and for myself. I'm more comfortable 2 using the language of Christian faith-based 3 organisations than I would be with other faith-based 4 groups. 5 Q. This framework, as I understand it, covers both children 6 and vulnerable adults, as I understand it. 7 A. That's right. 8 Q. Danny, would you mind getting up KBN000002_005, please. 9 I'm so sorry, the previous page, please, _004. I'm 10 afraid that's my mistake. 11 This is the foreword. You say there: 12 "It is from this professional practice background 13 that we wanted to offer a comprehensive set of advice 14 and guidance in the area of safeguarding for those 15 working within a faith-based context ... The Christian 16 church has a long and justifiably proud history ..." 17 Then you say in the next paragraph down, please, 18 Danny: 19 "In an era of austerity and government cutbacks it 20 is often Christian faith-based organisations who step 21 into the breach to support and help the lonely and 22 disadvantaged ... However, issues regarding 23 safeguarding ... are [often] in the news ... when 24 working with vulnerable for the wrong reasons." 25 So it is to produce and very much provide advice,</p> <p style="text-align: center;">Page 41</p>	<p>1 support and guidance to all working in a faith-based 2 context. That's what you are aiming to do, largely? 3 A. Yes. 4 Q. Danny, could we get _006 up, please, and _007. These 5 are the ten guiding principles. Can I ask, where do 6 they come from and could you talk us through them, if 7 you wouldn't mind? 8 A. Yes. As it states at the top there, these principles 9 were based on the CCPAS basic principles and slightly 10 annotated and enlarged by the two of us to put together 11 a set of guiding principles there for the purpose of 12 the document. 13 Q. We can talk through them. So, in effect, you're saying 14 that every organisation should have these ten issues. 15 Maybe we could talk through them. Firstly, 16 a safeguarding policy? 17 A. Yes. 18 Q. You say not just they should have one, but everybody 19 should be aware of it and it should be available to 20 everyone? 21 A. Yes. 22 Q. And everybody should have a safeguarding coordinator to 23 lead for this area. 24 A. Mmm-hmm. 25 Q. So that's the first principle. The second principle is</p> <p style="text-align: center;">Page 42</p>
<p>1 developing safeguarding awareness and training and 2 making sure that that takes place and how to raise 3 awareness more generally. Do you have any idea about 4 how to raise awareness more generally? Are there any 5 specific views you hold about that? We have heard quite 6 a lot of evidence about it in this inquiry so far. Do 7 you have anything to add to that picture, please? 8 A. Yes, of course. How do you raise things more generally? 9 Lots of these faith-based contexts are doing really very 10 simple but sometimes very complex work, aren't they? We 11 have organisations now who are feeding people, we have 12 food banks, we have youth work, we have people working 13 with homeless people on the streets, and many of these 14 people are volunteers. How do we help these people 15 understand the law, the complexity and the safeguarding 16 policies and practices that we would expect of 17 the statutory sector that actually apply to us all and 18 apply to them without them being what I would call 19 well-meaning amateurs operating out of a sense of 20 goodwill but not understanding there's a bigger context 21 behind that? So what we were trying to do with this 22 document was put together guidance that we would expect 23 for all into a context in which they would understand it 24 that they could respond to. 25 So we would expect there to be safeguarding policies</p> <p style="text-align: center;">Page 43</p>	<p>1 for faith-based organisations. We do expect them to 2 raise awareness amongst the people in their faith-based 3 community that are providing these services. 4 If we don't raise that awareness, how do we change 5 the situation where people are just helping people in 6 a kind of a caring but an amateurish way, in terms of 7 not their ability to care, but they've got no context of 8 actual safeguarding. 9 Q. If we look at the rest of the principles, having safer 10 recruitment. 11 A. Yes. 12 Q. Managing workers, having supervision and support. Now, 13 you say that clearly, "workers paid and voluntary". 14 A. Yes. 15 Q. One of the issues in this sector is large amounts of 16 people who are providing this sort of work are 17 volunteers. Is there a difference, therefore, in what 18 you should expect of them or how they can be 19 appropriately supported? 20 A. Clearly, people that are paid and either in a full-time 21 or part-time role have a degree -- a clear degree of 22 responsibility. They have a contract of employment to 23 an organisation. They might well be paid to be the 24 youth workers, they might well be paid to be the 25 pastoral care worker. So they have a legal</p> <p style="text-align: center;">Page 44</p>

<p>1 responsibility within their organisation that they're</p> <p>2 working within to operate effectively and appropriately.</p> <p>3 But you're absolutely right. The vast majority of</p> <p>4 people will be doing this in a voluntary capacity.</p> <p>5 So how do we get these volunteers working for</p> <p>6 faith-based organisations to understand that they can't</p> <p>7 just act in the ways which they think are appropriate</p> <p>8 without then reflecting on what's appropriate in terms</p> <p>9 of a safe and a safeguarding sense of practice. Just</p> <p>10 going out and helping people, which is what a lot of</p> <p>11 these people want to do, is, in one sense, to be</p> <p>12 admired, but how do we do that safely and how do we help</p> <p>13 them do it safely and how do we raise the awareness that</p> <p>14 they have to even consider that there are safeguarding</p> <p>15 issues?</p> <p>16 Many volunteers won't even understand that there's</p> <p>17 even a safeguarding context within this.</p> <p>18 Q. How do you think religious organisations should do that,</p> <p>19 or can do that, to get to the stage where volunteers and</p> <p>20 other people understand, "We need to take safeguarding</p> <p>21 seriously. We need to recognise that this is</p> <p>22 a safeguarding situation and we need to know what to do</p> <p>23 in those circumstances"?</p> <p>24 A. I think that is behind why we were trying to produce</p> <p>25 this guidance, by producing guidance that hopefully is</p> <p style="text-align: center;">Page 45</p>	<p>1 accessible and not sort of reams and reams of kind of</p> <p>2 law text, so it is accessible to them in a format that</p> <p>3 they can think, "Yes, we have to consider safer</p> <p>4 recruitment. We have to consider what is our policy.</p> <p>5 We have to follow these sorts of steps". It is a kind</p> <p>6 of a trigger or a memory trigger to get them to consider</p> <p>7 these things and to think about them. You know, what</p> <p>8 are their training policies going to look like? What</p> <p>9 would their structures and systems look like? Do they</p> <p>10 know, even, if they have a suspicion, who to report to?</p> <p>11 How would a volunteer even know that if they have not</p> <p>12 been given some sense of guidance?</p> <p>13 So I guess the purpose of materials like this is to</p> <p>14 kind of raise that awareness that people know this needs</p> <p>15 to be on their agenda, in their mind, and to give them</p> <p>16 some steers as to what they should be looking out for</p> <p>17 and what they should be doing.</p> <p>18 Q. The other principles are working to establishing</p> <p>19 safeguarding standards; communicating effectively. So,</p> <p>20 in other words, to ensure that workers know how to talk</p> <p>21 with, listen to and relate to children and adults.</p> <p>22 Again, that is quite hard because people think they know</p> <p>23 how to talk to children and vulnerable adults.</p> <p>24 A. Yes.</p> <p>25 Q. They often don't know. How does, in a largely</p> <p style="text-align: center;">Page 46</p>
<p>1 volunteer-led organisation, one get that message across?</p> <p>2 A. These were just, in a sense, very high-level guiding</p> <p>3 principles on two pages to allow people then to sort of</p> <p>4 see that, and then we've got to obviously populate</p> <p>5 behind this. So what would the appropriate training</p> <p>6 look like? What would the appropriate communication</p> <p>7 awareness raising be to actually achieve those guiding</p> <p>8 principles? This is not the be-all and end-all, this is</p> <p>9 the high-level principles people need to be thinking</p> <p>10 about and considering.</p> <p>11 Q. The starting point?</p> <p>12 A. Yes.</p> <p>13 Q. Being able to spot signs and symptoms of abuse.</p> <p>14 Pastoral care, making sure that's available. Manage</p> <p>15 those who pose a risk to others. And work in</p> <p>16 partnership. What do you mean by working in</p> <p>17 partnership?</p> <p>18 A. I think there's quite a lot of evidence of mistrust</p> <p>19 between statutory agencies and faith-based</p> <p>20 organisations. I think, often, professionals working</p> <p>21 for the statutory agencies are cautious, to put it</p> <p>22 bluntly, of faith-based organisations, and many</p> <p>23 faith-based organisations feel oppressed by the state</p> <p>24 and the welfare organisations because they're not</p> <p>25 letting them do what they want to do in the way they</p> <p style="text-align: center;">Page 47</p>	<p>1 want to do it. It is, how do we help them communicate</p> <p>2 more effectively with each other? Faith-based</p> <p>3 organisations need, in my view, particularly those</p> <p>4 working with marginalised and vulnerable people, to</p> <p>5 understand far more what the welfare state services do</p> <p>6 and what the structures and systems and problems are,</p> <p>7 and learn to communicate with Social Services, social</p> <p>8 work, health, and health and local government need to</p> <p>9 communicate more effectively with the faith-based</p> <p>10 organisations that are providing services in their</p> <p>11 communities, and we just need to spend a bit of time</p> <p>12 helping people hear from and communicate effectively</p> <p>13 with better levels of trust, as opposed to mistrust.</p> <p>14 Q. So you would still characterise that the relationship</p> <p>15 between lots of faith organisations and local</p> <p>16 authorities is characterised by mistrust and suspicion,</p> <p>17 rather than trust and openness, necessarily?</p> <p>18 A. I think that's right. Yes, I do.</p> <p>19 Q. How does that work on a practical level? Does that</p> <p>20 involve joining, for example, faith organisations as</p> <p>21 relevant partners under the new Local Children's</p> <p>22 Safeguarding Partnership? Could that be a way forward?</p> <p>23 A. Absolutely, that could be a way forward. I think it is</p> <p>24 also, though, about helping faith-based organisations</p> <p>25 realise there's expertise outside of their faith-based</p> <p style="text-align: center;">Page 48</p>

<p>1 organisations that's relevant and useful for them, and 2 that they would be wise to understand it and listen to 3 it and not just accept advice from people within their 4 faith-based organisations. 5 So it is -- we have faith leaders, but we might also 6 want to consider, what about leaders who have faith? 7 And what I mean by that is, rather than just going to 8 your faith leader, whoever your faith is, what about 9 people out there with leadership in the sector, whatever 10 the sector is that you're interested in -- is it 11 homelessness, is it childcare, is it financial fraud, 12 whatever it is -- and drawing from the richness of that 13 experience and accepting that, but somehow translating 14 it into a way in which you understand it within your 15 faith context. 16 Q. So it is about wanting to look outside your own faith, 17 if necessary, to get that expertise, recognising that 18 you can't be an expert in everything? 19 A. Precisely. Absolutely precisely. But it is quite 20 shocking, in my view, how many filters and barriers 21 there are sometimes from faith organisations from 22 accepting that kind of outside expertise, and it's 23 almost until it's the eleventh and a half hour or 24 something has gone horribly wrong and then you bring it 25 all in. Why aren't you bringing it in from the</p> <p style="text-align: center;">Page 49</p>	<p>1 beginning? 2 Q. I suppose the question is, why is that? Do you know why 3 that might be, why they might be so unwilling? Because 4 you wouldn't necessarily be -- if they needed their roof 5 fixed, you wouldn't necessarily sit there and think, 6 "Well, I can't go to -- you know, I have to find 7 somebody in the congregation who can fix my roof". 8 You'd probably just go down the road and find a local 9 builder. And most faith organisations would probably 10 say that and do that. 11 A. Yes. 12 Q. Why is it so different in respect of safeguarding and 13 child protection? 14 A. Because somebody fixing your roof is a physical task and 15 hopefully the roof then doesn't leak. Getting advice 16 on, "How I am going to speak to the homeless?" or, "How 17 I am going to help a mother and toddlers group?" is much 18 more subtly nuanced, and I might be slightly concerned 19 that you, the state, or whoever we perceive those 20 outside people are, will then start to interfere with, 21 or have an inference over, my religious freedoms to 22 express my faith in the way in which I want to express 23 my faith. So there's sometimes that kind of 24 nervousness. I believe it to be an inappropriate 25 nervousness and I don't believe it to be a truth that</p> <p style="text-align: center;">Page 50</p>
<p>1 there should be that nervousness, but you're asking the 2 question why is that, and I think that's at the heart of 3 it; this kind of concern that, "If I bring these people 4 in that don't understand me or don't understand us or 5 don't understand my faith, they might start making 6 comments on my faith, the way I use my faith and the way 7 I present my faith, and, therefore, I feel much happier 8 about keeping that within closed doors". 9 Q. You've talked about obviously the barriers there are 10 from the religious organisation to seek outside help, 11 but you've also said that there are, or there can be, 12 issues where the local authorities have a measure of, 13 shall we say, wariness about religious organisations. 14 What can you do to try to improve the wariness that 15 might happen in local authorities, particularly given 16 your expertise in providing training and education to 17 a vast number of social workers? 18 A. Isn't that ironic, that, you know, for example, with 19 social workers, at the heart of the profession is about 20 being nonjudgmental, about acceptance of people, but of 21 course, the truth is that state services, local 22 authority services, social work services are given and 23 driven by individuals, so it is not, what does the state 24 or the local authority feel or believe, it's actually 25 enacted and their service comes out through individual</p> <p style="text-align: center;">Page 51</p>	<p>1 workers, and some -- actually, most of the people I see 2 are really fantastic and very open and very appropriate. 3 But maybe we need to do some work with the state sector, 4 with Social Services, with social workers, with the 5 people from that side of the field, to remind them of 6 the value of faith-based organisations and their 7 contributions, and how to communicate with them 8 effectively, in the same way we need the faith-based 9 organisations to understand that all these social 10 workers are not the enemy. 11 I use that word quite strongly, because I think 12 that's often the case. I have come across an awful lot 13 of people in Christian faith-based contexts, for 14 example, who are very nervous about standing up to 15 become foster parents or become adoptive parents, 16 because they think that their faith might be heavily 17 challenged, and there's an awful lot of innuendo, 18 misinformation, mistrust, and then I hear, "Well, I was 19 lucky because the social worker I got was actually 20 a good one and did understand me, but all the rest are 21 terrible", and there's so much -- not misinformation, 22 but we just have to break down some of those barriers 23 very, very quickly, especially given, what we were 24 saying earlier, the amount of welfare, in its broader 25 sense, that's now delivered by faith-based</p> <p style="text-align: center;">Page 52</p>

<p>1 organisations.</p> <p>2 Q. Do you have any practical suggestions for that, or is it</p> <p>3 a matter of long-term trust building?</p> <p>4 A. This might be slightly naive, but that was what I was</p> <p>5 trying to do with this guidance, was to write it from</p> <p>6 the university for the national centre, so, therefore,</p> <p>7 it comes with the gravity of the work that we do with</p> <p>8 social work, the other policies that we have written,</p> <p>9 but to contextualise it within the Christian faith-based</p> <p>10 organisations so that it would become more acceptable.</p> <p>11 Does that make sense?</p> <p>12 Q. Yes.</p> <p>13 A. That is why, in particular, I was keen, and we did</p> <p>14 produce the safeguarding adults version, because, you</p> <p>15 know, I was wanting to say, "Look, this is what we</p> <p>16 understand about capacity. This is what we understand</p> <p>17 about end of life. This is what we understand about</p> <p>18 financial ... This is not faith or non-faith. This is</p> <p>19 just national good practice that we undertake for the</p> <p>20 national centre, but here we are going to write about it</p> <p>21 within the context of Christian faith-based</p> <p>22 organisations for you to accept it and to utilise it".</p> <p>23 It is that translation piece that becomes important so</p> <p>24 that it becomes usable and not just being filed away.</p> <p>25 Q. Looking at the Christian sector, because I think that is</p> <p style="text-align: center;">Page 53</p>	<p>1 probably the area which you know best, you have already</p> <p>2 spoken about some of the challenges of religious</p> <p>3 organisations and settings in managing safeguarding</p> <p>4 effectively?</p> <p>5 A. Yes.</p> <p>6 Q. Are there any other particular challenges and issues</p> <p>7 which arise in religious organisations or settings in</p> <p>8 a unique way or with the voluntary sector more generally</p> <p>9 that don't necessarily apply in other settings?</p> <p>10 A. I think one of the issues that you have within religious</p> <p>11 contexts is that they are vast and varied. So you have</p> <p>12 mainstream religious contexts. So you have the</p> <p>13 Church of England, the Catholic Church, the Methodist</p> <p>14 Church. You have main denominations that are structured</p> <p>15 with organisational structure, with systems and</p> <p>16 processes.</p> <p>17 But for some, a religious context might be a group</p> <p>18 of 20 adults on a street meeting out of someone's front</p> <p>19 room with no oversight or little oversight, with no</p> <p>20 context around that, or it might be a group of</p> <p>21 enthusiasts who are tired of seeing the number of</p> <p>22 homeless people in the shop entrances on their local</p> <p>23 high street, who decide to provide aid and support and</p> <p>24 comfort to those people, but it's a group of amateurs</p> <p>25 that have come together, enthusiasts, to want to do</p> <p style="text-align: center;">Page 54</p>
<p>1 something, and they are not within any normal</p> <p>2 faith-based structure of Christian base, or any base,</p> <p>3 and I think they are the really difficult ones.</p> <p>4 We have a chance, I think, with the main faith-based</p> <p>5 groups, denominations, of having some kind of</p> <p>6 structure/system/standardisation; much harder amongst</p> <p>7 these groups that will just pop up.</p> <p>8 Q. Do you think there are any particular obstacles to the</p> <p>9 disclosure of abuse in religious settings? And do you</p> <p>10 have any views about how they might be overcome?</p> <p>11 A. I think that one of the problems of disclosing abuse is</p> <p>12 the same for everybody, it is that sort of fear of, what</p> <p>13 will be the consequence of that abuse being disclosed?</p> <p>14 Will that be the closure of my faith-based group, my</p> <p>15 charity? Will that be -- you know, what impact will it</p> <p>16 have on the reputation of ...? And there's been enough,</p> <p>17 and rightly so, evidence, and indeed part of</p> <p>18 the evidence that you have been taking in the last</p> <p>19 months has been about where things have gone horribly</p> <p>20 wrong and have been covered up, and so you end up with</p> <p>21 even more fear.</p> <p>22 You know, we need to encourage people to disclose</p> <p>23 and to report, but there are bound to be people</p> <p>24 thinking, "What will be the consequences of me</p> <p>25 disclosing or reporting?" We need to really make it</p> <p style="text-align: center;">Page 55</p>	<p>1 much more of a sense of, we owe it to everybody -- to</p> <p>2 society, to individuals, to the people -- to report and</p> <p>3 disclose.</p> <p>4 We also sometimes possibly need to ensure that we</p> <p>5 don't end up trying to hide things because the legal</p> <p>6 processes say we mustn't apologise, we mustn't deal</p> <p>7 with, we mustn't effectively cut people out of</p> <p>8 the process and stop speaking to them because we don't</p> <p>9 want to say the wrong thing. Because often these</p> <p>10 communities are the communities that people live within</p> <p>11 and draw their support from.</p> <p>12 So you almost get a double-type process, don't you:</p> <p>13 you disclose a problem or an issue and then, all of</p> <p>14 a sudden, everyone stops talking to you about it because</p> <p>15 nobody wants to talk about it in case they say the wrong</p> <p>16 thing, and so you become even more isolated. And of</p> <p>17 course you're isolated from the very people who are</p> <p>18 normally your support.</p> <p>19 So how do we maintain support and that sense of</p> <p>20 kinship and friendship and faith-based support at those</p> <p>21 times when disclosure or reporting is going on so that</p> <p>22 people don't end up feeling, "I daren't report this,</p> <p>23 because, if I do, I will be put into a little box until</p> <p>24 the inquiry is over and I have got to live in this</p> <p>25 little box with nobody to talk to for a long time, and</p> <p style="text-align: center;">Page 56</p>

1 **I will find that very threatening". That's a real**
 2 **situation for many people.**
 3 Q. How do we get a greater sense of openness? I might be
 4 asking you a question to which there is no answer, but,
 5 I mean, plainly, a lot of the people we have spoken to
 6 have spoken of exactly that: you report, you will be
 7 ostracised, you will be isolated, you will be unable to
 8 do so. They don't necessarily want to leave that
 9 community. It's probably been their whole life, it
 10 includes their relatives.
 11 **A. Yes.**
 12 Q. I think we need to change the institution rather than
 13 the person, but how do we change that institution?
 14 **A. What I find really almost bizarre is, when you start**
 15 **talking about safeguarding, many people who know little**
 16 **about it assume it is just -- well, it is done, I have**
 17 **got a DBS check, and there is a policy, that's the end**
 18 **of it. When you dig further and you explain some of**
 19 **these areas to people, they go, "I never quite thought**
 20 **of that. I never realised that could be causing**
 21 **a problem. I never realised that ..."** When the logic
 22 and the kind of sense of it is explained, it's like the
 23 scales fall from people's eyes: "Oh, I get it now".
 24 **I think we have to do a lot more of helping people get**
 25 **why it's important rather than just assuming it's just**

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1 **A. I think that's huge. We have got no chance of bringing**
 2 **those changes about until we start to bring those**
 3 **changes amongst the leaders and the leadership of those**
 4 **communities. In a sense, again, that is why we were**
 5 **starting to try to draft up some of this material, and**
 6 **have drafted this material, to take it to the leaders**
 7 **and say, "You need to be thinking about these things and**
 8 **you need to be serious about these things and you need**
 9 **to be confident about engaging in these matters.**
 10 **Otherwise, you are going to have a big, big blind spot**
 11 **that could come back and really haunt you".**
 12 Q. Do you think that people in religious organisations
 13 largely don't take this seriously enough, or maybe
 14 "don't take it seriously" is the wrong word; maybe don't
 15 have it at the forefront of when they're speaking and
 16 when they are engaging and thinking about their
 17 organisation?
 18 **A. I wouldn't -- no, I don't think it is that way. I think**
 19 **they take it very seriously now, and I think they have**
 20 **it at the forefront, but they don't know what to do.**
 21 **There's a difference. If anything, it is more at the**
 22 **forefront and taken more seriously than ever before. It**
 23 **is probably their number one anxiety and they want to do**
 24 **something but they don't know where they can get help**
 25 **from in a way that's accessible or understandable or**

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1 **following a set of, "You know, I've got my DBS check.**
 2 **I've signed the form. I've made sure that's okay. I've**
 3 **got a designated person responsible to oversee. We can**
 4 **now get on and carry on as if nothing has happened".**
 5 **I'm saying that because every time I talk to**
 6 **groups -- and clearly I do on numbers of occasions --**
 7 **I find it completely bizarre how many people are still**
 8 **waking up to the realisation of the amount of financial**
 9 **fraud and exploitation that's going on in society. It's**
 10 **like people don't read the news.**
 11 **It's not that they don't read the news. They just**
 12 **synthesise out so much of the news that's painful or**
 13 **difficult so that they don't have to internalise it so**
 14 **they don't recognise it. We just have to work harder at**
 15 **helping people understand the value in this kind of**
 16 **work.**
 17 Q. That obviously has to come from the institution itself.
 18 The institution has to constantly say, "This is
 19 important. This is why it's important". That, I'm
 20 assuming, has to come from faith leaders --
 21 **A. Yes.**
 22 Q. -- as well as other people in the organisation, but
 23 faith leadership has -- what's your view about the
 24 importance of leadership on these issues in order to
 25 effect the changes that you are talking about?

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1 **trustworthy from their perspective.**
 2 Q. You identify that one of your solutions is there should
 3 be a national template or framework to show religious
 4 organisations how to safeguard children and adults at
 5 risk.
 6 **A. Yes.**
 7 Q. What would that look like?
 8 **A. Well, I'm hoping that it will look something similar to**
 9 **the one that we were looking at a few moments ago,**
 10 **slightly further expanded, but in those sorts of ways;**
 11 **bringing materials together in an accessible way that is**
 12 **authentic and carries credibility and is owned by those**
 13 **faith-based communities.**
 14 Q. Obviously we have seen some other models. So the NSPCC,
 15 if I could just take you and have a quick look at that,
 16 that's NSP000155, which, Professor Brown and chair and
 17 panel, is behind tab B11 and B12. 155 is behind
 18 tab B11. You always have to have happy and smiling
 19 children at the front of any and all of these policies.
 20 So _003. They set out six key standards.
 21 **A. Yes.**
 22 Q. Then could we go to _013, please, Danny, which is
 23 "Protecting children and young people". Could we go to
 24 the next page, please, Danny. _015, please, Danny. So
 25 _014 is "Why it matters" and _015 is "How you do it", in

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<p>1 effect. They have got, "develop written statements for 2 dealing with abuse; organisations to have a nominated 3 safeguarding person; additional procedures should 4 include ..." you can see, and they do that for every 5 standard.</p> <p>6 A. Yes.</p> <p>7 Q. Is this the sort of thing you're thinking about?</p> <p>8 A. Absolutely. If I was to be involved in this further, 9 it's exactly the sort of thing we should be doing, 10 working in partnership with bodies like the NSPCC in the 11 context of safeguarding children.</p> <p>12 What I would say is that we don't have, in my view, 13 a body as strong as the NSPCC for adults.</p> <p>14 Q. That's a different issue, and, unfortunately, it is not 15 within our terms of reference, interest though there 16 might be in it. That is a discussion possibly for 17 another day. Thank you.</p> <p>18 Can you see merit -- do you think that this is 19 something which could be sort of for faith organisations 20 but not necessarily faith specific? So you could say 21 any religious organisation should be able to take this, 22 run with it, it is just basic good practice?</p> <p>23 A. Absolutely. Without a shadow of a doubt. I completely 24 agree with you on that. But it might be that it might 25 help some faith-based organisations to almost have</p> <p style="text-align: center;">Page 61</p>	<p>1 a translation into their terms of this type of material.</p> <p>2 This type of material is exactly the core and centre</p> <p>3 piece of how a safeguarding policy should look. It is</p> <p>4 just, how do you ensure that all faith-based leaders are</p> <p>5 reading this, accessing this and understanding it.</p> <p>6 Q. When you say there might need to be an element of 7 translation, can you give me, if it is possible to give 8 me, any examples of what that translation might need to 9 look like?</p> <p>10 A. Just simply saying, for example, in front of me at the 11 moment I've got the elements of standard 2 from this 12 document. So what does that mean within my faith-based 13 organisation? What would that look like? How would 14 I develop a written safeguarding policy? What might one 15 look like for a faith community, as opposed to 16 a non-faith community? Does that make sense?</p> <p>17 Q. Yes. But, largely, most of these principles and 18 standards apply to all organisations that work with 19 children, and the vast majority of materials and 20 templates are, in effect, identical?</p> <p>21 A. Yes.</p> <p>22 Q. Irrespective of the faith-based organisation, because we 23 are not talking about impinging on anyone's religious 24 belief; we are just talking about what to do to make 25 sure that children are kept safe?</p> <p style="text-align: center;">Page 62</p>
<p>1 A. Let me try to explain this in this way, then: I find it 2 simply fascinating how my national safeguarding 3 framework is used but then slightly adapted by the Royal 4 College of Surgeons, the Royal College of GPs, the Royal 5 College of Nursing. When you look at their adult 6 safeguarding policies, they all go back to my original 7 work, but they have to slightly adapt it to put their 8 logos on and their contextualisation to make it 9 acceptable because they are their own Royal College and 10 they are their own bodies.</p> <p>11 You're absolutely right that the principles hardly 12 ever change and you can follow them all back, but 13 somehow people feel -- it is like a comfort blanket: 14 when it has got their logo on it and their professional 15 body on it or, in this context, their faith group 16 messaging on it, it somehow becomes more acceptable, 17 even though, in reality, it should be just as acceptable 18 from the original source.</p> <p>19 Q. You also identify that, in addition to the sort of 20 common safeguarding frameworks and templates you talk 21 about, there should be a common set of training 22 materials linked to those national guidelines. Again, 23 how do you envisage that working?</p> <p>24 A. I think I say there could be.</p> <p>25 Q. Yes. Paragraph 17 of your witness statement.</p> <p style="text-align: center;">Page 63</p>	<p>1 "I believe it would be wise", is what you say. I took 2 the word "wise" to mean "it should happen". Obviously 3 the obverse of that is "unwise". Therefore, I'm 4 assuming that you are making that as a recommendation 5 rather than, "It would be nice to have"?</p> <p>6 A. No, I do believe it to be wise and I do believe it to be 7 a recommendation from myself.</p> <p>8 How do we get materials, training/learning 9 materials, that have an element of standardisation? 10 Because if we don't have that, if everybody writes their 11 own, some people might be better at writing them than 12 others and some of the training materials could have 13 serious holes in them or actually not be particularly 14 helpful or accurate or even useful. So it is about, how 15 do you have that kind of -- and who has that kind of 16 quality-assurance-type role to make sure that people's 17 training materials are appropriate?</p> <p>18 Q. Who do you think should have that quality-assurance-type 19 role?</p> <p>20 A. I don't really know. At the moment, there are groups 21 like CCPAS/Thirtyone:eight and their materials are fine, 22 but they produce their own materials, and who quality 23 assures them? I'm used to quite clear quality assurance 24 roles within universities. You know, there are QAA 25 regulations about what a degree should look like, there</p> <p style="text-align: center;">Page 64</p>

1 are professional body regulations about what a social
 2 work course or a nursing work course should look like
 3 and have within it. There are very clear standards put
 4 out there that are kind of agreed national standards.
 5 **Who is the gatekeeper of those in this situation?**
 6 **We could ascribe it to a body, but it would have to**
 7 **be given -- where do they get that authority from, as**
 8 **opposed to saying, "We are ... We are the group". But**
 9 **who gives them that authority to manage that.**
 10 Q. Largely, it would have to be -- whichever body it was --
 11 there are two ways of doing it. Either the state says,
 12 "We legislate through parliament in whatever way. We
 13 think that this is an issue which, as a society ..." so
 14 we create a body. Or the organisations themselves come
 15 together and create a body with a set of standards and
 16 with a clear level of quality assurance, because, would
 17 you agree with me, Professor Brown, that at the moment
 18 there is no transparency and accountability in this
 19 sector?
 20 **A. That's right.**
 21 Q. And would you also agree that that's unacceptable?
 22 **A. I think that's why I used the words "it would be wise".**
 23 Q. Yes.
 24 **A. Absolutely right. No, I completely agree with you. It**
 25 **is unacceptable, and we do need to have a much clearer**

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1 registration inspection.
 2 **We almost as a society -- we give so much credence**
 3 **to things like a CQC inspection of a care home. Well,**
 4 **that's an inspection of a care home at a moment in time**
 5 **on a day, and three months later, is that view still**
 6 **valid? Are the staff still the same there? We have got**
 7 **lots of inspection structure systems out there, but they**
 8 **don't prevent lots of problems. They don't often see**
 9 **them. How many times, how many inquiries have we had of**
 10 **hospitals and care situations where the Ofsted or the**
 11 **CQC rating has been good and, actually, behind that,**
 12 **there's been an awful lot of abuse going on?**
 13 **So I don't have such great confidence and trust that**
 14 **separate inspection and regulation systems sort the**
 15 **problems out. I think that it's better to have agreed**
 16 **national standards that we were talking about earlier**
 17 **and ensure they are utilised and work, if that makes**
 18 **sense, as opposed to believing that somebody coming in**
 19 **once a year to check that you have, in some people's**
 20 **eyes, ticked boxes and followed procedures, all things**
 21 **will be good. Because we have an industry then of**
 22 **making sure our paperwork looks fine and not worrying so**
 23 **much about our practice.**
 24 Q. If that's the case, then, however, but you still agree
 25 there needs to be national standards, national

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1 **set of guidance and standards owned and produced by**
 2 **somebody and, you're right, it is either going to be**
 3 **through a legislative process or by groups of people**
 4 **coming together and owning and driving a set of**
 5 **standards.**
 6 Q. You recognise that and, at paragraph 13 of your witness
 7 statement, you say:
 8 "I do not believe that we need to set up a separate
 9 registration and/or inspection system of religious
 10 settings which provide youth services for those under
 11 the age of 18. It would be terribly expensive and would
 12 be a big effort and wouldn't necessarily solve the
 13 problem."
 14 Is that still something that you think is the case
 15 and, can I ask, would any faith-based implications play
 16 into that? Obviously you say you are familiar with the
 17 Christian faith. Is that sort of one of the things
 18 about, you know, buyer beware, I don't want outsiders
 19 interfering within the context of religious space? How
 20 does that work?
 21 **A. I don't believe that's why I'm saying that, and I do**
 22 **think the two things are not the same. I think we need**
 23 **to have clear national standards and we have to have**
 24 **clear national training standards and context in these**
 25 **things. I was referring here really about specific**

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1 templates, how do you ensure that people are following
 2 through with that, are using them, are doing them, in
 3 the context of a religious setting? There would need to
 4 be some kind of quality assurance framework, wouldn't
 5 there?
 6 **A. I absolutely would agree with that and, therefore, in**
 7 **that context, I think I would change paragraph 13 to say**
 8 **that there would need to be some sort of oversight of**
 9 **that.**
 10 Q. Really, what we are talking about is not so much
 11 inspection as a mechanism of regulation, but in terms of
 12 audit as a mechanism for ensuring enforcement of
 13 the standards that we have identified. So there would
 14 need to be --
 15 **A. Correct.**
 16 Q. So I think in your box there would need to be some kind
 17 of auditing mechanism. Do you agree that that mechanism
 18 probably shouldn't be from within the organisation?
 19 **A. Yes.**
 20 Q. That it should be somebody external to it?
 21 **A. Yes. If you were --**
 22 Q. Faith based should -- could only be done by those who
 23 have faith, or just people who are faith literate?
 24 **A. I think the latter, the faith literate, might be more**
 25 **than appropriate and acceptable. If you were a huge**

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1 **organisation -- for example, if you were the**
 2 **Church of England -- you could say, "We are going to**
 3 **have an independent arm that's going to monitor". But**
 4 **there is going to be somebody who is going to question**
 5 **how independent is that independent arm? I think it is**
 6 **not worth the risk. So I think where you're driving**
 7 **here is absolutely right, to have somebody that sits**
 8 **outside of those individual faith-based organisations is**
 9 **wise for all concerned, and ensures clarity and**
 10 **transparency of the independence of that process, that**
 11 **it can't be interfered with.**
 12 Q. The next issue I wanted to raise with you is whether
 13 there could, or should, be some kind of qualification in
 14 respect of child protection for those working in faith
 15 settings. It strikes me there are two issues here:
 16 there are those who do a lot of direct, on-the-ground
 17 youth work with children, where you have level 2,
 18 level 3; if you worked in statutory services, you would
 19 have to have that. Because you've identified religious
 20 organisations are undertaking so much youth activity,
 21 whether or not there should be some kind of mandatory
 22 qualification if you wanted to run more than the odd
 23 football session. If you wanted to run something which
 24 was sort of organised and structured and ran on a termly
 25 basis, that's one thing. Then I am going to come on to

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1 **activity going on within these contexts, within**
 2 **faith-based contexts, we can no longer allow it to be**
 3 **like a free for all and it goes where it likes and it**
 4 **may be improved slowly but it improves at 2 per cent**
 5 **a year and we need it to improve at 20 per cent a year,**
 6 **as in quicker and faster.**
 7 Q. Would you agree that the time has now come where we have
 8 to say, "Look, you do so much of this now that the
 9 requirements upon you need to be radically improved"?
 10 **A. And I would absolutely use the words "radically**
 11 **improved" and I would frame that within the**
 12 **ten-minutes-ago conversation about, what will our**
 13 **structures and our policies and our systems look like**
 14 **and what are you expecting people to have and to do?**
 15 MS SCOLDING: I note the time, chair. I haven't quite
 16 finished with Professor Brown, but I suspect our
 17 stomachs are all collectively rumbling. I probably have
 18 about 15/20 minutes with Professor Brown after lunch,
 19 but may we have the lunch adjournment?
 20 THE CHAIR: Yes, we will take our break now and return at
 21 1.45 pm.
 22 MS SCOLDING: Thank you very much, and thank you,
 23 Professor Brown. Please do not speak to anybody else
 24 about your evidence over the break as you are under
 25 oath.

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1 faith leaders. But what's your view about sort of youth
 2 work, youth workers?
 3 **A. I mean, increasingly, many faith-based organisations are**
 4 **employing qualified youth workers. So it is happening**
 5 **by default. But when I say they employ qualified youth**
 6 **workers, they might employ one qualified youth worker**
 7 **who has 25 volunteer youth workers behind them. So at**
 8 **what point are we saying they have all got to be**
 9 **level 1, 2, 3 or A, B, C or whatever our qualification**
 10 **is? So, in part, my reaction is, what qualification and**
 11 **whose qualification? Clearly, I'm in the world of**
 12 **universities where qualifications are normally things**
 13 **called degrees or professional registrations. We could**
 14 **break those down into smaller things, but -- or is**
 15 **a qualification a half-day course, like a first aid**
 16 **certificate?**
 17 **You've got from something very small to something**
 18 **very, very large and all things in between. How do we**
 19 **do this appropriately to upskill and to skill people**
 20 **appropriately without setting up a huge juggernaut of an**
 21 **industry of training who the main people who are going**
 22 **to make money out of this are the people delivering the**
 23 **training? I don't know how easily you bridge that, but**
 24 **I think you are also starting to use a hammer to hit the**
 25 **right nail here, to say, there is so much of this**

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1 **A. Thank you very much. 1.45 pm we are back?**
 2 MS SCOLDING: Yes, thank you.
 3 (12.35 pm)
 4 (The short adjournment)
 5 (1.45 pm)
 6 MS SCOLDING: Professor Brown, can you see me and hear me?
 7 **A. I can, thank you.**
 8 Q. Thank you very much. Just before the lunch break, we
 9 were talking about the difficulties of having youth work
 10 qualifications for volunteers in this sector, and how
 11 that would work, and you have explained some
 12 difficulties with that.
 13 Can we maybe move on to faith leaders or those in
 14 sort of senior administrative roles in organisations
 15 which are large. I recognise that this isn't the
 16 20 people in a house type religious organisation. It is
 17 for those organisations which are large or established.
 18 Do you think it would be useful for there to be some
 19 kind of safeguarding qualification on offer for either
 20 faith leaders or for administrators undertaking
 21 safeguarding jobs in the voluntary sector?
 22 **A. Yes, I do. I think I would probably suggest we went**
 23 **a bit further. Most of those faith leaders of larger**
 24 **churches and denominations will undertake some form of**
 25 **training to become the leader. Often it will be**

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<p>1 a two- or three-year programme. I can't see why 2 safeguarding and aspects of leadership of safeguarding 3 are not compulsory in that training. 4 So I think where we have established training routes 5 for someone to become a leader -- minister, vicar, 6 whatever their title is called -- we should ensure that 7 there is appropriate safeguarding training and 8 assessment of that built into it. I think then you've 9 got a retrospective job as well, for all those people 10 that have already trained and are already in ministry of 11 one description or another, to ensure that they also 12 understand. 13 Q. That works probably quite well for those organisations 14 where there is a sort of route to ministry involving 15 being a registered minister, which is largely -- you 16 know, most Christian denominations of any size, there is 17 some form of training. But how about non-Christian 18 denominations? We have heard, for example, about the 19 Sikh Church and about the Hindu, where there isn't 20 necessarily kind of a route to training, so to speak? 21 A. When there is no formal process that one goes through to 22 be ordained to be that minister -- I don't know what 23 their language would be, but to be the head of, 24 appointed, yes, that might be the most appropriate 25 phrase, I still think that when it is a significant</p> <p style="text-align: center;">Page 73</p>	<p>1 position -- and, you know, you might well have 50, 100, 2 200, 300, 400, 500 people under your authority, for want 3 of a better phrase, in your ministry, then I think we 4 really do need to have some sort of system where we both 5 prospectively and retrospectively ensure that 6 safeguarding -- and I'm adding leadership to that 7 safeguarding because it is really about the leadership 8 of safeguarding, isn't it, it is about ensuring that 9 your organisation understands its duties. 10 Q. In particular, some of the organisations we are talking 11 about, they have probably got 10,000 to 20,000 people 12 coming through their doors on a weekly basis, so they 13 are large? 14 A. Yes, absolutely. That's why I do think that that 15 leadership part of it is rather important, because we 16 are not just expecting that individual to understand 17 safeguarding; we are asking that individual, on behalf 18 of that organisation, as the leader of that 19 organisation, to ensure that the duties are 20 appropriately dispersed and understood throughout the 21 organisation to all those involved. 22 So, of course, that does raise the issue that it 23 might not just necessarily need to be the leader. Many 24 of these organisations will be charities, so who are the 25 trustees and how are they exercising their charitable</p> <p style="text-align: center;">Page 74</p>
<p>1 trustee duties? 2 Q. You would say that, potentially, the Charity Commission 3 could impose some kind of minimum standards for trustees 4 in respect of child protection, if, obviously, they 5 undertake activities with children? 6 A. Yes, I think I go back -- I know we want to currently 7 slip away from this. I think all charity trustees 8 should be ensuring that safeguarding generally, adults 9 and children, is addressed. Without that, I think 10 there's a complete breakdown in society as to, why are 11 we setting up and allowing charities to operate, often 12 with really quite vulnerable and marginalised people, 13 without ensuring that the Charities Commission are 14 overseeing and insisting that there is the safeguarding 15 policy, practice and procedure in place. 16 Q. Do you have anything you want to say about the role of 17 the Charity Commission as it exists at present? Do you 18 know enough about it in this sphere in order to comment 19 upon whether or not it should, or could, exercise 20 greater powers, or would you rather leave that to 21 others? 22 A. I'm honestly not an expert in Charity Commission and its 23 operations. I just see it from the charities end, if 24 that makes sense, as in a charity, so I'm used to 25 understanding how boards operate and their duties and,</p> <p style="text-align: center;">Page 75</p>	<p>1 from what I see as a consumer of it, it's much more 2 about ensuring that the financial probity is done 3 appropriately and systems and checks are put in that 4 sort of place. 5 I haven't ever seen, as a recipient, coming down 6 from that expectations around safeguarding from the 7 Charities Commission. That is not to say they don't 8 exist, I'm saying I haven't personally seen them. 9 Q. Can we turn to another subject, which is 10 Working Together and Keeping Children Safe in Education. 11 You identify that you think they both have quite a lot 12 to offer, but you identify that they say very little to 13 the voluntary, charity, social enterprise and faith 14 sectors. How do you think that could be rectified? 15 A. I think there's a bit of good old-fashioned grit to be 16 done there, as in someone's got to get down and write 17 and understand. It is about the comment you made 18 earlier: there needs to be some sort of -- somebody 19 needs to take the time, or a group of people, to explore 20 the totality of all of this and to explore the totality 21 in these sorts of aspects and areas as well. If it is 22 not addressed, I think we keep running this risk that 23 people think it is not for them because it doesn't 24 specifically refer to them. So somebody has to -- it 25 translates -- it's this constant translation about</p> <p style="text-align: center;">Page 76</p>

<p>1 taking good ideas, good principles and good policies, 2 and making them accessible; not necessarily changing 3 them, it is the accessibility, so that the end user, the 4 charity, the faith-based groups, accept and understand 5 and realise these really are for them and clearly 6 understandable for them. 7 Q. The last thing I wanted to ask about is whether or not 8 you've got any views about the current system of vetting 9 and barring as it applies to faith organisations. You 10 say, at paragraph 19 of your witness statement, that you 11 believe that all those involved in pastoral ministry of 12 any type should be subject to vetting checks, even those 13 that do not fulfil the requirements of regulated 14 activity. 15 A. Yes. 16 Q. Why do you reach that view? 17 A. I think it's about positions of trust and power and the 18 risk of coercive control. I think we mustn't underplay 19 or underestimate -- faith is a very personal thing to 20 many people, and it's a very powerful thing. Therefore, 21 faith leaders have tremendous opportunity to use that 22 power widely, or in some cases not wisely, and therefore 23 I think that we do have to extend that regulation -- 24 regulated activity as broad as possible in this arena, 25 because, otherwise, people might slip through the net</p> <p style="text-align: center;">Page 77</p>	<p>1 because their role might not be deemed to be regulated 2 activity, but they still hold huge positions of power 3 and influence over people in their, for want of a better 4 phrase, congregation or religious group or whatever, and 5 I think, if we are going to bother doing any of it, we 6 need to do it as broadly as possible, to try to make 7 sure there are no holes in the net. 8 Q. Obviously you have also identified that you agree with 9 the change in the law in respect of positions of trust 10 for young people so that it is clearly an offence for 11 faith leaders to do that. How would you define "faith 12 leader" in this context? It is easy in the context of 13 a Church of England context, or even in a Methodist or 14 some other nonconformist contexts. It is less easy in 15 other groups. How do you think that definition or 16 difficulty could be overcome, if you have thought about 17 that? 18 A. I think it is actually even more nuanced than you just 19 suggested there, because, when you said it's easy in 20 a Church of England context, you know who the vicar is, 21 you know who the curate is, but what about the church 22 warden, or what about the person of additional levels of 23 power? So I don't think it is even that straightforward 24 even there, because I think there are all sorts of roles 25 within religious communities where people, again, will</p> <p style="text-align: center;">Page 78</p>
<p>1 have positions of power and could use that position of 2 power and trust inappropriately. So, again, I think we 3 do have to cast the net fairly broadly here and, in 4 casting that net fairly broadly, hopefully you will 5 sweep up, and into the same sort of cover, faith-based 6 organisations that aren't as well established as the 7 mainstream denominations. 8 I just think we cannot underestimate, ever, the 9 potential coercive control and power relationships that 10 people in religious communities can have. Now, we need 11 to remind everybody that, you know, the vast majority of 12 people do not use that power inappropriately. You know, 13 faith-based communities have been doing great works for 14 a long, long time, but we are having an inquiry like 15 this because, clearly, things have gone wrong, and, 16 unfortunately, the truth is, things will go wrong again 17 in the future. We ain't going to stop it all. 18 But maybe if we are able to have more openness and 19 more frankness about this with more clarity and better 20 buy-in from faith-based communities that these problems 21 can, and do, and sometimes occur, and it is not the 22 faith communities' fault, there are just bad individuals 23 out there who will use power inappropriately, and we 24 need to weed that out as much as we can and as quickly 25 as we can, and the more we attend to that, the more</p> <p style="text-align: center;">Page 79</p>	<p>1 I think we will have fewer of these horrible cases where 2 people feel like they have not been believed, they have 3 not been listened to, it's gone on for years. 4 The real, real tragedy, surely, is not what happened 5 for many people, it's what went on after what had 6 happened happened, and that's something that we surely 7 need to learn from these sorts of systems and inquiries. 8 MS SCOLDING: Thank you very much, Professor Brown. I have 9 no further questions for you, but if you would like to 10 stay there, the chair and panel may have questions for 11 you. Thank you very much. 12 A. My pleasure. 13 Questions from THE PANEL 14 THE CHAIR: Thank you, Ms Scolding. I have one question and 15 then I will ask the panel members in turn whether they 16 have any. 17 Professor Brown, a week ago we heard from three 18 representatives of different faith communities in this 19 hearing who were adamant that they did not want anyone 20 investigating any safeguarding concerns in their own 21 different communities who came from the same faith 22 background, mainly for fear of breach of confidentiality 23 and lack of independence in carrying out such 24 assessments. Indeed, it was virtually irrelevant 25 whether they were -- I think they used these words --</p> <p style="text-align: center;">Page 80</p>

1 "black or white, male or female or what religion they
 2 were or what their knowledge was of the faiths".
 3 I wondered whether this was something you considered
 4 when writing your framework or, indeed, arose in
 5 discussions with local authorities?
 6 **A. So you're suggesting that these people were saying that,
 7 for the sake of independence, they really wanted
 8 somebody to be doing the investigation or the oversight
 9 from outside of their faith-based organisation?**
 10 THE CHAIR: Yes.
 11 **A. I think we alluded to that earlier on in the hearing
 12 this morning. I think I would go along with that.
 13 I have concerns about when we constantly allow people to
 14 keep things within their own boundaries, whatever those
 15 boundaries are. What's that about? Independence and
 16 scrutiny and transparency are surely good things in
 17 these situations.**
 18 THE CHAIR: Yes, indeed. The only thing that mattered,
 19 really, to them was that the welfare of any children
 20 concerned was of primary importance, not necessarily
 21 knowledge of the faith context within which it may or
 22 may not have occurred, if there were any safeguarding
 23 concerns.
 24 **A. Yes, I think most reasonably-minded human beings would
 25 come to that conclusion, that the welfare of the child,**

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1 concludes this public hearing in the investigation into
 2 child protection in religious organisations and
 3 settings. Ms Scolding noted at the outset that the
 4 inquiry was breaking new ground in its use of virtual
 5 hearings and the panel and I are very grateful to all of
 6 those who have helped to ensure the smooth progress over
 7 the last two weeks and, indeed, their assistance in
 8 breaking that new ground. The hard work of all core
 9 participant representatives, inquiry staff and our
 10 technicians has allowed the inquiry to continue its
 11 important work.
 12 We would particularly like to thank all of
 13 the witnesses who have testified during these hearings.
 14 We understand it may not have been easy in the current
 15 circumstances, but both the panel and I have found the
 16 evidence we have heard to be extremely informative.
 17 We will resume this investigation with a further
 18 week of hearings from 10 August 2020, and, as I've
 19 previously stated, we cannot yet know how or where those
 20 hearings will be conducted. The inquiry will be
 21 monitoring the situation carefully and will update core
 22 participants in good time.
 23 At the conclusion of those hearings in August,
 24 I will hear closing submissions from core participants,
 25 and, in addition, will consider written closing

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1 **the welfare of the victim, the welfare of the vulnerable
 2 person was paramount. I guess my comments earlier were,
 3 though, that by helping faith-based communities have
 4 confidence and trust in the systems, you potentially
 5 might get better buy-in and better buy-in to using
 6 structures and systems more effectively and more
 7 appropriately, and not trying to close down and lock
 8 down.**
 9 THE CHAIR: Thank you. Ms Sharpling?
 10 MS SHARPLING: Thank you, chair. No, thank you.
 11 THE CHAIR: Mr Frank?
 12 MR FRANK: No, thank you.
 13 THE CHAIR: And Sir Malcolm?
 14 PROF SIR MALCOLM EVANS: No, thank you, chair.
 15 THE CHAIR: We have no further questions, in that case.
 16 Thank you very much, Professor Brown.
 17 **A. My pleasure.**
 18 MS SCOLDING: Thank you, Professor Brown. Thank you.
 19 (The witness withdrew)
 20 MS SCOLDING: Chair, we have no further witnesses
 21 until August, so this is our last witness of today,
 22 chair. I now pass over to you, because I believe you
 23 have some closing remarks you would like to make.
 24 Closing remarks by THE CHAIR
 25 THE CHAIR: Thank you, Ms Scolding. As you say, that

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1 submissions to be received by 28 August 2020.
 2 With that, I will draw the hearings to a close, and
 3 thank you very much to everybody.
 4 (2.01 pm)
 5 (The hearing was adjourned to
 6 Monday, 10 August 2020 at 10.30 am)
 7
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