

DPA

6th February 2020

Dear Bishop Sarah,

Re various matters relating to the TS case

I write to you as a result of your asking me to conduct a review into the circumstances surrounding Jeremy Crossley's role as a training incumbent.

You asked me to compile a chronology in the case. In order to complete this task, I undertook the examination of diocesan correspondence and some interviews with serving and retired staff.

I began by speaking to Neil Evans, Luke Miller and yourself. It then became clear that I should also speak to Jeremy Crossley (JC) and Hugh Valentine (HV). In due course, I spoke to Bill Jacob and Nick Mercer, neither of whom had previously been asked about their version of events.

As well as speaking with these staff I have now read a lot of papers associated with the case including the CCPAS review of the case, the Marshall Review and Rosemary Lane Priestley's evidence to IICSA.

There are a number of issues that concern me about this case, in particular the way that the Diocese seems to have treated JC and HV as being the principle agents in the failure of the Diocese. Those in charge of the Diocese at the time have not taken proper responsibility for what they did or did not do and I believe that JC and HV's claims that they have been scapegoated are largely true. I will describe why I believe this to be the case.

Leadership and Resources

London Diocese was slow to develop a proper professional safeguarding function and in 2009 when these allegations surfaced it had no dedicated resources at all. In particular, it had no women available to support those trying to deal with this matter, of which more later. This failure to develop a proper resource was the responsibility of the then senior leadership team. Both HV and Bill Jacob told me that they made representations a number of times to seek a properly resourced function, because they were aware that other less well-endowed dioceses were going down that track. Their applications were to no avail.

This lack of professional resource is what led to JC and HV dealing with certain aspects of the matter. I have read virtually all the papers in this case and contrary to what most people have said about them I do not believe that given the situation they were placed in they did such a bad job.

Failure to pass the case to the Police and the Local Authority.

The Police

The issue of not reporting the matter promptly to the police is raised in a number of guises in the CCPAS report, the Marshall report and in the IICSA evidence. The situation is really not that simple and I believe that most of the comments about this are wrong in law and practice, and the Marshall report is wrong in its criticism of HV.

Because the complainants in this case were at the time of disclosure over 16 and had capacity, what they said initially to the chaplain to [youth club] and in due course through him to the London Diocese was their sensitive personal data¹. Sensitive personal data are confidential matters that include the details of someone's sexual life. There are restrictions preventing any agency sharing this type of data with another agency without the explicit consent of the data subject.

It is clear that in 2009 the complaints did not amount to allegations of rape or sexual assault, but even if they had the Diocese could still not just have passed them to the Police without explicit consent.

It may be surprising that even an allegation of rape cannot without explicit consent be passed to the police, but this is an issue that Sexual Assault Referral Centres deal with every day.

The case of victim B illustrates why getting explicit informed consent is necessary. She has been particularly distressed by this case because she has not felt able to share this matter with her family. Imagine what would have happened if the Diocese had passed her case to the Police without her explicit consent and they had written, called at her address, or phoned her when she was not in a private place. In these circumstances her family might have become alerted to what she wanted kept private.

Given that the Diocese could not just pass this information over without consent, it would have necessitated someone with the appropriate skills and training to sit down with the victims and establish their wishes. The Police almost always use women police officers to conduct such sensitive interviews. I don't need to expand further how ill equipped the Diocese was then to undertake this task. The reviews find no criticism of this, because they wrongly, in my opinion, focus on the passing of the case to the authorities.

In any event HV's evidence, which the Marshall Review accepts is that HV obtained the details of a female police officer with expertise in child protection and passed them to the victims via the chaplain of [youth club] and we know that at least one victim explicitly declined to speak with the police.

The Local Authority

¹ as it was then known by virtue of the Data Protection Act 1998

The Local Authority are cited in the reviews as being another agency, to whom the case should have been passed. There are two Local Authority functions (Children's Social Care and the Local Authority Designated Officer) relevant to this, but the same rule on explicit consent being required in relation to the sharing of sensitive personal data applies.

In any event the Children Social Care Function was set up to deal with cases of risk that occur within the family or carer environment and would not have taken these cases.

The Local Authority Designated Officer (LADO) Function, provides advice to ensure that employers manage allegations against their staff properly. The LADO in Oxford (the scene of the relevant incidents), was contacted by the Oxford Safeguarding Advisor and advised that it was not a matter for them (because the complainants were over 16 and not making a criminal allegation).

HV Refusing to Give Evidence at Court

This is a damaging allegation and one which the victims rightly find very disturbing. I am surprised, given its importance that the Marshall Review did not seek to come to a conclusion about it. However, I have spoken to the prosecution barrister in the case and it was her concluding speech which included these remarks about HV which were then repeated by the Judge. The barrister did not have any personal dealings with HV. Her remarks were based on information supplied by one of the investigating police officers. I have sought to speak to the investigating officer, but my approach to him through a former colleague has not been successful.

Either party in a criminal trial can apply for a witness summons to compel reluctant witnesses to attend. Given that TS underwent a second trial following an inconclusive first one there was plenty of opportunity whether at the first trial or subsequently to compel HV to attend but the prosecution did not do so. I discussed with the prosecutor why she did not apply for a summons against HV and she said that she felt that his evidence was adequately covered elsewhere.

I have seen a detailed contemporaneous note from HV concerning a conversation he had with an investigating officer about giving a statement. Its contents do not represent a refusal to give evidence.

HV is an experienced social worker who has been to court many times. He knows the importance of cooperation with court processes I do not believe that HV refused to give evidence and nor, I suspect, would anyone else that sees his note. This particular issue needs to be resolved for HV's sake and the victims and their families. It is not fair for HV to continue to operate with this cloud of suspicion over him, nor is it right that the victims should continue to believe that HV did this but the Diocese cannot or will not do anything about it.

JC's Conduct

JC receives criticism from a number of quarters and harsh language is used about him. Bishop Pete calls him naïve, incompetent and stupid in a diocesan file note, and this description of him is publicised by IICSA.

I'm afraid I do not think that it is OK for senior staff to call their junior staff stupid, to their face or in writing. It smacks of bullying.

Rosemary Lane Priestley in her well written and forensic analysis of whether a CDM should take place in JC's case isolates two issues for which he needs to be held to account.

- A comment that he made that TS remains suitable for the priesthood (The TS Comment)
- His offer to TS of employment at [church] (The Employment Opportunity)

The TS Comment

This comment was made by email to HV and copied to Nick Mercer on 8th March 2009. It was made following JC's conversation with TS in which TS apparently broke down, was penitent and offered to make a full disclosure of his past conduct. The email was sent before the disclosures were sent by TS.

This is a very weak basis on which to conclude that someone is naïve, incompetent and stupid. It is a comment shorn from its context, viewed through the lens of hindsight, which allows us to know that TS was a predatory rapist with paedophile tendencies and, what is more it was sent to a senior clergyman, who does not repudiate it at the time or later or ask for any clarification or emendation.

The Employment Opportunity

This too has its context. The overall tone of the diocesan response to TS was set by +R who allowed TS to resign voluntarily from Wycliffe rather than withdrawing him. Wycliffe following his withdrawal asked the Diocese to arrange some spiritual and career counselling for him. Nick Mercer and JC both recall a meeting which they attended with Bill Jacob, (which Bill Jacob does not remember), where they discussed career options for TS and landed on the idea of him working at [church]. He started there in June 2009

Bill Jacob does however remember coming across TS once working as JC's minute taker at a meeting. In December 2009, TS advertised his new employment on the [church] website and a number of victims who saw the website contents complained to the Diocese. It was at that point that the Diocese acted.

As a result of that +R wrote to TS and JC instructing them that TS should only act as an administrator.

It is clear that JC did not act without reference to senior leadership of the Diocese and if he was naïve, incompetent and stupid in employing TS he was allowed to be so under the oversight of senior clergy who were not only aware of what he was doing but actually took some part in the decision making.

Conclusion

In dealing with your request for a review of JC's training incumbency I have gone beyond what you asked for. I apologise for that but I am concerned for the way the Diocese continues to regard HV and JC.

I do think that the Diocese is now well equipped to deal with the sort of serious incident that TS represents, which fortunately is rare but has an enormous impact if it is not dealt with well.

Given the lack of resources dedicated to safeguarding at the time and the difficulties posed by the size of the case I (and the current safeguarding team, whom I have spent some time consulting) do not think that the Diocesan response was as bad as the reviews and common thinking would have us believe. I do however think that the response of the senior leadership has been very poor. The senior leaders have allowed two junior staff to be publically held up for censure when such faults as there were, should have been properly owned and accounted for by the people who were responsible for the organisation at the time.

You may well want to meet to discuss this and to discuss next steps.

Yours sincerely,

DPA

Chris Miller