

<p>1 Tuesday, 11 August 2020</p> <p>2 (10.30 am)</p> <p>3 THE CHAIR: Good morning, everyone, and welcome to Day 13 of</p> <p>4 this public hearing. Ms Scolding?</p> <p>5 MS SCOLDING: Good morning, chair and panel. We now turn</p> <p>6 back to the evidence of Mr Gillies.</p> <p>7 MR PAUL STUART GILLIES (continued)</p> <p>8 Examination by MS SCOLDING (continued)</p> <p>9 MS SCOLDING: We were interrupted midway through your</p> <p>10 evidence yesterday to interpose Mr Corbett, who had had</p> <p>11 some technical difficulties. I would like to return,</p> <p>12 briefly, to the subject of training, if I may.</p> <p>13 The first question I wanted to ask you is, do you</p> <p>14 keep records of the safeguarding training that elders,</p> <p>15 either at a congregational or at a branch level, have</p> <p>16 undertaken in respect of child protection?</p> <p>17 A. We keep records of the training courses that individuals</p> <p>18 have been through, so those could include child</p> <p>19 safeguarding aspects. If I give you an example, last</p> <p>20 year we had a Kingdom Ministry School, as we refer to</p> <p>21 it, for elders, and a section on that programme</p> <p>22 discussed a review of our child safeguarding policy.</p> <p>23 Q. Right. Okay. But, again, as you identified yesterday,</p> <p>24 that's very much from a scriptural and religious aspect</p> <p>25 rather than from what some of us might call a practical</p> <p style="text-align: center;">Page 1</p>	<p>1 aspect?</p> <p>2 A. It also includes a review of our policy, which would</p> <p>3 include our legal responsibilities.</p> <p>4 Q. Can I ask you, the NSPCC looked at your policies quite</p> <p>5 a long time ago now, back in 2009. We have a copy of</p> <p>6 the report they made behind tab B53, if you wish to turn</p> <p>7 it up. Chair and panel, B53 is file 2. Danny, would</p> <p>8 you mind getting up NSP000154_004. It is towards the</p> <p>9 bottom of the page. I understand the Charity Commission</p> <p>10 asked the NSPCC to look at the policies, and they then</p> <p>11 wrote to the Charity Commission, but I'm assuming the</p> <p>12 Charity Commission then shared this evidence with you.</p> <p>13 Is that right, Mr Gillies?</p> <p>14 A. No. It was only when I received this bundle that I see</p> <p>15 that letter for the first time.</p> <p>16 Q. You can see the recommendation there was that the</p> <p>17 Watchtower Bible and Tract Society of Britain should</p> <p>18 seek child protection professional assistance in</p> <p>19 developing their organisational safeguarding systems,</p> <p>20 either via a Local Safeguarding Children's Board or via</p> <p>21 an independent child protection consultancy, for</p> <p>22 example, the NSPCC or others. Can I double-check, as</p> <p>23 you say you have only seen this document relatively</p> <p>24 recently, have you, by any chance, used either of those</p> <p>25 organisations, either a Local Safeguarding Children's</p> <p style="text-align: center;">Page 2</p>
<p>1 Board or an organisation such as the NSPCC, to help you</p> <p>2 devise the child protection systems you have?</p> <p>3 A. The answer is: no.</p> <p>4 Q. Fine.</p> <p>5 A. And the reason for that, basically, is, I keep repeating</p> <p>6 that we don't have arrangements or activities that</p> <p>7 separate children, and that is the fundamental reason.</p> <p>8 Q. Can I just double-check -- I know you have set this out</p> <p>9 in your written witness statement, but just to</p> <p>10 double-check, because I wasn't sure whether I'd asked</p> <p>11 you this question yesterday: because of the approach you</p> <p>12 take in terms of the fact that parents aren't separated</p> <p>13 from your children, as I understand, your elders or</p> <p>14 ministerial servants either within the congregation or</p> <p>15 branch office or circuit overseers wouldn't have DBS</p> <p>16 checks, other than what we would call basic DBS checks?</p> <p>17 None of them would meet the definition of regulated</p> <p>18 activity, as you see it; is that right?</p> <p>19 A. That is correct.</p> <p>20 Q. Thank you very much. Can I ask, how much do you spend</p> <p>21 on safeguarding in any particular year, if you are able</p> <p>22 to identify that?</p> <p>23 A. How much on safeguarding? No, I couldn't answer that</p> <p>24 question.</p> <p>25 Q. Do you have any idea how much your training budget is,</p> <p style="text-align: center;">Page 3</p>	<p>1 therefore?</p> <p>2 A. Well, the in-house training that we have is -- like</p> <p>3 everything else we do, is all voluntary. Our schools</p> <p>4 are voluntary, our elders do their work voluntarily, so</p> <p>5 there isn't a massive budget associated with training</p> <p>6 them.</p> <p>7 Q. It would largely be, I'm assuming, the expenses that you</p> <p>8 might pay to fly people to the US and their</p> <p>9 accommodation and living expenses during that term? Am</p> <p>10 I right in thinking that would be the cost?</p> <p>11 A. Exactly.</p> <p>12 Q. It might be useful, if it would be possible, if you do</p> <p>13 have such a thing as a training budget, if we could ask,</p> <p>14 following this hearing, if you wouldn't mind telling us</p> <p>15 details of how much you have spent on any child</p> <p>16 protection aspects of your training budget over the past</p> <p>17 three years, we would be most grateful for that</p> <p>18 information. Thank you.</p> <p>19 A. Okay.</p> <p>20 Q. Now, can I turn next to issues around access to</p> <p>21 children. I understand entirely your perspective is,</p> <p>22 "We don't separate children from their parents". But</p> <p>23 can I ask you a couple of other questions about what</p> <p>24 I would call the way of life of being</p> <p>25 a Jehovah's Witness. Do you agree with the conclusion</p> <p style="text-align: center;">Page 4</p>

<p>1 that Mr Justice Globe reached in A v Watchtower that 2 being part of the Jehovah's Witnesses is a way of life 3 and affects every aspect of one's life? 4 A. Yes. 5 Q. I think we also heard PR-A5, as an individual who was 6 brought up in the Jehovah's Witnesses, and Ms Davies, 7 all of the witnesses who were brought up in the 8 Jehovah's Witnesses, saying it was part and parcel of 9 every aspect of their day-to-day life: both their 10 religious life, their social life, their friendship with 11 others, their family relationships, were all bound up 12 with the Jehovah's Witnesses. Isn't that right? 13 A. Well, it's a case that the Bible principles influence 14 the decisions and activities that we make in life, but 15 we have many Jehovah's Witnesses who are, say, married 16 to people who are not Jehovah's Witnesses, so they 17 obviously have a normal social life in association with 18 their husband or wife and children. Sometimes they 19 might be the only member of a family. But, having said 20 that, the answer to your question is that the 21 principles, the moral standards, that we have do 22 influence our everyday life. 23 Q. We have heard evidence from a number of individuals who 24 gave oral evidence yesterday and other individuals whose 25 written statements you will have seen which identifies</p> <p style="text-align: center;">Page 5</p>	<p>1 the great deal of trust and confidence that is reposed 2 in elders and ministerial servants, both at 3 congregational, regional and national level. Would you 4 agree that respect and submission is required in 5 a courteous and respectful way towards elders and 6 ministerial servants by children and others who are 7 members of the congregation? 8 A. Well, members of the congregation do respect the 9 ministerial servants, do respect the elders. Their 10 submission to the arrangement is influenced, of course, 11 by the Bible. We talk about the headship principle. 12 But the headship principle is still a relative 13 application. 14 Q. Obviously, the elders as well -- the literature that we 15 have seen places a great deal of emphasis upon the 16 congregation as like a family and having close spiritual 17 relationships with each other, so, therefore, you are 18 encouraging deep bonds of loyalty, friendship and love, 19 are you not? 20 A. Well, it's natural that people who have common interests 21 and common goals and common agreements about teachings 22 will create friendships. That's absolutely true. My 23 friends are Jehovah's Witnesses. I have a whole 24 abundance of friends who are Jehovah's Witnesses all 25 over the world. So, yes, we develop strong ties amongst</p> <p style="text-align: center;">Page 6</p>
<p>1 ourselves. 2 Q. Those strong ties are also reinforced in respect of 3 elders and ministerial servants by their appointed place 4 as shepherds of the flock, as your guidance says, so 5 they have a role to look after and care for their 6 congregation. Is that not right? 7 A. That is correct, but may I just add, we have been 8 talking about our Shepherding the Flock of God 9 publication, which is a handbook for elders, and it's 10 interesting to highlight that it says "the flock of 11 God". So what motivates elders to actually care for 12 individuals in the congregation is that we believe they 13 belong to God; we believe that Christ Jesus died for 14 every single member of the congregation, and they are 15 precious to him. 16 So the responsibility that we feel in caring for 17 individuals who associate with our congregations is that 18 we are entrusted with their care because they belong to 19 God, not because they belong to the elders or just 20 because they identify with the religion. 21 Q. I suppose what I'm trying to say is, you exercise 22 a duty -- something which is akin to a position of trust 23 or a duty of care to each other within the relationship, 24 and elders have an especial position of trust and duty 25 of care towards those who are members of their</p> <p style="text-align: center;">Page 7</p>	<p>1 congregation. That would be a relatively accurate 2 summary? 3 A. It would be accurate to say that they take the lead in 4 doing so, but it would also be accurate to say that 5 every single member of the congregation looks after the 6 interests of everybody else. We care about each other. 7 We develop that strong scriptural bond of love, that's 8 true, because we are trying to practise what Christians 9 are instructed to practise: to love their neighbour as 10 themselves. 11 Q. You recognise, however, that the vast majority of child 12 sexual abuse takes place within situations where adults 13 are known to the children, and those who perpetrate 14 child sexual abuse will often groom not just the child 15 themselves, but the people around them. Do you accept 16 that as two principles? 17 A. Oh, yes. 18 Q. And that, in those circumstances, the sort of 19 organisation you have, which encourages close 20 familial-type relationships, significant bonds of trust 21 and confidence, may be attractive to or a situation 22 where grooming and child sexual abuse could take place? 23 A. Well, if you look at our child protection policy, that 24 policy actually puts limits on the amount of trust, say, 25 that you would have for other individuals, be it an</p> <p style="text-align: center;">Page 8</p>

<p>1 elder, be it a ministerial servant, being it somebody 2 else who associates with the congregation. Maybe 3 I could refer you to my statement. At tab number 3, 4 I have it. It is a quote from The Watchtower articles 5 that we were referring to yesterday. At page 3, 6 I think, CJW000116. 7 Q. Would you mind getting that up, please, Danny? That's 8 your second supplementary statement. Which paragraph 9 number is it? 10 A. Sorry, I want to refer to tab number 23. I want to 11 refer to the Watchtower article. That's not the one in 12 the statement. 13 Q. B23, right. We looked at this. Is this -- 14 A. Yes, this is the one where we have our policy that was 15 studied by all congregations of Jehovah's Witnesses last 16 year in July. 17 Q. It's B23, Danny, CJW000060_001. Which particular 18 passage, Mr Gillies, are you interested in? 19 A. 015. 20 Q. "How to protect your children"? 21 A. So this is discussing how parents educate themselves. 22 I would like to draw your attention to the last sentence 23 in paragraph 20. It says: 24 "Remember that in most cases, the abuser is someone 25 the child already knows and trusts."</p> <p style="text-align: center;">Page 9</p>	<p>1 So that is one of the aspects of the education we 2 give parents: remember, it is someone they know and 3 trust. So, in other words, you have to be aware, even 4 in a close environment, that there is the potential for 5 somebody to abuse the trust that's given to them. 6 Q. I suppose what -- 7 A. When it says, of course, "someone they know and trust", 8 that could be anyone. 9 Q. I suppose the reality is, this is all aimed at parents. 10 Shouldn't the entirety of that article be aimed at 11 everyone, which is, instead of "How to protect your 12 children", shouldn't it be "How to protect our 13 children", so that every member of the congregation is 14 fully aware of these issues, rather than placing all the 15 responsibility solely on parents? 16 A. This is one reason why every congregation throughout the 17 world discussed this material, so that they are aware of 18 the challenges that parents have and how they can 19 co-operate with parents in child protection. 20 Q. I just wanted to explore some of the examples we had, 21 where children have spent time -- whether condoned or 22 not, shall we say -- with adults on their own. The 23 first one I wanted to ask about is field service, which 24 is what I think colloquially by those of us might be 25 known as door knocking or standing with carts outside</p> <p style="text-align: center;">Page 10</p>
<p>1 train stations or other places where lots of people 2 might congregate. Ms Davies, who gave evidence 3 yesterday, explains that older men, in her experience, 4 may well be paired with those who are under 18, so that 5 obviously has happened and possibly continues to happen. 6 I think all of the witnesses yesterday talked about 7 their experiences on field service where they would be 8 paired with older members who weren't necessarily 9 related to them. Would you agree that, in reality, that 10 does happen? 11 A. I would agree that it has happened, and what we were 12 talking about yesterday was examples that go back into 13 the last century, 30 years ago or so, and we're talking 14 about trying to look at our policies through -- those 15 experiences through the magnifying glass of our policies 16 today. So the question, I believe, that this inquiry is 17 looking at is, what is the policy in 2020 and how do we 18 address that issue? 19 Now, one of the points that was made yesterday was 20 that the title of the article in our magazine, article 21 number 19, is "Love and Justice in the Face of 22 Wickedness", and there's a growing recognition, the 23 reason for your inquiry, is because there is a problem 24 with child abuse, it's getting worse and worse, and has 25 done over the years, so we have had to also look at that</p> <p style="text-align: center;">Page 11</p>	<p>1 situation because we shepherd the flock of God under our 2 care, we look at our policy to see how that policy can 3 be improved to make sure that situations like those 4 presented to you really don't occur or there is an 5 understanding of how individuals in the congregation can 6 co-operate to make sure those policies work. 7 Q. Where does it say, Mr Gillies, expressly in any of 8 the documents -- I would be interested to know -- "When 9 you are undertaking field service, children should not 10 be separated from their parents"? Does it say that 11 expressly at the moment, or is that something you're 12 intending to introduce? 13 A. Let me take you to what we have said in our evidence, 14 and that is on my policy statement. This is the page 15 I was referring to earlier, CJW000116_003. 16 Q. That's tab B3, chair and panel, first bundle. 17 Paragraph 10, is it? 18 A. Paragraph 10. Just to make clear that we, as 19 congregations, don't have an arrangement for formal or 20 informal separation of children from their parents. So 21 when situations like this arise, we leave it up to the 22 parents to determine. First of all, the parents have to 23 determine at what age they are going to have their 24 children accompany them when they go from house to 25 house, or in a public ministry in other forms. They</p> <p style="text-align: center;">Page 12</p>

<p>1 also have to decide what kind of training they are going 2 to give to their children.</p> <p>3 Now, when they do that, generally speaking, if you 4 look at a normal family activity, the husband and wife 5 have perhaps been working all week, the children have 6 been going to school, they will volunteer maybe an hour 7 or two on a Saturday morning to share in this activity, 8 and they do so in the company of others who are members 9 of the congregation, and they will go from house to 10 house.</p> <p>11 For a number of reasons, we now do that in groups, 12 for even physical safety. You never know whose homes 13 you're calling at these days and who is going to open 14 the door and what kind of attitudes they have, or any 15 other circumstance. So we are very -- we are much more 16 security conscious, as far as that's concerned, than we 17 were years ago.</p> <p>18 So how about children? Well, let's look at 19 paragraph 10. This is in the context of Bible studies.</p> <p>20 Q. Yes.</p> <p>21 A. But it is the same principle. It says:</p> <p>22 "We do not sponsor private Bible studies for 23 children in the congregation."</p> <p>24 Now, you will probably come on to that. And the 25 reason is that it is a parental responsibility. Now,</p> <p style="text-align: center;">Page 13</p>	<p>1 the parental responsibility is not just about studying, 2 but actually Bible studies or training is also part of 3 their training that they receive when they go from house 4 to house to visit people. In fact, one of the reasons 5 a parent does that is to help them to see how you take 6 an interest in other people and how you understand other 7 people's beliefs.</p> <p>8 Maybe I could just show you a verse from the Bible 9 that underpins this. It's in Deuteronomy, chapter 6, 10 verses 6 and 7. This is an instruction to parents. It 11 says:</p> <p>12 "You must love Jehovah your God with all your heart 13 and all your soul and all your strength." 14 So that's parents. Then it says:</p> <p>15 "These words that I am commanding you today must be 16 on your heart and you must inculcate them in your sons." 17 Now, notice the next point:</p> <p>18 "Speak of them when you sit in your house and when 19 you walk on the road and when you lie down and when you 20 get up." 21 So, in other words, what the Bible encourages is 22 parents to develop very close ties with their children, 23 so in all circumstances they are teaching their 24 children, they are using opportunities outside the 25 house, inside the house, to do so.</p> <p style="text-align: center;">Page 14</p>
<p>1 Now, it would be wrong of us, as an organisation, to 2 separate children from their parents and somehow take on 3 the role of parents.</p> <p>4 Now, having said that, if we go back to this example 5 that's mentioned here: what about if a parent wants 6 assistance with helping their children? We recognise 7 there are some situations where maybe a single parent 8 has four or five children and they would like 9 assistance. So that's addressed at the very top of that 10 page that I'm referring to, just above paragraph 10 11 there on the screen, the paragraph above that.</p> <p>12 Q. It's the paragraph above, it says, "A single mother, for 13 example"?</p> <p>14 A. Yes:</p> <p>15 "A single mother, for example, may be helped if 16 mature Christians show interest in her children. While 17 showing due respect for headship and consideration for 18 propriety, overseers and others can offer spiritual 19 support to members of disadvantaged families."</p> <p>20 But then it makes the suggestion:</p> <p>21 "Perhaps you and your mate or family can spend time 22 with a fatherless boy or girl."</p> <p>23 So we understand that to fulfil our spiritual 24 principles -- there's a verse quoted there in that 25 paragraph, James 1:27, which encourages Christians to</p> <p style="text-align: center;">Page 15</p>	<p>1 look out for the interests of widows and also for 2 orphans. So we want to ensure that we fulfil that 3 Christian responsibility, but in this day and age, we 4 have to have guidance to say we have to ensure that we 5 have the right propriety when we do that and, when we 6 give support, we are not separating children from their 7 parents or, if we do, it's in a setting which is 8 acceptable to the parent.</p> <p>9 Now, just bringing you down to paragraph 10, again, 10 just on the quote that's taken from the June 2017 issue 11 of the Watchtower, it provides a little bit of advice 12 there. Halfway through the paragraph -- we have 13 underlined the section, it says:</p> <p>14 "If a parent decides to have someone study with the 15 children, the one who does so should not try to take 16 over the role of the parents." 17 Now, that's talking about a Bible study. Further 18 down, it speaks there about:</p> <p>19 "If such a study is conducted, it would be wise to 20 do so either in the children's home with the parents or 21 another mature Witness around or in a suitable public 22 area. Thus no-one would have a basis to misconstrue 23 what is occurring." 24 In other words, how do we try to assist people 25 because we care about people, we don't just care about</p> <p style="text-align: center;">Page 16</p>

<p>1 the nuclear family, we care about those who are 2 disadvantaged, and so we are fine with a parent doing 3 that, but, you see, it has to be the parent. We don't 4 have any responsibilities, as elders or a congregation, 5 to go beyond the headship principle. It is very much 6 the parent, either a single parent or two parents, if 7 they wish to have somebody assist in the training of 8 their children, then that's their prerogative to do so. 9 That would apply to our field service activity as well. 10 Q. The question I asked you, however, was whether or not 11 there was any direct instruction that field service -- 12 parents shouldn't be separated from children in field 13 service. Given the situations that have obviously 14 occurred -- we have heard about PR-A5 and I am going to 15 take you to another in a moment. There is nothing 16 directly in either of those passages which deals 17 directly with field service, does it? That deals with, 18 firstly, friendships. 19 And can I ask a supplementary question? You have 20 just mentioned the principle of headship. Now, I may be 21 wrong about this because I'm not a theologian, but the 22 principle of headship, as I understand it, is one that 23 the father is the head of the family and the mother's 24 role in the family is separate but equal, so to speak. 25 So what happens in the context of families where there</p> <p style="text-align: center;">Page 17</p>	<p>1 is a single parent? Would the mother adopt the role of 2 headship or would that be another parental figure, such 3 as a grandfather, a paternal figure, ie, a male figure? 4 A. No, it's the mother. 5 Q. Can I just ask, one of the things you said was that the 6 issues which have arisen in respect of field service all 7 happened quite a long time ago. Can I take you to 8 tab B63, if I may. JW003646_002. Can you just tell 9 me, what is this document? I think you're in charge of 10 the service department, so I think you would know. This 11 is a document I think that's kept centrally by the 12 service department or the legal department, I'm not 13 quite sure which, which is a summary sheet identifying 14 various, I think, correspondence that there would have 15 been between a congregation and the central branch. Is 16 that right? 17 A. That is correct. 18 Q. There is reference on this document to something called 19 an S77 form. Can you just tell us what that is? 20 A. An S77 form is just a record of the fact that somebody 21 has either dissociated themselves from the congregation 22 or they have been expelled, disfellowshipped. 23 Q. So if we can look at page 2, this is 2009. This is 24 somebody who was disfellowshipped. It is about halfway 25 down the page. No, it is the next one, December 10,</p> <p style="text-align: center;">Page 18</p>
<p>1 please, Danny. There is an incident involving victim 3, 2 who is the 15-year-old referred to in the S77: 3 "Numerous acts of loose conduct had led to two acts 4 of oral sex between LJ ..." 5 Who is the person concerned, and the 15-year-old. 6 And somebody masturbated LJ on the doorstep of a call 7 when somebody wasn't home on ministry. This person was 8 also involved in numerous acts of porneia. Now, if 9 I can just double-check, I don't think we need to go to 10 Shepherd the Flock of God, but "porneia" is the loose 11 understanding for what might be called sexual 12 licentiousness? 13 A. Well, it is any kind of sexual activity outside 14 the marriage arrangement. 15 Q. Sorry, I used licentiousness in the term that you would 16 understand it, ie, any heterosexual sex or homosexual or 17 lesbian sex at all, and any heterosexual sex outside 18 marriage, and whose confession led to that. So this was 19 a situation only ten years ago, just over ten years ago, 20 where it was plain that there were still at least some 21 examples of field service taking place with adults and 22 teenagers who weren't related to each other? 23 A. Yes. 24 Q. Can I also ask that the congregation, further down the 25 page, say, "On 2012", so less than three years later:</p> <p style="text-align: center;">Page 19</p>	<p>1 "... since the fellowshipping, LJ has attended all 2 meetings ... and applied for reinstatement but more 3 time." 4 They have pressed charges, he's pleaded guilty, he 5 declined to have a Newton hearing due to the possible 6 reproach brought upon Jehovah's name. The elders asked 7 the following: can they consider reinstatement -- this 8 is the top of the next page, please, _003. Can he be 9 reinstated before the sentence is passed upon him? If 10 he's sent to prison, what assistance can be given him, 11 et cetera, et cetera. Then, further down the page, it 12 says: 13 "During the court case, the judge was highly 14 critical of the way the elders handled the matter and, 15 during a meeting of the elders, it was stressed to them 16 that they should not get involved and to treat both 17 families equally." 18 Can I just double-check, in those circumstances, 19 would it be usual, therefore, for somebody to be 20 reinstated into a congregation less than three years 21 after he was accused of, and admitted to, multiple acts 22 of sexual indecent assault involving girls under the age 23 of consent? Would that be something that would be 24 usual? 25 A. It's not something which is usual. We make sure that</p> <p style="text-align: center;">Page 20</p>

<p>1 somebody stays outside the congregation for 2 a considerable period of time when they have been 3 involved in such wickedness, but the terms for coming 4 back into the congregation, which are, the elders would 5 assess his attitude at the time he applies for 6 reinstatement, but, nevertheless, even somebody who has 7 that kind of a record of wrongdoing, as we would say, is 8 somebody that would have to conform to restrictions, if 9 they were reinstated.</p> <p>10 Q. If I can just identify, in fact, LJ, the individual in 11 this case, was reinstated in July 2012, so less than 12 three years after the disfellowship -- well, around -- 13 just over three years after the disfellowshipping. 14 I think if one goes to the -- it says "S77 form with 15 LJ's reinstatement". At JYW003646_003, if you want to 16 look. I think that's what that means.</p> <p>17 A. Yes.</p> <p>18 Q. We obviously heard yesterday from PR-A5, who was another 19 individual who talked about field service being an 20 opportunity for the individual concerned to be able to 21 sexually abuse her during that particular point in time. 22 Given all of these numerous examples that we have been 23 given, do you not think it would be sensible just to 24 issue an edict saying that field service should not take 25 place where minors are separated from their parents, in</p> <p style="text-align: center;">Page 21</p>	<p>1 these circumstances, in the way that you have done in 2 respect of Bible study?</p> <p>3 A. Yes, we can have a look at that.</p> <p>4 Q. Thank you very much. You have already helpfully taken 5 us to the passage in respect of Bible study. Now, 6 again, as I understand it, and as you have identified, 7 studying the Bible is a central part of your education 8 as a Jehovah's Witness. It is a central spiritual task 9 and you are encouraged to do so on a very regular -- on 10 a daily basis, and there is formal study and informal 11 study as well on a weekly basis. Do you not think, in 12 these circumstances, again, you should do more than 13 simply say Bible study is a purely private initiative? 14 It is obviously encouraged by, condoned by -- it is 15 a central part of your religious faith. Don't you think 16 that the community needs to take responsibility for what 17 happens during those Bible study sessions, given the 18 integral nature of it with your religious beliefs?</p> <p>19 A. Well, I do come back to the headship principle here. We 20 cannot force parents to do anything that they don't want 21 to do or something that they do want to do. But there 22 are some kind of controls. You haven't got it in your 23 bundle, but going to the Shepherd the Flock of God book, 24 chapter 2, point number 3 and subsection 3 -- you don't 25 have that to be able to bring it up. Yesterday, the</p> <p style="text-align: center;">Page 22</p>
<p>1 comment was made that the Service Committee and the 2 congregation, which is made up of three elders, would 3 assign someone to work with their children. But 4 actually what it says here is that this same committee 5 of elders determine whether it is advisable for another 6 publisher to conduct a Bible study with a child of 7 a Christian parent. So when we hear of arrangements 8 being made like that, the elders may speak to the 9 parent, or the parents, and say, "This is not an 10 advisable arrangement". It is almost like a safety 11 valve, where we say to the parents, "No, we don't 12 suggest that you do this", and we may remind the parents 13 that, "Actually, it is your responsibility to study the 14 Bible with your child". But, as it also goes on to say, 15 the elders may approve of an arrangement for that, but 16 it would be in the kind of setting where they would be 17 reminded of the propriety of doing so in a setting where 18 they're not actually separated one on one with the 19 child.</p> <p>20 Q. Again, in respect of baptism we heard yesterday that 21 that will also be a circumstance or a situation where an 22 unsupervised elder may well be alone with a child or 23 elders will be alone with a child without, necessarily, 24 their parents being present. Isn't that right?</p> <p>25 A. Well, let's have a look and see what we have said there.</p> <p style="text-align: center;">Page 23</p>	<p>1 What was said yesterday would have been true in the 2 past, and we would have done that in the home of 3 the child anyway, and an elder would have taken a young 4 person, a youth, through the questions we go through to 5 see if a person is ready for baptism. But in this one, 6 we have thought about this, and now the arrangement for 7 baptism, arrangements with youths or minors. The 8 "Organised to do Jehovah's will", page 210, provides the 9 following guidance:</p> <p>10 "When the baptism candidate is a minor" --</p> <p>11 Q. Shall we get this document up? It's behind tab B3 of 12 your bundle, chair and panel. It's Mr Gillies's second 13 supplementary witness statement. CJW000116_003. 14 Paragraph 11 at the bottom of the page.</p> <p>15 A. First of all there is a step where a youth has made 16 sufficient spiritual progress and informs the elders 17 that he has made a personal dedication to God in prayer 18 and would like to symbolise that dedication by water 19 baptism. Before agreeing to that request, the elders 20 will meet with the youth on two occasions to ensure he 21 has acquired a reasonable understanding of basic Bible 22 teachings. But then it says:</p> <p>23 "An elder would not meet alone with the minor." 24 It says: 25 "The handbook 'Organised to do Jehovah's Will'</p> <p style="text-align: center;">Page 24</p>

<p>1 provides the following guidance:</p> <p>2 ""When the baptism candidate is a minor, his</p> <p>3 believing parents should be present for the sessions.</p> <p>4 If the parents cannot be present, then two elders (or an</p> <p>5 elder and a ministerial servant, depending on the</p> <p>6 section being reviewed) should be involved in each</p> <p>7 session'."</p> <p>8 Q. When did this particular edict come into place? Is this</p> <p>9 relatively recent?</p> <p>10 A. This publication was revised in 2005, 2015, 2019.</p> <p>11 Q. The last issue which Ms Davies raised within her witness</p> <p>12 evidence is also the issue of mentoring, and we have</p> <p>13 seen above in the passage that you referred to us</p> <p>14 earlier the idea of spiritual oversight of fatherless</p> <p>15 children being an example of that, and obviously, given</p> <p>16 the central important you place on one's spiritual life,</p> <p>17 one can see that mentoring might have a significant role</p> <p>18 within your particular organisation. Would you say that</p> <p>19 there is a degree of encouragement for members of</p> <p>20 the congregation to support those who may well be more</p> <p>21 disadvantaged, who, as you identify, may be single</p> <p>22 parents with a number of children?</p> <p>23 A. Well, yes, we feel that's part of being a Christian, to</p> <p>24 look out for the interests of others, and if individuals</p> <p>25 are disadvantaged, then of course we try to care for</p> <p style="text-align: center;">Page 25</p>	<p>1 those interests. But I would still like to stress that</p> <p>2 the direction that we give is that we should do that in</p> <p>3 a setting where there's nobody who will raise any</p> <p>4 questions about the propriety of how this is done.</p> <p>5 Q. But the mentoring may inevitably result in personal</p> <p>6 contact on a one-to-one basis, mightn't it?</p> <p>7 A. Well, there's always involvement with young people and</p> <p>8 children. Again, the mentoring, what do you mean by</p> <p>9 "mentoring"? Is this just a short period of time where</p> <p>10 they have a Bible study? We must stress that, because</p> <p>11 of the headship principle, we never encourage anybody to</p> <p>12 take over the role of a parent. It is still the</p> <p>13 parents' responsibility to work in harmony with that</p> <p>14 scripture in Deuteronomy 6 and other verses in the</p> <p>15 Bible. In the New Testament, Ephesians chapter 6 says</p> <p>16 exactly the same thing. So it is a parental</p> <p>17 responsibility. There is no mentoring arrangement in</p> <p>18 the congregation. There is nothing that's formally</p> <p>19 adopted by the congregation to say, "Okay, now we are</p> <p>20 going to provide this arrangement for your child".</p> <p>21 Q. Can I ask, however, at the moment, you have</p> <p>22 identified -- you suggest that none of your activities</p> <p>23 meet the test for regulated activity. Given the way</p> <p>24 that organisations -- and you're not alone in terms of</p> <p>25 having a flat structure, having volunteers, there are</p> <p style="text-align: center;">Page 26</p>
<p>1 a number of religious organisations that would be</p> <p>2 organised in a similar way to yourself. Given the</p> <p>3 positions of trust and responsibility which the elders</p> <p>4 in your congregation and ministerial servants have, do</p> <p>5 you think the law should be changed so that those</p> <p>6 individuals who are elders or ministerial servants</p> <p>7 should be subject to enhanced checks? Would you find</p> <p>8 that useful for your organisation, to make sure that</p> <p>9 individuals do not undertake positions of responsibility</p> <p>10 and trust who may well have had difficulties with child</p> <p>11 sexual abuse in their previous lives? How would you</p> <p>12 feel about that?</p> <p>13 A. We have no religious objection to what you are</p> <p>14 suggesting.</p> <p>15 Q. Can I now deal with the process for dealing with</p> <p>16 allegations of child sexual abuse when they're made.</p> <p>17 You set this out from paragraph 52 of your first witness</p> <p>18 statement onwards. I think it might be useful for us to</p> <p>19 use that as our guide. That's behind tab A1, chair and</p> <p>20 panel, CJW000052_012. Again, you identify clearly that</p> <p>21 this is what you consider to be the religious procedure,</p> <p>22 the first one of which, however, is that, if an</p> <p>23 accusation of child abuse comes to the attention, as we</p> <p>24 have got at paragraph 52, you are instructed to arrange</p> <p>25 for two elders to telephone the Britain branch office</p> <p style="text-align: center;">Page 27</p>	<p>1 immediately for assistance:</p> <p>2 "Why is this done? To provide situation-specific</p> <p>3 support ... who are well versed in the child</p> <p>4 safeguarding policy of Jehovah's Witnesses ..."</p> <p>5 But, as we have already identified, they are not</p> <p>6 necessarily very well versed in child safeguarding</p> <p>7 practices and procedures in the secular sense, are they?</p> <p>8 You have already identified they don't necessarily --</p> <p>9 they have training on the Jehovah's Witnesses policies</p> <p>10 but not on what should happen. So do you think it's --</p> <p>11 do you not think it would be more sensible for the</p> <p>12 elders in the Britain branch office and for the elders</p> <p>13 in the congregation to be well aware of what's available</p> <p>14 in terms of the police and local authorities, which</p> <p>15 appears nowhere within any of your policies or</p> <p>16 documentation?</p> <p>17 A. Well, if I can draw your attention to that paragraph,</p> <p>18 halfway down it says there that it's qualified</p> <p>19 solicitors in the legal department who are well versed</p> <p>20 in the relevant reporting obligations to the statutory</p> <p>21 authorities. So solicitors in the legal department do</p> <p>22 keep themselves up to date with the necessary</p> <p>23 legislation and what can be done.</p> <p>24 Now, when they speak to the legal department and</p> <p>25 speak to the service department, and if there is</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 a statutory requirement to report -- it mentions there, 2 in Ireland, there is, and that's exactly what we do -- 3 we give direction to elders how to make a report. 4 Remember what we do as a religious body. We know 5 that child abuse is a crime. We do not impede anybody 6 with knowledge of child abuse from going to the police 7 and making a report or to a LADO officer. So that is 8 fine. But the bulk of our activity is how to handle the 9 sin, the wrongdoing, within the congregation, so when it 10 goes through to the service department, the elders are 11 particularly concerned to make sure that the accused is 12 handled correctly in the context of the congregation, 13 and, most importantly, how they provide shepherding 14 assistance to the victim of abuse.</p> <p>15 Q. I suppose the question that should be put to you, 16 really, is, why don't you -- if you are saying, "Well, 17 everybody should know about what goes on with the 18 statutory authorities", why isn't that anywhere in your 19 policy? Why don't you just say to the elders, "Look, 20 you're dealing with the spiritual side of things. You 21 are dealing with whether somebody should be a member of 22 a congregation, but that should really have nothing to 23 do with reporting"? So why is there no clear obligation 24 to say, "Go to the LADO, go to the police"? Why is 25 there no imperative to do so and why do you make people</p> <p style="text-align: center;">Page 29</p>	<p>1 phone the branch office? Why don't you just write in 2 your policy to the elders, "Everyone must go to the 3 LADO", or, "Everyone must go to the police"? 4 A. Well, these are good questions, and if I can explain why 5 it is that they call the central office, they're looking 6 for case-specific advice, because every situation is 7 different. Elders in the congregation may rarely have 8 to handle an allegation of child abuse. The elders 9 appreciate calling in to the central office because they 10 want to get it right and do exactly what is in harmony 11 with the law and their procedures. 12 But we have a form of mandatory reporting, because, 13 when the service desk speak to the elders, they go 14 through a number of questions, and you have those in 15 tab 25 --</p> <p>16 Q. Let's have a look at these questions in tab 25. These 17 are the guidelines for the branch office service desk. 18 So this is a document that the branch office holds but 19 elders in congregations wouldn't hold and members of 20 congregation wouldn't have. So let's go to 21 CJW000062_003, which is the reporting the matter -- is 22 it paragraph 7 you would like to take me to? Paragraphs 23 7, 8 and 9? 24 A. It's paragraph 8 particularly. We can discuss the other 25 paragraphs, if you wish. But paragraph 8 is there to</p> <p style="text-align: center;">Page 30</p>
<p>1 help those taking the calls in the service department to 2 talk through the matter with two elders. Bear in mind 3 that we only have experienced elders in our service 4 department who care for these matters -- experienced in 5 the sense of being very familiar with our policies, and 6 having years of experience as elders in handling similar 7 matters. So paragraph 8 --</p> <p>8 Q. Can I stop you there? They have years of experience as 9 elders, I have no doubt, but they don't have years of 10 experience of evaluating the credibility of child sexual 11 abuse and they don't have years of experience in child 12 protection, do they?</p> <p>13 A. They have years of experience in being familiar with our 14 child protection policies. We don't pretend to adopt 15 the role that is there for the secular authorities. As 16 pointed out in our Watchtower magazine, their role is 17 primarily a spiritual role. That is what they handle. 18 They are not dealing with the crime itself.</p> <p>19 Q. I understand that. But why, then, do you go through 20 these questions? Why, then, do you ask these questions 21 at paragraphs 7 and 8? I understand entirely you 22 saying, "We are not -- it is not our role to decide 23 whether the abuse happened or not". I understand that. 24 It isn't a religion's role to do that. But you ask 25 a series of questions which certainly intimate that you</p> <p style="text-align: center;">Page 31</p>	<p>1 believe that it may be your role: 2 "... is the alleged victim still a minor? Is there 3 a reason to believe that [anyone] is in danger of abuse? 4 Do [they] put him in close proximity ...?" 5 At paragraph 7: 6 "Regarding each alleged victim: What is the date of 7 birth? ... If baptised ...?" 8 "... Who made the accusation? How did the elders 9 learn of [it]?" 10 If one goes on to paragraph 9, "Evaluating the 11 facts": 12 "Once the service desk has obtained the facts, the 13 following must be determined ..." 14 Now, I understand that this is to do with whether 15 it's scripturally established, but the reality is, if 16 the first thing you are doing is saying to people, 17 "Phone the branch office" and then the branch office are 18 focusing entirely on the scriptural aspects and are 19 carrying out an evaluation of the facts, aren't you, in 20 effect, erroneously misleading people about the role 21 that you play in respect of assessing child sexual 22 abuse, and doesn't that need to be made a lot clearer? 23 A. So what we are talking here about is a situation where 24 there's an evaluation of whether the service desk 25 directs elders to make a report to the police. Now, we</p> <p style="text-align: center;">Page 32</p>

<p>1 could simply take the position, there is no mandatory 2 reporting law, there is nothing you need to do, you're 3 not obliged to go to the police. But, actually, we take 4 a responsible position, because if the elders learn of 5 an allegation of abuse and it is determined, as our 6 policy says, that there is a child at risk, then 7 a report will be made to the authorities. Now, those 8 questions that you have just read are designed to help 9 the elders establish whether the report should be made. 10 So that's what we do in order to provide child 11 protection. It is because it is assessed that a child 12 is at risk. We're not replacing the authorities, we are 13 not stepping in and doing it, we are not taking that 14 responsibility. We are saying, "We have heard of this 15 abuse, we have heard of this allegation, so let's make 16 sure that a report is made to the police", and that is 17 done before the elders do anything else in the 18 congregation with regard to carrying out an internal 19 investigation.</p> <p>20 Q. Can I just ask you a question about that, if possible? 21 Danny, would you mind getting up CJW000062_003. You say 22 quite clearly that it is not your role to determine the 23 issue. Paragraph 8, please. However, you say: 24 "Is the alleged victim still a minor? Is there 25 a reason to believe that the alleged victim ... is in</p> <p style="text-align: center;">Page 33</p>	<p>1 danger of abuse? Do the accused's day-to-day activities 2 put him in close proximity to minors?"</p> <p>3 Aren't you taking on the role of judge in that 4 situation? Surely, what you say is, "It is not for me 5 to know anything about what is going on, you need to 6 refer it to the LADO", rather than taking on this kind 7 of quasi advisory role, which could, and has, in certain 8 cases, led to things not being reported to the police or 9 other authorities when that should have been the case?"</p> <p>10 A. Well, this is -- as I say, it's a child protection 11 policy and we want to ensure that something is done when 12 we learn about abuse taking place. The nature of 13 the questions show that there is a sensitivity to the 14 situation of a child that could be at risk. We want to 15 take some action. So we want to give the elders 16 guidance because the next step is, if the service desk 17 establish, "Yes, you should make a report to the 18 police", or to somebody else, then the legal department 19 will give them guidance as to how to go about making 20 a report.</p> <p>21 Q. Can I ask, when it comes to making a report, can we go 22 to paragraph 6, if you don't mind, in terms of this 23 branch office service desk, that's CJW000062_003. It 24 says: 25 "If the caller is not an elder ..."</p> <p style="text-align: center;">Page 34</p>
<p>1 So the service desk should listen carefully and 2 offer scriptural comfort: 3 "This is especially important ... she should be 4 encouraged to talk with her elders or the circuit 5 overseer if she has not done so ... or write to the 6 service department." 7 Again, why is it that you can't accept calls from 8 anyone? Why does everything have to be directed via the 9 elders in this respect? Why isn't there a sort of 10 sexual abuse hotline, so to speak, and why can't the 11 service desk be that?</p> <p>12 A. Well, if you look at that paragraph, it simply says that 13 you listen very carefully to the caller's concerns. 14 Individuals in our congregations are free to contact our 15 service desk, are free to talk with an experienced 16 elder, and they will be listened to, and they will be 17 provided with scriptural comfort. Why are they referred 18 to the elders? Because the elders are appointed as 19 shepherds in their congregation and a victim of 20 child abuse needs ongoing assistance. A conversation 21 for an hour or two with somebody on the service desk 22 doesn't necessarily provide them with all the comfort 23 that they need because they need ongoing reassurance, 24 depending on what's happened to them. So we refer the 25 elders -- we refer them to the elders. The elders may</p> <p style="text-align: center;">Page 35</p>	<p>1 already know about the situation. They may have already 2 called the branch about it. Or the elders have -- or 3 can put into place an arrangement for providing comfort 4 and support. It may not be even a responsibility that 5 the elders take on themselves. If it's a young woman, 6 they may ask a mature sister in the congregation to 7 assist that distressed female and help them.</p> <p>8 Q. You both say you never discourage and they may report. 9 Why don't you encourage reporting? I suppose this is 10 all, I would say, quite passive in terms of, on the one 11 hand, you're an organisation which stresses strict 12 adherence to moral codes, which has a series of very 13 compelling requirements, shall we say, of adherence to 14 the faith; on the other hand -- so you have no problem 15 telling people what to do in some circumstances, but 16 you're not saying to them, "You must do this, you should 17 do this, it should always be reported". It's all much 18 more kind of, "We tell them that they can", which seems 19 to be strangely passive for an organisation which is so 20 active in other parts of people's lives. Perhaps you'd 21 like to explain why that might be the case?</p> <p>22 A. Yes, happily. It's because of individual responsibility 23 and individual choice: if we go to Galatians chapter 6 24 and verse 5, there is a very important principle here, 25 in which it says, "For each one will carry his own</p> <p style="text-align: center;">Page 36</p>

<p>1 load". The footnote to that reference says "carry his 2 own load of responsibility".</p> <p>3 Now, we don't necessarily want to -- we haven't got 4 the authority, as elders, to insist that individuals go 5 to the authorities. You must remember, one reason why 6 it is that a victim of child abuse could approach the 7 elders, could call the branch office, they could be an 8 adult victim, and they have got no desire to go to the 9 authorities. This could be something which happened to 10 them prior to being a Witness, it could be somebody -- 11 the abuser may be not even associated with the 12 congregation.</p> <p>13 We would respect the wishes of an adult who says, 14 "You know, I really don't want to go through all the 15 trauma of being interviewed by the police. I don't want 16 to go through a court case, and so forth. The reason 17 I have come to you is I want spiritual comfort and 18 help". That's where the elders play a very important 19 role in being available to individuals who want to talk 20 about their experiences they have. Now, some people 21 don't, but many do and they want comfort. What kind of 22 comfort? An individual may feel that they can't pray, 23 they can't see even the Lord's prayer, which says, "Our 24 Father in heaven", it would be a stumbling block for 25 them straight away because the father was the abuser in</p> <p style="text-align: center;">Page 37</p>	<p>1 a fleshly sense, so to see God as a loving father is 2 contrary to their experience in life. So we can talk to 3 them about that, we can reassure them of God's love for 4 them, we can help them to overcome feelings of being 5 unworthy, which is often the case with individuals who 6 now, in their adult life, realise what was happening to 7 them as a child. They can feel unclean before God and 8 wonder if they can ever be approved by God. So that's 9 the reasons why individuals will talk to elders in the 10 first place. It is the comfort they want. They may not 11 necessarily want to go to the authorities, and so we 12 would respect that right of theirs to say, "No, I will 13 carry my own load of responsibility in this matter".</p> <p>14 Q. I'm so sorry to interrupt you, Mr Gillies, but I think 15 I must put that there is -- or there could be perceived 16 to be an aspect of double standards in this respect, in 17 that, for example, where, in the elders' statement, it 18 says, "If there is a break-in, theft, arson or other 19 incident of vandalism, that should be promptly reported 20 to the local authorities", so there does seem to be 21 somewhat of a disjunct between property damage and 22 personal damage.</p> <p>23 Now, I understand entirely what you say about the 24 fact that, for adults in particular, for those who are 25 adult, they may well make choices about whether they</p> <p style="text-align: center;">Page 38</p>
<p>1 want to pursue things by the criminal mechanism or not. 2 But why is none of what you have just explained set out 3 in the service branch guidance or set out to the elders 4 or -- I mean, we understand that there are a number of 5 nuanced matters. Why can't the branch office report on 6 behalf of the elders? Why can't -- if you are saying 7 things should be reported -- "We think things should be 8 reported to the branch", why can't you say -- a number 9 of other religious organisations will say, "Well, our 10 safeguarding people will do that for you, if you want". 11 Why don't you do that?</p> <p>12 A. Well, you make a comment there, you said, "if you want". 13 So, again, it does come back to personal choice and 14 personal responsibility to be able to do that. But who 15 is best placed to make a report? When you look at our 16 policy in the Watchtower of May 2019 --</p> <p>17 Q. Yes, of course, that's B23, chair and panel. Let's have 18 a look. It's CJW000060_003. Is it _012 and _013, 19 Mr Gillies, that you would like us to look at?</p> <p>20 A. Yes.</p> <p>21 Q. "Handling instances of serious wrongdoing". Is that 22 right?</p> <p>23 A. Yes.</p> <p>24 Q. It is an answer to the question in paragraph 13: 25 "Do elders comply with secular laws about reporting</p> <p style="text-align: center;">Page 39</p>	<p>1 an allegation of child abuse to the secular 2 authorities?":</p> <p>3 "The answer is: 4 "Yes. In places where such laws exist, elders 5 endeavour to comply with secular laws about reporting 6 allegations of abuse." 7 It makes the comment: 8 "Such laws do not conflict with God's law." 9 So if, for example, this inquiry recommends a form 10 of mandatory reporting and parliament agrees, then 11 naturally Jehovah's Witnesses will comply with whatever 12 the terms are of the mandatory reporting law, as we 13 currently do in the country of Ireland, as an example. 14 So the next paragraph says: 15 "Elders assure victims and their parents and others 16 with knowledge of the matter that they are free to 17 report an allegation of abuse to the secular 18 authorities." 19 Now, again, we think about responsibility, and the 20 headship principle. But the point that's made there is 21 that those who have knowledge of the matter. Elders 22 will phone in to the central office to talk with 23 experienced elders to gain guidance, but usually the 24 individuals who are best placed to make a report to the 25 authorities are those who have got knowledge of</p> <p style="text-align: center;">Page 40</p>

<p>1 the matter, and particularly if the victim is an adult.</p> <p>2 MS SCOLDING: Thank you. I note the time. I think we have</p> <p>3 gone slightly over the hour, Mr Gillies. I think we</p> <p>4 have some more discussions that need to continue, but if</p> <p>5 we may, chair, have a brief break for 15 minutes for</p> <p>6 everybody's comfort. Given the heat of this particular</p> <p>7 day, I would be most grateful.</p> <p>8 THE CHAIR: Thank you, yes. We will return at 11.50 am.</p> <p>9 (11.33 am)</p> <p>10 (A short break)</p> <p>11 (11.50 am)</p> <p>12 MS SCOLDING: Thank you very much, Mr Gillies. Just before</p> <p>13 the break, we were looking at The Watchtower. Danny, if</p> <p>14 you wouldn't mind getting it back up, there are some</p> <p>15 questions I wanted to ask you about this particular</p> <p>16 Watchtower. It is CJW000060_012. Can I just ask you</p> <p>17 some questions about the language that's used within</p> <p>18 this document, if I may. In paragraph 10, it says:</p> <p>19 "The elders are primarily concerned with maintaining</p> <p>20 the sanctity of God's name."</p> <p>21 Could I just ask, what do you mean by that? Does</p> <p>22 that mean that the individual must be subjected to the</p> <p>23 whole? So the interests of the congregation are more</p> <p>24 important than the interests of the individual?</p> <p>25 A. Well, there is a verse there quoted beside that, Matthew</p> <p style="text-align: center;">Page 41</p>	<p>1 chapter 6, verse 9, which is the Lord's Prayer, "Our</p> <p>2 Father in the heaven, let your name be sanctified", or</p> <p>3 "hallowed be your name", which people may say. So we</p> <p>4 are very interested in making sure that, as we apply any</p> <p>5 Bible standards, we are doing it according to God's</p> <p>6 standards of holiness. So sanctification has got to do</p> <p>7 with holiness and the high standards that God gives. So</p> <p>8 we are interested in making sure that the high standards</p> <p>9 of holiness are applied in this context to our child</p> <p>10 protection policy.</p> <p>11 Q. But one then goes to 11, and it says:</p> <p>12 "In addition, if the wrongdoer is a part of</p> <p>13 the congregation, elders are concerned with trying to</p> <p>14 restore him, if that is possible."</p> <p>15 So, in a way, the elders are trying to back two</p> <p>16 horses at the same time, because one and the other might</p> <p>17 not necessarily be compatible with each other. Am I not</p> <p>18 right?</p> <p>19 A. Well, I think you have to understand what we mean when</p> <p>20 we talk about trying to "restore" an individual. What</p> <p>21 they're trying to restore here, if you look at the end</p> <p>22 of paragraph 11, the last sentence, it says there:</p> <p>23 "Scriptural counsel can help him to restore his</p> <p>24 relationship with God."</p> <p>25 That's only possible if he is genuinely repentant.</p> <p style="text-align: center;">Page 42</p>
<p>1 So, again, the standards of holiness connected with</p> <p>2 God's holy name, Jehovah, that's what we are interested</p> <p>3 in, and, if possible, if an individual can restore his</p> <p>4 relationship with God, which is primary, that's where we</p> <p>5 try to help the individual.</p> <p>6 Q. There is nothing here about the victim?</p> <p>7 A. Not in that particular paragraph, there isn't, but there</p> <p>8 is a whole article follows this which is devoted to how</p> <p>9 you can help the victims of abuse, article 20.</p> <p>10 Q. Can I ask, when you -- within the context of this entire</p> <p>11 Watchtower, there is lots of emphasis upon sin, sinning,</p> <p>12 a number of the witnesses yesterday I think told us how</p> <p>13 many times -- I think it was 20 times -- that the word</p> <p>14 "sin" is used rather than the word "crime". I think</p> <p>15 it's a fact, as I understand it, it is "sinning" or</p> <p>16 "sinner" appears 20 times whereas "crime" or "criminal"</p> <p>17 appears only three times. Do you think that might give</p> <p>18 the erroneous perception that what's most important is</p> <p>19 the sin element rather than the crime element of these</p> <p>20 particular abusive behaviours?</p> <p>21 A. Well, there are other references, too, to secular</p> <p>22 authorities, but if I could take you back to page 9 of</p> <p>23 your reference, which is the previous article, and it is</p> <p>24 referring to the law of the Christ here, and the law of</p> <p>25 the Christ is basically making sure that we do</p> <p style="text-align: center;">Page 43</p>	<p>1 everything in harmony with Jesus' teachings. So what it</p> <p>2 says in paragraph 23, halfway down, is comparing with</p> <p>3 the nation of Israel, and it says under the nation of</p> <p>4 Israel, under the law, appointed men handled not only</p> <p>5 spiritual matters but also civil and criminal cases, but</p> <p>6 then it says it's different in the Christian</p> <p>7 Congregation:</p> <p>8 "Under the law of the Christ, the elders' role is to</p> <p>9 handle the spiritual aspects of the wrongdoing. They</p> <p>10 recognise that the secular authorities have the</p> <p>11 God-given responsibility to handle civil and criminal</p> <p>12 cases. That includes the authority to impose such</p> <p>13 penalties as fines or imprisonments."</p> <p>14 So it is very clear that we helped our elders and</p> <p>15 helped our congregations to understand what is the role</p> <p>16 of elders when it comes to handling matters of</p> <p>17 child abuse.</p> <p>18 So the next article, really, is talking about how</p> <p>19 the elders balance the qualities of love and justice in</p> <p>20 the face of wickedness in the congregation. So it's not</p> <p>21 as if there is a push aside and saying, "The sin is more</p> <p>22 important". It's the fact is that the secular</p> <p>23 authorities handle the crime, they deal with it, but</p> <p>24 then how do we handle the sin within the congregation?</p> <p>25 Q. Can I just identify, as far as the fact that there is</p> <p style="text-align: center;">Page 44</p>

<p>1 reporting to the secular authorities, can I just ask you 2 about one particular piece of language, which is -- 3 Danny, would you mind getting up CJW000060_012. It is 4 paragraph 13, Danny: 5 "Do elders comply with the secular laws?" 6 We looked at this before the break, Mr Gillies. 7 I just wanted to ask you the question. It says: 8 "In places where such laws exist, elders endeavour 9 to comply with secular laws ..." 10 Why do you use the word "endeavour"? Do you know 11 why that choice of word was used rather than "must" or 12 "will" or -- you know, "will" or "must" would seem to me 13 to be a more appropriate choice of language than 14 "endeavour" which has an element of, shall we say, 15 discretion? 16 A. Please keep in mind that the Watchtower is written for 17 8.5 million Jehovah's Witnesses worldwide. It's 18 reproduced in hundreds of languages on our website, and 19 it's available in all those languages so that the entire 20 worldwide brotherhood of Witnesses is familiar with our 21 policy. So you have to take into consideration this is 22 not just talking about the British Isles, it is not 23 talking about western countries, it's also talking about 24 countries where there may be a breakdown of law and 25 order. There may not be the possibility to report to</p> <p style="text-align: center;">Page 45</p>	<p>1 the authorities, even if there is a law. 2 One example that comes to mind just now, and I don't 3 really know how they're handling matters, but 4 Jehovah's Witnesses have been banned in Russia as 5 a legal entity, as organisations, so I cannot imagine 6 two of our elders going to a police station and saying, 7 "We represent the local congregation of 8 Jehovah's Witnesses and we have come to report a case of 9 child abuse". They would probably get arrested and put 10 in prison for six and a half years for identifying 11 themselves in that way. 12 So you have to consider that this magazine is 13 written for the world, and so, wherever they possibly 14 can, they endeavour to apply the laws. It just makes 15 that -- gives you that option. 16 Q. Can I also ask a question: you say that there should be 17 respect given to those who choose to report. However, 18 there are a number of cases, some of which we are going 19 to come on to, some of which we have already discussed, 20 and there is certainly within previous Watchtowers views 21 of not wanting to take against your Jehovah's Witness 22 brothers, not wanting to take them to court 23 unnecessarily. There are diktats identifying that 24 that's the case and, as well, plainly your beliefs mean 25 that God ultimately judges everyone and will judge you</p> <p style="text-align: center;">Page 46</p>
<p>1 at the moment of your death and during the course of 2 your life, and, therefore, even if maybe you don't get 3 your comeuppance in the criminal law, God will make sure 4 that that happens. 5 Do you think that both those imperatives may 6 erroneously lead people to believe that they don't have 7 to or shouldn't report their fellow Jehovah's Witnesses 8 to the police? 9 A. First of all, from a Bible point of view, there is no 10 prohibition about reporting child abuse to the 11 authorities. We can take our brother to court, that is 12 very clear. I have made that clear in my witness 13 statement. 14 How individuals choose to handle the matter is very 15 much up to them. You know, individuals may feel, what 16 is it that gives them the greatest peace of mind? Do 17 they want to keep playing over and over and over the 18 abuse? Do they want to repeat it in a court setting? 19 Do they want to be interviewed by the police? Are they 20 happy, just for the sake of their own emotions, to be at 21 peace and allow things to be in God's hands? Some might 22 reason that way. 23 But I would like to point out, too, while you have 24 got that Watchtower magazine open, that we have made it 25 absolutely plain that there is no disloyalty to the</p> <p style="text-align: center;">Page 47</p>	<p>1 congregation by making a report. It's page 11, 2 paragraph 14 at the top of the page. 3 Q. Yes. 4 A. It says: 5 "What if the report is about someone who is part of 6 the congregation and the matter then becomes known in 7 the community? Should the Christian who reported it 8 feel that he has brought reproach on God's name? No. 9 The abuser is the one who brings reproach on God's 10 name." 11 So that's clear, that there is no need for a person 12 to feel that they would be bringing reproach on the good 13 name of Jehovah's Witnesses by reporting to the 14 authorities. In fact, it's the abuser themselves who 15 has damaged the reputation. 16 Q. I suppose the last question I would like to ask you 17 about the language that's used within this particular 18 document is about the fact that you identify abusers, in 19 effect, as being the wicked ones, as being those who are 20 sort of outside God and that it's a worldwide plague and 21 wicked men and imposters abound. That's CJW000060_010: 22 "... some professing to be part of the congregation 23 have succumbed to perverted fleshly desires and have 24 sexually abused children. Let us discuss why 25 child abuse is such a grave sin."</p> <p style="text-align: center;">Page 48</p>

<p>1 I suppose, in those circumstances, is there not 2 a risk that what happens is that you're trying to define 3 those within the Jehovah's Witnesses -- you're trying 4 to, in effect, say it only happens to those who are 5 outside the faith, rather than recognising that 6 certainly, you know, even from your own accounts and 7 your own records, there have been a number of elders and 8 those who have had senior positions within the church 9 who have been responsible for child sexual abuse? Do 10 you not accept the fact that there might be some sort of 11 disconnect there, that there might be a view that these 12 people are kind of outliers rather than, this could 13 happen to anyone? Or do you not agree with that? 14 A. I think the important thing is, which has been 15 highlighted there on the screen, "In addition, some 16 professing to be part of the congregation have succumbed 17 to perverted fleshly desires and have sexually abused 18 children". Now, the point that was put yesterday was 19 that they're peripheral to the organisation, but I would 20 like to balance that statement with what I referred to 21 earlier in my testimony today, and that's, if you go to 22 page 15, paragraph 20, the last sentence: 23 "Remember that in most cases, the abuser is someone 24 the child already knows and trusts." 25 So there you have got a situation where you are</p> <p style="text-align: center;">Page 49</p>	<p>1 saying, okay, this is not just wicked people who decide 2 to become Jehovah's Witnesses in the hope that they can 3 fulfil their perverted desires in our community. This 4 is a warning to be able to say, "Look, it does happen, 5 and it could be anyone in the congregation that does 6 that". Once you start isolating certain groups of 7 individuals, you might neglect other groups and say, 8 "Well, what about them? Or what about that person?", 9 and so forth. 10 As I mentioned yesterday, we have hundreds of 11 thousands of Jehovah's Witnesses coming into the faith 12 every year. What background do they come from? They 13 have to be on guard. Now, I'm not saying that everybody 14 is a potential threat, but the point is -- the whole 15 purpose of this article was to put the congregation and 16 parents on alert that there are individuals who will 17 abuse the privilege of being in the congregation if they 18 are allowed to. 19 Q. Can we go from the original phone call through to if 20 there is a scriptural investigation. If I can ask you 21 to turn to Shepherd the Flock of God, can we go to 22 tab B24, CJW000061_004. I have on my note one has 23 a chapter, chapter 14, that deals with child abuse. If 24 one goes to investigating allegations, paragraph 18, 25 that's _041.</p> <p style="text-align: center;">Page 50</p>
<p>1 A. Sorry, which chapter is that then? 2 Q. It is chapter 14 under "child abuse"? 3 A. You're on page 41? 4 Q. Yes, _041 at the bottom. If you look at the bottom 5 right-hand corner, Mr Gillies, you should have CJW, 6 a whole string of numbers, and then _041, paragraph 18, 7 "Investigating allegations". Do you have it? 8 A. Yes. 9 Q. Chair and panel, for you, B24: 10 "The elders ...", et cetera: 11 "After receiving assistance from the branch 12 office ... the body of elders will appoint two elders to 13 investigate. These elders should carefully follow the 14 scriptural procedures and the Bible-based direction in 15 this chapter and in chapter 12. During the 16 investigation process and during the Judicial Committee 17 process, a victim ... is not required to make her 18 allegation in the presence of the alleged abuser." 19 Can I just clarify, that was not always the case. 20 Until, I think, the past five or six years, it would 21 routinely have been the case that the victim and the 22 accuser may have had to be in the same room together and 23 have discussions with each other. Is that right? 24 A. Well, it's been the case, as long as I can remember, 25 that no child was ever forced to or brought before</p> <p style="text-align: center;">Page 51</p>	<p>1 a committee to face their abuser under any 2 circumstances, even an investigation process. That's 3 long been our policy. It's also been our policy that 4 nobody, as it says there, is required to make the 5 allegation in the presence of the alleged abuser. 6 Now, it could be that an adult abuser [sic] asks the 7 elders to be present because they want to confront their 8 abuser with the evidence that they have. Now, the 9 elders can actually choose whether that individual is 10 invited to a hearing to make the allegation. 11 Q. So there may be circumstances in which the adult victim 12 of child sexual abuse would be expected to attend an 13 investigation, a Judicial Committee, so to speak, and 14 give their evidence in the presence of the abuser and be 15 asked questions by the abuser? 16 A. You used the word "expected" there, and it is not 17 expected, no. In the investigation process, the victim 18 has to be dealt with very, very sensitively and 19 caringly, and so, how do the elders go about their 20 investigation? Well, they have to gather the evidence. 21 How does the victim want to communicate that evidence? 22 They may wish to do that in the presence of two elders, 23 they may wish to have a friend with them as they say 24 what's happened to them. They may prefer to put it in 25 writing. So there is nothing expected of a victim, as</p> <p style="text-align: center;">Page 52</p>

<p>1 far as the investigation process is concerned, and when 2 it comes to the judicial hearing, if there is enough 3 evidence, if the individual has confessed to the 4 wrongdoing anyway, there is certainly no need to talk 5 further to a victim, and there is no expectation that 6 the victim will be present there in front of their 7 abuser. That would be totally insensitive to ask them 8 to do that, because they already have the statements 9 from the victims anyway.</p> <p>10 Q. I think there might have been some circumstances where 11 that may have happened. Could I ask you to look at 12 exhibit B29. Danny, would you mind getting up 13 CJW000096_017. B29 is the last one. This is 14 a Charity Commission report into the Manchester 15 New Moston Kingdom Hall and Jehovah's Witnesses. It 16 says here, if one goes to 17, the paragraph beginning 17 "The inquiry established that": 18 "... the face-to-face meetings went ahead as 19 scheduled." 20 He was not a member. Person B, who was the alleged 21 complainant, was distressed by his presence and 22 complained. She had asked to make a formal complaint, 23 which was still unresolved. The committee asked him to 24 leave. If one then goes to the next page -- sorry, the 25 next paragraph:</p> <p style="text-align: center;">Page 53</p>	<p>1 "The inquiry has evidence that the meetings lasted 2 for more than three hours and heard separate 3 testimonies ... the witnesses were asked inappropriate 4 questions by both members of the appeal committee and 5 Jonathan Rose [the alleged abuser]. One member of 6 the committee asked person B, 'Did you ever egg him on? 7 Goad him on?' Jonathan Rose was allowed to ask person B, 8 'What was I supposed to have done to you that night?' 9 As she had already provided an account of the nature of 10 her allegations of abuse in her testimony, she responded 11 'You know what you did' ... person B explained that she 12 understood a member of the committee to be instructing 13 her to go into detail by telling her 'Answer the 14 question'. Person B did as she was instructed and gave 15 her testimony again in front of seven elders and 16 Jonathan Rose." 17 This was in, as I understand it, 2014, 2 April 2014. 18 Are you, therefore, suggesting that what the elders did 19 in that case was outwith the relevant guidance or 20 inappropriate or, in fact, that was the guidance as it 21 was in place and it now has changed?</p> <p>A. Well, what I'm saying there is that nobody is required, under those circumstances, to face their abuser. I've made comments on that on page 25 of my first statement. This is from the elders themselves who handled the</p> <p style="text-align: center;">Page 54</p>
<p>1 matter.</p> <p>2 Q. Let us get up page 25 of your first statement, so that 3 we are clear about that. That is CJW000052, 4 paragraphs 90 and 91. I think if we look at 5 paragraph -- no, next page. I think it says: 6 "The congregation's trustees thus strongly disagree 7 with the facts and the conclusion as set out in the 8 report." 9 A. Yes, so the first part of that paragraph, it says in 10 part that the Charity Commission expressed the view that 11 the congregation's trustees acted inappropriately 12 because one of the three adult victims was allegedly 13 required to confront her abuser during an ecclesiastical 14 Judicial Committee. There were another two involved, 15 and they obviously were not required or didn't want to 16 be at that judicial hearing. So, further down the 17 paragraph it says that the elders involved in the 18 ecclesiastical Judicial Committee confirmed that at no 19 point was the victim required to confront her abuser. 20 Q. Well, no, can I just say, we might be dancing on -- can 21 I see that there might be a degree of dancing on the 22 head of a pin here, because at no point was she required 23 to confront her abuser, but she was, according to the 24 Charity Commission's report, required to and asked 25 questions about whether or not she goaded him, she led</p> <p style="text-align: center;">Page 55</p>	<p>1 him on, whether or not, you know, in fact, she was 2 engaged in this activity consensually, all of which 3 could be considered to be extremely harmful and 4 distressing, and was also asked questions by her abuser?</p> <p>A. Well, I totally agree that that would be totally inappropriate to do that. But the point I'm making here is that we don't expect/require/force, whatever word you would like to use, to have a victim participate in a judicial hearing. If they want to be there, if they want to confront their abuser, that is one thing, and it is up to the elders to determine if that is a wise course of action or otherwise. But it's not something where an individual is required to do that. Nobody is even required to do anything, as far as the ecclesiastical process is concerned. They can just refuse to participate if they wish to, not to do so.</p> <p>Q. But the reality is, if you are a faithful member of the Jehovah's Witnesses, you are going to want to participate in the Judicial Committee process, and you are going to want to be engaged in any spiritual investigation, because you might see it as your duty and your responsibility in order to protect others in the congregation, would you not?</p> <p>A. Well, that's correct. That's why they would bring it to the attention of the elders in the first place: they</p> <p style="text-align: center;">Page 56</p>

<p>1 want to ensure that the congregation is properly 2 protected from an abuser, and this person was 3 disfellowshipped from the congregation. But that 4 doesn't mean to say that they have to do that in the 5 traumatic presence of an abuser. As I explained 6 previously, they could make a statement in writing. 7 They don't even need to speak to any elders if they 8 don't wish to do so.</p> <p>9 So we make sure that it's dealt with in a very 10 sensitive manner, taking into consideration the feelings 11 of the individuals.</p> <p>12 Q. Can I just ask, if someone is convicted of child sexual 13 abuse, of a criminal offence, would they be 14 automatically disfellowshipped or would you still need 15 to go through the scriptural process, given the 16 requirement for there to be two credible witnesses for 17 disfellowshipping to take place?</p> <p>18 A. We would still go through the scriptural process to 19 establish whether they should remain in the congregation 20 or otherwise.</p> <p>21 Q. So a criminal court conviction, or, for example, an 22 Employment Tribunal making a finding, for example, of 23 sexual harassment in respect of adults or a LADO 24 informing you that there has been a substantiated 25 allegation, shall we say, would not be sufficient for</p> <p style="text-align: center;">Page 57</p>	<p>1 you to activate disfellowshipping procedures; that's 2 right, isn't it?</p> <p>3 A. Well, it's perfectly feasible -- we are talking 4 hypothetically, but it is perfectly feasible that what 5 comes out of the court hearing is sufficient for the 6 elders to take the necessary action based on the 7 corroborative evidence that they heard in court.</p> <p>8 Q. But that would only be if there were two credible 9 witnesses, and, as we have identified, as we identified 10 yesterday, and as I think we identified this morning, 11 the likelihood of there being two people who are 12 witnesses to an offence of sexual offending against one 13 individual is likely to be small?</p> <p>14 A. Well, do you want me to, at this point, explain the 15 two-witness rule?</p> <p>16 Q. Yes, please.</p> <p>17 A. The best place to take you is to our Watchtower article. 18 Again, I go back to the May '15 study article.</p> <p>19 Q. That's B23 again. Is this the same part of the article, 20 "Why are at least two witnesses required?" Is it 21 paragraph 15, Mr Gillies?</p> <p>22 A. Perhaps I could just preface my explanation --</p> <p>23 Q. Mr Gillies, if you wouldn't mind, if we could ask Danny 24 to get the part of the screen up so everybody watching 25 along can see it. It's CJW000060_013.</p> <p style="text-align: center;">Page 58</p>
<p>1 A. I think the question here is -- there are three 2 questions: when does the two-witness rule apply; when 3 does it not apply; and what is the potential effect on 4 a victim? I preface my comments by simply saying that 5 Jehovah's Witnesses are possibly unique to all the 6 religions that you have looked at in this inquiry, in 7 that we do have an expulsion process for child abusers. 8 So when we expel someone from the congregation, it's 9 a very serious matter indeed. So we have to go along 10 with the Bible's standards of justice.</p> <p>11 As it points out in paragraph 15, this requirement 12 for two witnesses is part of the Bible's high standard 13 of justice:</p> <p>14 "When there is no confession of wrongdoing, two 15 witnesses are required to establish the accusation and 16 authorise the elders to take judicial action."</p> <p>17 There are three Bible references there -- one is 18 Deuteronomy 19:15 under the Mosaic law, two or three 19 witnesses is mentioned. Matthew 18, verse 16, which is 20 actually the words of Jesus Christ. When he was talking 21 about taking action, he used that very expression, that 22 quote, "Out of the mouth of two or three witnesses 23 a matter is established", and verse Timothy 5:19, where 24 it is repeated in the Christian Congregation.</p> <p>25 The important thing to remember here is that we are</p> <p style="text-align: center;">Page 59</p>	<p>1 talking about a situation where the elders are trying to 2 establish whether somebody should be expelled from the 3 congregation. The next question is interesting, because 4 it says:</p> <p>5 "Does this mean that before an allegation of abuse 6 can be reported to the authorities, two witnesses are 7 required?"</p> <p>8 The answer is: no:</p> <p>9 "This requirement does not apply to whether elders 10 or others report allegations of a crime."</p> <p>11 So that's a very important point to note, is that 12 the process of establishing the truthfulness of a matter 13 is all related to whether somebody should remain in the 14 Christian Congregation, and, even then, the two-witness 15 rule, as you put it, only applies when somebody doesn't 16 confess to the wrongdoing.</p> <p>17 In fact, if an individual didn't confess and it was 18 later established that it was true, their lies would 19 compound the wrongdoing and likely lead the elders to 20 say, "Not only have you committed abuse, but you have 21 refused to accept that and you have lied" and it is 22 likely they would be expelled for that reason too.</p> <p>23 When you go further down there, it says:</p> <p>24 "When they learn that someone in the congregation is 25 accused ..."</p> <p style="text-align: center;">Page 60</p>

<p>1 I'm reading paragraph 16: 2 "When they learn that someone in the congregation is 3 accused of child abuse, elders endeavour to comply with 4 any secular laws about reporting the matter, and then 5 they conduct a scriptural investigation." 6 So it's important to remember that the process, the 7 steps that we are talking about, is, is there a reason 8 to report to the authorities? Is somebody reporting to 9 the authorities? If the police are involved, sufficient 10 time has to be allowed for the police to carry out their 11 investigation into the matter. 12 So that report can be made to the police even if 13 there is only one allegation and that allegation has 14 been denied. So I would like to stress that the 15 two-witness rule again applies to expulsion from the 16 congregation, but it does not apply to whether a matter 17 should be reported to the authorities, as pointed out in 18 paragraph 15. 19 Q. I know that, but the reality is that, what's often 20 happened is, matters haven't been reported to the police 21 but have been dealt with internally. We will come on to 22 look at a couple of those in a few minutes. 23 Can I ask you to look at, if you wouldn't mind, 24 because I think you might find this helpful as well, the 25 next tab along, which is B24, which is Shepherd the</p> <p style="text-align: center;">Page 61</p>	<p>1 Flock of God, which sets out the evidence to establish 2 wrongdoing. This is CJW000061_022-023: 3 "A Judicial Committee would not be formed unless the 4 wrongdoing has been established by sufficient evidence. 5 Please note the following ..." 6 There either has to be admission or wrongdoing. So 7 if there is admission, there doesn't have to be 8 corroborating evidence, but there must be two witnesses 9 to a confession. So what does that mean? Does that 10 mean that if somebody told me, that wouldn't be in 11 confession unless, say, Professor Jay was also in the 12 room with me? 13 A. No, it does not mean that at all. Of course, the 14 scenario you present, it would be ridiculous to imagine 15 there was ever a setting where an abuser was abusing 16 a child with somebody present there. They just don't do 17 that, do they? 18 Q. No, no, but it says there must be two witnesses to 19 a confession. I'm not asking -- I think you and I both 20 agree the likelihood -- well, there might be, in terms 21 of absolutely gross cases of paedophiles passing people 22 around, but in the vast majority of cases, that isn't 23 what happens. There must be two witnesses to 24 a confession. 25 A. So the testimony of two witnesses is at least two</p> <p style="text-align: center;">Page 62</p>
<p>1 people. If it's denied, of course, we are talking about 2 that scenario. The one who makes the accusation -- 3 Q. No, no, but this is about confession: 4 "Admission of wrongdoing, either written or oral, 5 may be accepted as conclusive proof, but there must be 6 two witnesses to a confession." 7 I understand entirely if the activity is denied, you 8 say that there must be two or three eyewitnesses, that's 9 further down the page. But why do there need to be two 10 witnesses to a confession? There isn't a scriptural 11 basis for that. I was just wondering, is that an error, 12 maybe? 13 A. Well, the first sentence there says: 14 "Admission of wrongdoing, either written or oral, 15 may be accepted as conclusive proof without other 16 corroborating evidence." 17 So where someone admits it -- you know, sometimes 18 when they might be dealing with an individual, they 19 might receive a confession, but, you know, why has that 20 person confessed? What are they confessing to? Is 21 there something more serious that they might have done 22 which they're not confessing to in the hope that they 23 can get off lightly? So there might be other matters 24 that's presented out of the mouth of two witnesses to 25 verify that or to make it, as it says, clear and</p> <p style="text-align: center;">Page 63</p>	<p>1 unambiguous. 2 It is not actually talking here about child abuse 3 when it says this. It's talking about the scriptural 4 basis for divorce in the congregation, when there is 5 a confession of adultery or somebody is accusing their 6 marriage partner of adultery. That's the context of 7 that particular discussion there. 8 Q. I know you say that that's the context of that 9 particular discussion, but the particular chapter is 10 headed "Determining whether a Judicial Committee should 11 be formed", so I'm assuming that it's used generally for 12 all activities, although, obviously, as you have 13 identified, you would, for example, say in the cases of 14 adultery, for example, that somebody saying that their 15 partner had behaved in an adulterous manner wouldn't be 16 sufficient. You would also need, I'm assuming, possibly 17 the person with whom the adultery took place to say so 18 for the two-witnesses rule to be met. Would that be 19 correct? 20 A. Well, yes, there would have to be some other kind of 21 evidence, again, if it was one person's word against 22 another, to establish that. 23 Q. Here, can I just have a look at "Eyewitnesses": 24 "There must be two or three eyewitnesses, not just 25 people repeating hearsay; no action can be taken if</p> <p style="text-align: center;">Page 64</p>

<p>1 there is only one witness. If there are two or three 2 witnesses ... the elders can consider their testimony. 3 While such evidence is acceptable to establish guilt, it 4 is preferable to have two witnesses to the same 5 occurrence of wrongdoing. The testimony of youths may 6 be considered; it is up to the elders to determine 7 whether the testimony has the ring of truth. The 8 testimony of unbelievers and disfellowshipped or 9 dissociated ones may also be considered but it must be 10 weighed carefully." 11 So when you are assessing the evidence spiritually, 12 ideally you would want two individuals who were 13 Jehovah's Witnesses to be able to -- for the evidence to 14 be of the appropriate strength, so to speak. That would 15 be what would be preferable. That's what I take from 16 that. Am I wrong? 17 A. That is correct. Of course, bear in mind that what 18 you're looking at here is how elders weigh up evidence 19 to take a very serious decision about expulsion from the 20 congregation. Now, in the case of child abuse, you 21 could have one individual who makes a claim of 22 child abuse against an abuser. A second individual can 23 make the same allegation, and that would be sufficient 24 evidence for elders to take an internal action. 25 I believe that, from the inquiry's point of view,</p> <p style="text-align: center;">Page 65</p>	<p>1 it's very, very important to understand that, even in 2 the absence of the necessary evidence within the 3 congregation, it does not impede a report going to the 4 authorities. 5 Q. So it's only if there is the appropriate evidence that 6 a Judicial Committee can be formed? 7 A. Yes. 8 Q. If you don't have the two witnesses, in a way, you don't 9 get to that stage. So a Judicial Committee, as 10 I understand it, is three elders, at least three elders, 11 and that they will be appointed by the circuit overseer. 12 Can I just ask, what training have they had if you may 13 be dealing with issues -- I accept it is spiritually, 14 but spiritually in terms of child sexual abuse or other 15 matters involving sexual crimes? Have they had any 16 particular training in managing or dealing with victims 17 of sexual crime or in managing or training with dealing 18 with vulnerable witnesses? 19 A. Elders -- you have asked a number of questions there. 20 Maybe I could deal with them one at a time, just because 21 you have asked the question. First of all, who appoints 22 a Judicial Committee to handle matters. Generally 23 speaking, once two elders have carried out their 24 investigation, the body of elders makes a determination 25 who within the congregation is best placed to help the</p> <p style="text-align: center;">Page 66</p>
<p>1 individual, the victim, and also who is best placed to 2 form a Judicial Committee. 3 In the case of child abuse, the circuit overseer is 4 contacted because he will assign an elder from outside 5 that congregation to act as chairman of that 6 Judicial Committee, so that answers your question about 7 how it's set up and the involvement of the circuit 8 overseer. 9 The second question is, what qualifies them to deal 10 with these matters? You have to bear in mind that 11 elders are trained as spiritual counsellors. They are 12 trained how to help somebody in the congregation if they 13 want to be helped. They make an assessment as to 14 whether someone should be expelled from the 15 congregation. 16 You've mentioned just one paragraph there, but 17 there's a number of chapters which guide elders, and 18 whenever they are on a Judicial Committee, which might 19 only be once in several years, the first thing they do 20 is they review all the material in this publication to 21 make sure that they handle the matter correctly. 22 But, you see, they don't purport to provide the sort 23 of training that you are suggesting. If individuals 24 feel that they want to get assistance from mental health 25 counsellors or therapists, and so forth, it's</p> <p style="text-align: center;">Page 67</p>	<p>1 absolutely -- they have the absolute right and freedom 2 to do that. It's not a service that the congregation 3 offers. We offer spiritual help. 4 Q. I don't think we need to -- we have dealt, in a way, and 5 we will have a look at some examples of 6 Judicial Committees when we come on, but if wrongdoing 7 is then established and the wrongdoer is then not 8 repentant, then they are disfellowshipped and, as my 9 understanding is, an announcement is therefore made in 10 the congregation, saying, "X has been reprovved". So you 11 say in your witness statement: 12 "That announcement serves to alert all in the 13 congregation that a baptised Christian who has committed 14 a gross sin has been scripturally disciplined." 15 Are any details given as to what the sin is? 16 A. So there are two different announcements that you may 17 have just confused there. Someone being 18 disfellowshipped from the congregation, so there is the 19 announcement that so and so is no longer one of 20 Jehovah's witnesses. There is a second announcement 21 that is made that could -- if someone remains in the 22 congregation to say that they have been reprovved. 23 In that circumstance, there's always restrictions on 24 an individual who has been reprovved. Now, if it is 25 a case of child abuse, then there is a series of</p> <p style="text-align: center;">Page 68</p>

<p>1 restrictions that are placed on the individual, and it 2 is expected that they adhere to those restrictions. 3 Otherwise, a Judicial Committee could expel them from 4 the congregation. 5 Now, so no announcement is made from the public 6 platform as to why an individual may either be reprovod 7 or disfellowshipped. But if it is an example of 8 child abuse, then elders will visit parents in the 9 congregation, and they will explain to them that the 10 individual has been reprovod and also that they should 11 ensure that their children have no contact with that 12 individual. So parents and single parents, two parents, 13 they are warned about that individual. 14 Q. But there's not a warning that goes to the congregation 15 generally? Simply, the parents would be visited on an 16 individual basis. That's right, isn't it? 17 A. That's correct. 18 Q. You've talked about restrictions. Who is responsible 19 for devising the restrictions and are they the subject 20 of contracts? We have seen in other religious 21 organisations, and it is the case most religious 22 organisations want to try to encourage people to 23 continue to worship, even if they have been convicted of 24 serious offending. But usually they get people to sign 25 a sort of a contract to say, "You're only allowed to go</p> <p style="text-align: center;">Page 69</p>	<p>1 to X service. You can't sit next to Y. You have to 2 check in with the person who greets everyone as they 3 come in". Do you have such contracts? 4 A. We don't have any signed contracts, but it is clearly 5 explained, the parameters, to an individual who comes 6 into one of our meeting places to attend meetings for 7 worship, and they know the protocols, they know what 8 they're able to do, it's explained to them, and what 9 they can't do. If they refuse to meet those protocols, 10 they are just simply told, "Please don't come back". 11 Q. Who polices and monitors those protocols? 12 A. Well, the protocols are fairly straightforward. I mean, 13 the elders, or those who are acting as attendants in the 14 Kingdom Hall, would be aware of somebody that came into 15 the Kingdom Hall that was, say, a disfellowshipped 16 person, and those disfellowshipped people, of course 17 they're very welcome to come to the Kingdom Hall, 18 they're very welcome to join in the prayers and the 19 singing and listen to the instruction. But they are 20 invited to leave as soon as the closing prayer is given, 21 so that there is no interaction with the congregation 22 until the point where they're reinstated. So that's 23 a restriction. 24 Our congregations comprise of an average between 25 80 and 100 people, so the body of elders know who is</p> <p style="text-align: center;">Page 70</p>
<p>1 regularly in attendance, they can spot a visitor very, 2 very quickly, and there's enough safeguards within the 3 congregation because the setup in a Kingdom Hall is such 4 that parents sit with their children, and they keep an 5 eye on their children during the course of congregation 6 meetings. 7 Q. To what extent do those who are subject to restrictions 8 or have been subject to reproof, even if they have 9 repented, to what extent are they allowed to continue to 10 attend meetings alongside their victims? So if, for 11 example, somebody said, "I'm repentant". He had 12 committed child sexual abuse. There was then a decision 13 that, because of his repentance, he wouldn't necessarily 14 be disfellowshipped, which is perfectly possible that 15 that could happen, or would be quickly -- quickly 16 demonstrate his repentance, possibly by a full 17 confession. Would there, therefore, be an opportunity 18 to say, "Well, actually, I don't think you should attend 19 this Kingdom Hall. I think you should go to the 20 congregation up the road and start attending there", or 21 would there been an expectation that the victim and the 22 perpetrator would continue to worship together? 23 A. It's case specific. One aspect of displaying repentance 24 is that an individual shows sensitivity for the hurt 25 that they have caused the victim. If they don't show</p> <p style="text-align: center;">Page 71</p>	<p>1 that kind of sensitivity and remorse, then there's no 2 way in which the elders would even judge them to be 3 repentant. So we would expect that individuals would 4 co-operate with any suggestions that were made along the 5 lines that you're suggesting. But, I mean, it could be 6 that the victim is familial and in the same 7 congregation, so part of the same family, who knows? 8 But it would be suggested on a case-by-case basis. 9 I know that the service department brothers have made 10 those suggestions to elders, "Look, if the individual 11 can attend a congregation nearby, it would be better if 12 they did so". 13 Q. Can I ask, would those people who have repented -- sort 14 of confessed but repented, so to speak -- would they be 15 engaged in preaching work, including field service? 16 A. Well, again, in our restrictions, the guidelines that's 17 given to the service desk, it mentions about if they 18 qualify. So if they are repentant and they're allowed 19 to be part of the congregation, it's very unlikely that, 20 until they have established a period of time, they would 21 be allowed to engage in our public ministry. That could 22 be a prohibition that applies for years, if there's 23 notoriety connected with that. But if, at some point, 24 they are deemed to be qualified to share in our public 25 ministry, they would only be doing that in the company</p> <p style="text-align: center;">Page 72</p>

<p>1 of an elder who knows their background. They would 2 never be allowed to work with children, even their own 3 children, in the public ministry, and they would never 4 attend a meeting point where other children were 5 present. So there is very clear restrictions imposed on 6 somebody in that category.</p> <p>7 Q. Can we have a look at removing restrictions. Again, I'm 8 looking at the guidelines for branch office service 9 desks here, which is tab B25. I'm having a look at 10 paragraph 27 on page 7. That's CJW000062_007: 11 "Whether to remove branch-imposed restrictions." 12 What change has occurred, et cetera, et cetera: 13 "Is there no longer a cry of complaint about him?" 14 That's halfway down the page. Eight lines down. 15 I don't know. I'm so hot that I can't -- "Is there no 16 longer a cry of complaint about him?" What is that and 17 does that really mean that if somebody doesn't make 18 a great big fuss, somebody will be restored quite 19 quickly, but if they do make a great big fuss, they 20 won't be restored quite quickly? Could you please try 21 to explain to me what "cry of complaint" means in that 22 context?</p> <p>23 A. In the context, it is one of a whole list of questions, 24 and not every question particularly fits the individual. 25 But a cry of complaint could include the victim or the</p> <p style="text-align: center;">Page 73</p>	<p>1 victim's family, they have been so distressed by what's 2 happened they would be completely shocked if they saw 3 that someone was restored to what they were before in 4 the congregation, so the elders who know the individual, 5 perhaps know the victim, perhaps know the family, might 6 assess there that, if this happened, they would be 7 very -- extremely distressed to see it. It's a factor. 8 And that's why, in some cases, branch-imposed 9 restrictions could last for a very long time.</p> <p>10 Q. Can I ask you about provision of spiritual assistance. 11 You have already said that your role, if somebody is 12 a victim, is to provide them with spiritual assistance 13 but not any other kind of assistance. Do you have 14 a referral mechanism for access to counselling or 15 therapy? Do you ever pay for pastoral support, therapy 16 or counselling for those members of your congregation 17 where child sexual abuse has taken place?</p> <p>18 A. We don't have a formal arrangement for that. I mean, if 19 individuals out of their care and concern, wish to help 20 somebody financially, that would be down to a Christian 21 responsibility or a Christian concern. Our elders give 22 of their time and provide this counselling help as they 23 are able to in the course of their life on a voluntary 24 basis.</p> <p>25 Q. But there isn't any formal counselling service, referral</p> <p style="text-align: center;">Page 74</p>
<p>1 service to local counselling services?</p> <p>2 A. No, there isn't.</p> <p>3 Q. Having gone through the various allegations in the 4 abstract, I'd like to firstly take you back to the 5 New Moston congregation, if we care to have a look at 6 that. That's exhibit B29. This is the report of 7 the Charity Commission. Now, we have already discussed 8 the facts and matters set out in it are not necessarily 9 agreed by yourself, so let's say that.</p> <p>10 Let's just have a quick look at the background, 11 which is CJW000096_005. It is page 4 of 23, Mr Gillies. 12 Chair and panel, up on the top left-hand corner, B29?</p> <p>13 A. Sorry, page?</p> <p>14 Q. Page _005, page 4 of 23. Mr Gillies, it is up on the 15 screen.</p> <p>16 A. Thank you.</p> <p>17 Q. "In August 2012, the Commission was notified that one of 18 the charity's trustees ... was appearing in court 19 charged with sexual offences [from 2002]." 20 He was then subsequently convicted of that and 21 sentenced to nine months' imprisonment. 22 In November 2013, the Commission became aware that it 23 had been alleged that during Mr Rose's trial they had 24 known about -- the trustees had known about a complaint 25 made in 1995 which hadn't been mentioned to the</p> <p style="text-align: center;">Page 75</p>	<p>1 Commission, and then there were discussions. 2 The inquiry dealt with various concerns, some of 3 which are not particularly pertinent to the issues that 4 we are looking at. I'm trying to focus on one of them. 5 Could we go to page 12 now, please? Now, this is 6 dealing with person B. We heard about her earlier. She 7 was the lady who gave evidence before the trustees at 8 the disfellowshipping meeting or the appeal against the 9 disfellowshipping. She was a child beneficiary of 10 a charity, she remembers. She said she made the 11 allegation in April 1993. She has informed the inquiry 12 that it was reported to the elders, which included the 13 father of Jonathan Rose, and they reported him to the 14 police and he was acquitted at trial. She wanted her 15 experiences to be used. She sought advice and guidance; 16 apologised to her for the way she'd been treated after 17 making her allegations. After the allegations had been 18 made, person B was therefore asked to repeat her 19 allegations. If we could go to the top of page 13, 20 please.</p> <p>21 She was asked to meet three people in 2012/13 to 22 sign a written statement, et cetera, et cetera. They 23 described her as being a history who was economical with 24 the truth. When person B accused Jonathan Rose of 25 wrongdoing, he was 19 years old and she was 15:</p> <p style="text-align: center;">Page 76</p>

<p>1 "We did not view this as child abuse but a matter 2 between two teenagers." 3 Do you accept that thinking that a sexual 4 relationship between a 19-year-old and a 15-year-old not 5 being -- well, it is a criminal offence, that seeing 6 that as a matter between two teenagers was wrong? 7 A. Yes, most definitely wrong. 8 Q. We have already heard about the investigation, and we 9 have looked at the evidence in respect of what happened 10 in these investigations. I suppose what -- the 11 Charity Commission has a summary of their concerns at 12 page 21, identifying that there was inadequate dealing 13 with the allegations in 2012 and 2013 for the five 14 reasons set there: 15 "1. Identify one allegation. 16 "2. Properly take account of earlier allegations. 17 "3. Fully enforce the restrictions the trustees 18 placed on him. 19 "4. Consider and deal with the potential conflicts 20 of loyalty." 21 I think we have identified Mr Rose's father was an 22 elder in the congregation, various other family members 23 were involved: 24 "5. Keep an adequate written record." 25 What have you done in the light of the publication</p> <p style="text-align: center;">Page 77</p>	<p>1 of this decision to ensure that these matters are dealt 2 with properly and that this situation doesn't occur 3 again? 4 A. Well, I'd have to study these conclusions in a little 5 bit more detail, just to make any comment on it. One 6 that stands out to me, just reading this, is number 4, 7 "Consider and deal with potential conflicts of loyalty 8 within the trustee body." 9 So when it comes to a judicial matter, even if an 10 elder -- if an elder is a family member, he cannot sit 11 on a Judicial Committee dealing with a relative. But my 12 understanding and my recollection of this whole matter 13 with New Moston was that elders outside the congregation 14 handled the matter, not the trustees within the 15 New Moston congregation. So these are steps which we 16 can and do take when there could be a potential conflict 17 of loyalties. 18 Q. But, I mean, as the Charity Commission says, although 19 the trustees did not themselves conduct the hearing, 20 they remained responsible for ensuring that the 21 charity's procedures do not expose its beneficiaries or 22 others to significant risk of harm. Have you, in the 23 light of the conclusions of the Charity Commission, 24 changed or altered any of your practices or processes? 25 A. Well, as we have discussed one aspect of this report,</p> <p style="text-align: center;">Page 78</p>
<p>1 and that was the occasion where the individual had an 2 unhappy experience before a Judicial Committee and 3 eyewitness, so we have made it absolutely plain in our 4 policy. We have always said that never -- as 5 I mentioned earlier, never has a witness been required 6 to appear before their abuser in a Judicial Committee, 7 but the Charity Committee has acknowledged that we 8 actually put that in an update to our policy. So we 9 took that seriously, and we made that clear, that that 10 is our policy in this situation. 11 MS SCOLDING: I note the time. I think we may need to 12 continue. I have a few more questions for you, if 13 I may. I think if we may continue after the lunch 14 break, and if I can remind you that you are under oath 15 and you shouldn't discuss your evidence with anyone 16 else. Thank you very much. 17 Chair, with your permission, may we return at 18 1.50 pm? 19 THE CHAIR: Yes, Ms Scolding, we will do that. Thank you. 20 MS SCOLDING: Thank you very much, chair. Thank you, 21 Mr Gillies. 22 (12.50 pm) 23 (The short adjournment) 24 (1.50 pm) 25 MS SCOLDING: Professor Jay, I think you may well be on mute</p> <p style="text-align: center;">Page 79</p>	<p>1 inadvertently. With your permission, chair ... 2 Professor Jay, I can see your attempts to unmute, which 3 appear to have been unsuccessful. I'm taking this, by 4 the conversation we are having, that I should go ahead, 5 and I will presume to do so. Thank you very much. 6 Mr Gillies, good afternoon: 7 A. Good afternoon. 8 Q. Just a few further questions. We were dealing with the 9 New Moston documentation just before the break. Can 10 I ask you to look back at that documentation. It's B29 11 of the bundle. 12 A. Yes. 13 Q. Can we get up _022, please, Danny, the first paragraph: 14 "It is the inquiry's view that the charity's 15 trustees did not co-operate openly and transparently 16 with the Commission. In particular, they did not 17 provide accurate and complete answers to the Commission 18 regarding the earlier allegations ... did not report 19 a serious incident to the Commission." 20 As I understand it, whilst the trustees did engage 21 with the regulator at the investigatory stage, you 22 didn't engage -- the trustees didn't engage formally 23 following the opening of its inquiry, as I understand, 24 upon legal advice. Have you changed your relationship 25 with the regulator subsequent to the completion of this</p> <p style="text-align: center;">Page 80</p>

<p>1 particular report or taken steps to ensure that 2 particular congregations' trustees abide by the rulings 3 of the regulator or act transparently in relation to 4 them subsequent to this? 5 A. Yes. We have a good relationship, by and large, with 6 the Charity Commission. It's not a problem. When they 7 write to trustees of congregations, they do engage. If 8 it is about our child safeguarding policy, they will 9 consult with the branch office, of course. 10 Q. If I can also check, there is an ongoing investigation 11 into The Watchtower, which I think has been ongoing for 12 a number of years. You indicate in your first witness 13 statement -- CJW000052_025 -- between paragraphs 92 and 14 99, your concerns about both the New Moston and 15 The Watchtower Britain investigation, so 92 to 99 was 16 that, identifying, if I may summarise, possibly 17 hopefully correctly, the concern, which is, in effect, 18 it's been going on too long and it seems to be going on 19 and there have been a number of different individuals 20 involved, so to speak. 21 Does this give you cause for concern as to the 22 ability or the appropriateness of the Charity Commission 23 to regulate or engage with child safeguarding issues? 24 A. Throughout our discussions with the Charity Commission, 25 and I would say they have been amicable -- every lead</p> <p style="text-align: center;">Page 81</p>	<p>1 investigator we have engaged with, with coffee and cake, 2 and we have had a very nice discussion with them. 3 Although we maintain the position that their inquiry is 4 an inquiry into Watchtower, which doesn't have any 5 concerns about child protection, in the sense that it 6 doesn't administer child protection, nevertheless, out 7 of good faith, we have explained our policy to them. 8 So it has been frustrating that we have had five 9 lead investigators over the period, and every time we 10 have engaged with each one, we have tried to go over the 11 same ground again, explaining our policy. So that's 12 been a frustration to us. 13 I think the comment that I make about that in 14 paragraph 99 -- 15 Q. Danny, if you wouldn't mind getting up paragraph 99 from 16 the document we just had up, please. 17 A. That's page 27. So halfway through the paragraph, 18 almost, it says: 19 "The Charity Commission has, itself, stated that it 20 'can assess safeguarding policies/procedures only from 21 a pragmatic (not expert) point of view' and 'cannot 22 provide detailed advice on the content or robustness of 23 a charity's safeguarding policy'." 24 So that's our feeling, that when it comes to 25 a religious policy, they really don't have the</p> <p style="text-align: center;">Page 82</p>
<p>1 confidence to be able to do that. 2 Q. Do you think they could build that competence or do you 3 think an alternative body should potentially be used in 4 order to undertake auditing or any monitoring, if, for 5 example, this inquiry were to suggest that such may be 6 appropriate? 7 A. Whatever the inquiry suggests, we will co-operate with 8 any regulatory body, just the same as we have cooperated 9 with the Charity Commission. 10 Q. Obviously, the Charity Commission have indicated in 11 their New Moston report that they consider that the 12 trustees in that report didn't co-operate, and they also 13 noted that you sought to prevent the inquiry taking 14 place, running various legal arguments around it for 15 a number of years. That's also correct, isn't it? 16 A. Yes, but that was to do with what we felt was 17 a pre-emptive inquiry and the scope of the inquiry that 18 we were challenging, because we felt that the 19 Charity Commission -- as one of my recommendations or 20 comments there, the reasons I give, that the 21 Charity Commission -- where is it now? I lost my place 22 there. Repeat the question to me. 23 Q. Sorry, it was around whether or not you had obviously 24 sought various legal mechanisms, saying that there was 25 a prematureness in the Charity Commission, and you</p> <p style="text-align: center;">Page 83</p>	<p>1 didn't consider that it was -- I think you say, at 2 paragraph 93, that you consider the statutory inquiry 3 against Watchtower Britain may be a fishing exercise, or 4 that's the way it had been described. 5 A. Yes, that is the paragraph I was trying to find there. 6 It's the last sentence. 7 Q. Paragraph 93. Thank you very much, Danny. 8 A. "This process appears to be manifestly unfair and 9 a violation of the Charity Commission's own rules, which 10 state: 'Before submitting a complaint, you must complain 11 directly to the charity first'." 12 So we never had that procedure followed. In fact, 13 in March 2014, we only had one meeting with a team of 14 investigators, who gave us a very short agenda as to 15 what they wanted to discuss, and, on the basis of that 16 meeting, it's true there was one or two questions that 17 we didn't know the answer to, but we promised to get 18 back to them with the answers, but, nevertheless, they 19 launched an official inquiry at that point. So we felt 20 it was far too premature, particularly as we had engaged 21 with them, we never received the complaints. In fact, 22 the Charity Commissioners never disclosed the specific 23 allegations against Watchtower. 24 Q. Can I take you now to the judgment of Mrs Justice Lieven 25 earlier this year. We looked at it yesterday with some</p> <p style="text-align: center;">Page 84</p>

<p>1 of the witnesses, so the facts of it I think should be 2 quite well known. It is behind tab B19, chair and 3 panel, and Mr Gillies. It is INQ004963_001. This was 4 a case where Mrs Justice Lieven said: 5 "The facts of this case raise very great concern 6 about the safeguarding of children within the 7 Jehovah's Witness community." 8 That's what she says at paragraph 3. I don't think 9 I need to break this up. This was in the context of 10 a situation where the local authority was seeking orders 11 or had certainly become engaged in the lives of 12 the children and there was an allegation of child sexual 13 abuse by the -- made by the mother against the father. 14 What appears, if we go to page 5, paragraphs 10 and 15 11. It was a situation whereby there was an issue about 16 what might have been told to whom when. The 17 Jehovah's Witnesses were asked to provide a witness 18 statement. A witness summons was -- they applied, 19 yourself -- well, the particular congregation members 20 applied to have that witness summons set aside. 21 What then happened was, some documentation was 22 provided at -- we can have a look at 11(b). So it would 23 appear that, in 2016, it was the case that the mother 24 had reported to the elders that her daughter had told 25 her that her father had come into the room and had</p> <p style="text-align: center;">Page 85</p>	<p>1 kissed her, and then a matter had taken place when she 2 was 7, which was reported in December 2016, in terms of 3 the fact that the father was sexually aroused and that 4 there was some form of sexual activity between the 5 7-year-old and the father. 6 Now, the elders plainly knew this information 7 from December 2016, but yet, those allegations were not 8 reported to the police until July 2019, despite knowing 9 that the alleged abuser was living in the same 10 household, they believing that there had been various, 11 I think, safeguards put in place by the mother. 12 In fact, the mother had said to the court that she 13 hadn't reported because she felt that the elders had 14 said they were dealing with it and that there didn't 15 seem to be the need. 16 So it seems to me, in these circumstances, this is 17 a fairly recent case, and I think it raises two issues. 18 Firstly, is the current guidance good enough, in terms 19 of making it absolutely clear that, in these sorts of 20 situations, there should be reports to the police so 21 that, even if the parents don't wish to report, it is 22 the congregation's duty to do so, to protect children? 23 Do you think that your guidance -- don't you think your 24 guidance needs to be strengthened in that respect? 25 A. Yes, I absolutely agree, and that's what has happened.</p> <p style="text-align: center;">Page 86</p>
<p>1 If you refer back to the guidelines for the service 2 desks, you have very clearly stated in paragraph 8, 3 which we have been through, that a report will be given 4 to the secular authorities, the police, if there is 5 a child at risk. 6 Q. Those guidelines are pretty much the same between 2016 7 and 2019? 8 A. So the difference, going back to 2014, when -- or 2016, 9 was it? 10 Q. Yes. 11 A. The difference then was that the elders accepted the 12 reassurances of the mother that she was providing proper 13 safeguarding, and her extended family, so a report 14 wasn't made at that time. However, our policy now is 15 that a report will be made to the police even -- sorry, 16 if the mother or parent refuses to do so. 17 Q. Can I also ask, this case potentially also plays into 18 the issue which most people find boring, but I find 19 fascinating, of record keeping, which is, it seems clear 20 that inadequate notes were kept by the elders in this 21 context. Are there any guidelines that you issue as to 22 keeping adequate notes, making sure that full -- if 23 there are disclosures, that those are set down fully and 24 accurately, making sure that you record this 25 information? Is there anything you can point me to that</p> <p style="text-align: center;">Page 87</p>	<p>1 makes it clear what the elders' recording 2 responsibilities are in that respect? 3 A. Yes, that's a good question, with record keeping. So, 4 when elders make a report to the police, they make 5 a record of who reported, when they reported. When 6 there is a case that's ongoing, elders will keep their 7 own personal notes as a memory aid, and when the case is 8 completed, they will complete a short summary of what's 9 taken place, and that will be kept in the congregation 10 confidential file. 11 Q. Can I also ask, the argument that was run was that there 12 was no duty to disclose this information by the 13 Christian Congregation of Jehovah's Witnesses, on the 14 basis that it amounted to spiritual counselling, and, 15 therefore, was an infringement of article 9. Now, for 16 the reasons that Mrs Justice Lieven sets out at some 17 length in her judgment from paragraph 19 onwards -- I'm 18 not going to take you through it because I know you're 19 not a lawyer and this isn't the time or place to have 20 these debates, but she, suffice it to say, robustly 21 rejects that argument, identifying that either it 22 doesn't meet the criteria of spiritual counselling, or, 23 even if it does, any duty of confidentiality is plainly 24 overridden in the case of child protection. 25 In the light of her judgment, have you considered or</p> <p style="text-align: center;">Page 88</p>

<p>1 thought about amending your advice to elders or to 2 ministerial servants to automatically provide 3 information and not require court orders in the 4 circumstances of these sorts of cases?</p> <p>5 A. Well, first of all, ministerial servants wouldn't be 6 involved in the process, it would only be elders. When 7 it comes to confidential information, as you rightly 8 say, I'm not an elder [sic], but I do understand that 9 there are -- the law respects the right of 10 confidentiality in settings where religions hear 11 a confession. So the dilemma that our elders have is 12 that, if they receive a confession, what do they do with 13 that? When there's a child at risk, yes, they make 14 a report to the authorities. When there is a criminal 15 investigation open and there is a request for 16 confidential files or notes or what the elders know 17 themselves, they will ask for that in writing. They are 18 happy to co-operate with the police, but when it's 19 a balance of confidential information -- again, I'm not 20 a lawyer, this is just the way I understand it -- it 21 goes to a judge, so a production order is made. We like 22 it when a judge evaluates what is in the file.</p> <p>23 In other words, if a judge says, "Okay, I think that 24 particular document you have there is relevant to the 25 police investigation", then that is provided to the</p> <p style="text-align: center;">Page 89</p>	<p>1 police. But there's other documents which may not be 2 relevant, and it's very good when a judge makes an 3 evaluation. We have seen cases where judges have said, 4 "Okay, well, I won't make a disclosure order here", or, 5 "Yes, in this case, I will do so", and we feel that that 6 respects confidentiality in the congregation, which is 7 an important thing when someone opens up to elders and 8 expects that they are -- what they are saying to elders 9 is confidential.</p> <p>10 Q. I suppose I can completely understand in the context of 11 a criminal investigation you saying there needs to be 12 a production order, or, "We prefer it if there is 13 a production order", it seems to me.</p> <p>14 A. Yes.</p> <p>15 Q. But if there is a situation where somebody confesses, 16 I mean, absent the seal of the confessional, which both 17 myself and the chair and panel are more than familiar 18 with, having had days of evidence about the role of 19 the seal of the confessional, your particular form of 20 "confession" wouldn't meet that absolute obligation. 21 So, as you say, it is a question of balancing rights.</p> <p>22 In those circumstances, wouldn't it be better for 23 you to say, "If a confession is made", just as 24 a psychiatrist would say the same, myself, as a lawyer, 25 would have those sorts of obligations, ministers of</p> <p style="text-align: center;">Page 90</p>
<p>1 religion, you would say, "If you tell me that you have 2 committed a serious criminal offence, I will be under an 3 obligation to report that, even if it is said in 4 a confidential manner". Would that not be a more 5 appropriate stance than saying, "We will respect the 6 confidentiality"?</p> <p>7 A. Well, I believe that is what we do, because we will 8 override confidentiality when we believe that a child is 9 at risk. So that is our policy.</p> <p>10 I think what we're saying here is, we are going on 11 to a different procedure, a criminal investigation, and 12 at that point what happens?</p> <p>13 We have to also respect an individual's right to 14 give consent, so if the elders say to the police, "Yes, 15 we will provide you more information, but we need the 16 consent of the individuals concerned" -- it may not just 17 be the individual who has confessed, there may be other 18 people involved. So it can get quite complex for 19 elders, so we try and guide them through that process.</p> <p>20 Q. The guide is, they need an order of the court? "We're 21 not going to do it without an order of the court"?</p> <p>22 A. No. When there's a child at risk, they make a report to 23 the police, and they provide whatever information they 24 have at that point.</p> <p>25 Q. Obviously, in that case, it didn't happen. I'd like to</p> <p style="text-align: center;">Page 91</p>	<p>1 have a look at the case of Clifford Whiteley, which was 2 an individual who pleaded guilty in February of this 3 year to ten years' imprisonment. He was 4 a Jehovah's Witness and an elder. We have a witness 5 statement from a DC Endsor, who was the officer in the 6 case in the prosecution of Clifford Whiteley, behind 7 tab A18. I'm just going to, while everybody gets that 8 up, set some of the facts out.</p> <p>9 The victim came forward in February 2019. She was 10 21. She identified that the abuse had occurred when she 11 was between the ages of 10 and 12, so a decade later she 12 came forward. In March, her sister, the victim's 13 sister, informed DC Endsor that Mr Whiteley was due to 14 speak to church elders, and she believed he may make 15 admissions as part of the process of repentance, and 16 those two elders were individuals called Rudi Dobson 17 and David Clifford, and we have witness statements from 18 both of them.</p> <p>19 Danny, would you mind getting up page 2, 20 OHY009913_002, paragraph 14. DC Endsor, after having 21 been told that information, phoned the elders and the 22 elders said, paragraphs 13 and 14?</p> <p>23 A. It is on the screen.</p> <p>24 Q. Could you enlarge 13 and 14. So Mr Clifford was 25 apprehensive, a serious matter:</p> <p style="text-align: center;">Page 92</p>

<p>1 "If it was discovered that information was being 2 withheld ... he agreed to speak to me. I subsequently 3 made. He refused to speak further re Whiteley, citing 4 his spiritual duty to maintain confidentiality." 5 It then turned out, if we go to paragraph 17: 6 "As the investigation progressed, I became aware 7 that on or around 15 March, Whiteley had attended 8 a meeting of elders at the Jehovah's Witness meeting 9 hall." 10 Allegedly made an admission to them, and he was 11 disfellowshipped and that he was no longer 12 a Jehovah's Witness. Paragraph 18: 13 "This information was not passed to me by the elders 14 at the congregation although they clearly knew ..." 15 Obviously there had been previous telephone 16 conversations: 17 "I was made aware of that through family members." 18 Again, it then came to a situation where I think it 19 was in October 2019 -- well, eventually, the police 20 sought a production order. In October 2019, a judge 21 looked at the matter and determined that the information 22 should be provided. When the information was provided, 23 it turned out that it was a confession that he had 24 sexually assaulted the particular person, that he was 25 drunk at the time and that he admitted it, on the basis</p> <p style="text-align: center;">Page 93</p>	<p>1 of which there was disfellowship. 2 So what DC Endors says is -- can we go to 3 paragraph 33, please, Danny, and paragraph 34, which is 4 _004-005, if I could just ask everyone to spend a couple 5 of minutes reading that, rather than me reading it? 6 A. Could we have it enlarged, please? 7 Q. Yes, I was about to say. It is illegible other than 8 that. 33 and 34, please. Danny, would you mind moving 9 34 over a bit, because if it is anything like my screen, 10 you can't see the second half of 34 if you are on a full 11 screen. What he says is, had the church supplied this 12 evidence sooner, it would almost certainly have led to 13 him being charged and brought to justice much sooner. 14 And, at paragraph 34, he expressed his frustration and, 15 "It is difficult to understand that they could be 16 withholding evidence". 17 Now, we have two witness statements from Mr Dobson 18 and a witness statement from yourself in which you in 19 effect explain, in these sorts of circumstances, you 20 always require a production order, and it took the 21 police quite some time to produce that production order. 22 But I suppose it reinforces the point that I've made: 23 shouldn't there be some situations whereby the duty of 24 confidentiality in respect of these sorts of 25 Judicial Committee meetings are overridden in the case</p> <p style="text-align: center;">Page 94</p>
<p>1 of confession in order to ensure that crime is 2 appropriately investigated? 3 A. Well, this is not a case of child abuse at a time where 4 the child was currently at risk. This was an adult 5 bringing a complaint to the police, which they did, the 6 very next day that the elders heard about the matter. 7 I think we have to look carefully at Mr Dobson's 8 statement to see what the delay was. 9 The elders were both happy to co-operate immediately 10 with the police. On March 1, DC Endors spoke to Dobson, 11 and he -- 12 Q. I'm so sorry, Mr Gillies. I'm just going to ask, Danny, 13 if you could take that document down, please. Would you 14 like us to get up Mr Dobson's witness statement, which 15 sets out the summary? This is CJW000122_004 behind 16 tab A5, chair and panel. It is A5/1. It is his second 17 witness statement, I think. It's paragraph 19. There's 18 a chronology of events. Is that helpful, Mr Gillies? 19 A. Yes, paragraph 19, that's a summary. Mr Dobson 20 mentioned that on March 1, he was contacted by DC Endors 21 and asked to provide information. He asked DC Endors to 22 put his questions in writing so that he could give it 23 some careful consideration. He never heard any more 24 until mid July. So he was quite happy to co-operate 25 in March. He just asked for it in writing. And then,</p> <p style="text-align: center;">Page 95</p>	<p>1 in mid July, he was contacted again, but it seemed as 2 though -- sorry, I'm choosing my words because I don't 3 want to talk about anybody that would reveal 4 a confidence. 5 Q. No, no. 6 A. The abuser here. 7 Q. We can name the abuser, because the abuser has been 8 convicted of a criminal offence, so that's fine, 9 Mr Gillies. 10 A. Yes, Mr Whiteley, then. 11 Q. Yes. 12 A. So he had been the subject of a Judicial Committee and 13 he had been disfellowshipped from the congregation. So 14 they had information, you're quite correct, but now here 15 comes the criminal investigation, where the police are 16 asking for statements. So there is a balance here of 17 confidentiality, for the reasons we discussed earlier. 18 So they were asking simply to put it in writing, and if 19 they had the permission of Mr Whiteley to talk to them, 20 then that was fine, consent was okay. Mr Whiteley 21 refused to give his consent. So at that point, the 22 elders were advised that they basically need to ask the 23 police constable to get a production order. 24 A lot of distress was caused to the young lady, and 25 it is understandable, because there was a long delay,</p> <p style="text-align: center;">Page 96</p>

<p>1 but what was the reason for the long delay? DC Endors 2 puts in his statement that he was -- the elders weren't 3 co-operating. They weren't co-operating on his terms, 4 but they were asking for it in writing and they were 5 asking for the consent and then they were asking for 6 a production order. So, as you rightly said, it took 7 until October until DC Endors actually got that 8 production order. 9 When that went before the judge, my understanding 10 was that the decision was, "Yes, that is relevant, but 11 I don't take confidentiality lightly", was the judge's 12 expression. 13 Q. I think we have a witness statement from PR-A42, who is 14 the victim in this case, JLE000051_001. One can see, at 15 _002, Mr Clifford and Mr Dobson, at paragraph 11, stayed 16 in touch with PR-A42, and they sent messages saying to 17 pray and that they were praying for him, and she said 18 how upset she was because Mr Dobson said what a good 19 elder Mr Whiteley had been and how he had helped the 20 congregation, she finding her upset on the basis that 21 this was on or around the time when he had confessed to 22 sexually assaulting this young woman. 23 At paragraph 19, if we could go to the next page, 24 please, Danny, _003, she says: 25 "Mr Whiteley's confession to the elders was the</p> <p style="text-align: center;">Page 97</p>	<p>1 biggest single piece of evidence we needed in our 2 pursuit of a conviction for his abuse. Without this 3 confession, it was just my word against his, in what was 4 a historic abuse case. DC Endors asked Mr Whiteley for 5 his permission to obtain the details ... but he refused, 6 knowing that the elders would not co-operate, as was 7 their policy." 8 Then if we go to paragraphs 20 to 22, please, Danny, 9 and 23: 10 "Once I was made aware of these developments, 11 I asked [them] to meet with me to explain why they would 12 not help the police." 13 Paragraph 21: 14 "... began by sharing a passage from the Bible about 15 slander, explaining that because they are under 16 a particular oath, they are unable to speak to the 17 police." 18 Now, that's not my understanding and reading of 19 the Watchtower article, so how could they have -- if 20 they had been speaking to the branch office, as 21 everybody says that they should have been, how could 22 that information have been miscommunicated to them in 23 such a profound manner? 24 A. Well, you have the statement there of a distressed lady, 25 and that's understandable, because she was being told</p> <p style="text-align: center;">Page 98</p>
<p>1 that the elders were not co-operating. What it appears 2 that she wasn't told was that the elders were 3 co-operating, they were just simply asking the police to 4 put the questions in writing and, if there was no 5 consent from Mr Whiteley, then to get a production 6 order. Basically, that whole process could have 7 happened in a few weeks. So it doesn't seem to me as 8 though there was a failure of our policy there; it was 9 more the fact that the process was drawn out, because, 10 as I see it, the police officer seemed to delay the 11 process in getting consent and then the production 12 order. So it's understandable why she would be feeling 13 that way. 14 Q. If I can just indicate, why would she have said about 15 slander at paragraph 21 unless that was what the elders 16 had told her? It wouldn't necessarily be something that 17 you in and of yourself would know or would think about. 18 So are you suggesting she's mistaken in believing that 19 that's what the elders said? 20 A. I don't know what the elders said, because they haven't 21 had the chance to comment on her statement. But if 22 you're asking about confidentiality, I will read you the 23 verse that could be applicable in a situation like this. 24 It's proverbs chapter 25, verse 9, and it simply says: 25 "But do not reveal what you were told</p> <p style="text-align: center;">Page 99</p>	<p>1 confidentially." 2 So these are confidential settings where elders give 3 shepherding help to victims, they're confidential 4 settings where they take action against someone who is 5 to be disfellowshipped from the congregation. So 6 there's a process that needs to go through in order to 7 divulge confidential matters. 8 Now, we have mentioned that if a child is at risk, 9 then that confidentiality is overruled. But if it is 10 a case of an adult victim, there is no child currently 11 at risk, then the process is gone through as we have 12 explained. 13 Q. I want to turn next to one specific aspect of JW 14 practice, which is what happens after somebody has been 15 dissociated, disfellowshipped or there is an issue of 16 bad association, and, in particular, if that takes place 17 when people have made allegations of sexual abuse. Can 18 we please go to the witness statement of PR-A39 behind 19 tab B40, Mr Gillies. JWA000002 -- I think that's five 20 zeros and a 2, although I may well have said 55 zeros. 21 It is page 2, paragraphs 10 to 13, please. This is 22 a situation which took place in the past decade, if 23 I put it that way. So this isn't something which 24 happened 20 years ago, 30 years ago. This has happened 25 at some point in the 2010s, shall we say, in the decade</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 that's just passed. The perpetrator was supported in 2 court by the elders, whereas she received no support 3 whatsoever. She was then shunned by her father and her 4 children, who remained families -- who remained members 5 of the Jehovah's Witnesses. 6 Now, she says: 7 "This was a direct result of my reporting the sexual 8 abuse to the authorities and bringing reproach on 9 Jehovah." 10 And it is said at paragraph 10: 11 "My immediate family remain members of JW. I was 12 expected to remain silent about my sexual abuse." 13 On this basis, do you accept, therefore, that there 14 have been occasions when people are shunned if they 15 decide to break that silence and report sexual abuse to 16 the authorities? 17 A. Well, our policy is that we don't shun anybody. 18 Therefore, making a report of sexual abuse, I think it's 19 very clear in my statements, what that witness said 20 yesterday was that she'd never been disfellowshipped, 21 she'd never dissociated herself, she basically just 22 decided to leave. It seems to me that the statement 23 that's being discussed here is where she's talking about 24 the family having nothing to do with her. So that 25 wasn't a formal decision that was made by the</p> <p style="text-align: center;">Page 101</p>	<p>1 congregation. Who knows? We don't know what the 2 allegation was, we don't know whether there was a family 3 dispute about it. We just don't know. I have no idea 4 what the situation is. But when the emotions run very, 5 very high on matters to do with child abuse, then of 6 course individuals may end up not talking to each other, 7 even family members. But this was not a formal decision 8 that was taken by the congregation, as far as 9 I understand. 10 Q. But given the fact that you do socially ostracise -- I'm 11 not going to use the term "shunning", I'm going to use 12 the term "ostracisation". Given that you do, in effect, 13 provide an official sanction for that in various 14 circumstances, including where Jehovah's name has been 15 brought into disrepute, which some people might consider 16 to be the case if you reported on your Jehovah's Witness 17 brother, as we discussed earlier, do you not think the 18 fact that there is the imprimatur of social 19 ostracisation in those circumstances make it more likely 20 that these sorts of desperately unhappy family 21 breakdowns will take place? 22 A. Well, Jehovah's Witnesses know all about ostracism 23 because there's thousands of them that have been 24 ostracised by their families when they decided to leave 25 the religion of their birth, and friends have rejected</p> <p style="text-align: center;">Page 102</p>
<p>1 them, so we know what that means. But, having said 2 that, we do not -- I can only repeat that we do not 3 ostracise or disfellowship anybody for being a victim of 4 child abuse. That's all I can say on the subject, 5 really. 6 Q. We also have another example which is a statement from 7 a mother, PR-H14, which is behind tab 42. Danny, if we 8 could get up JWA000011_003. There was an issue there 9 about the fact that, after the abuse had been reported 10 and they were told by an elder to leave it in Jehovah's 11 hands -- this is paragraph 14. Danny, could we go to 12 the previous page, I do apologise, _002, paragraph 14: 13 "To stop any further contact with this person, the 14 elder told me to leave it in Jehovah's hands and that he 15 would handle it. Nothing would be uncovered and it can 16 be uncovered by Jehovah." 17 As I understand it, one of the elders then 18 interviewed her son without the permission of the mother 19 about the matter before a more senior elder, in fact, 20 came and encouraged them to report it to the police. 21 If one looks at paragraph 27, she says that after 22 she went to the police, both herself and her child had 23 been shunned from the congregation or made no longer 24 welcome: 25 "The elder cut the child off and said it was best</p> <p style="text-align: center;">Page 103</p>	<p>1 that the child no longer attend the Kingdom Hall. The 2 child was being targeted although he was a child and 3 victim of sexual abuse." 4 Now, in fact, what the elder may have been doing -- 5 we simply don't know because we don't have his evidence, 6 and I accept that -- was saying, "Maybe it would be 7 a good idea if you went to another congregation", 8 because that individual, being repentant, was 9 potentially repentant, would therefore still be in the 10 congregation. She says, in effect, the adult was 11 supported by the congregation and her and her child were 12 not, and they're saying they were essentially 13 ostracised, despite the fact that the other person was 14 the guilty party and they were the innocent party. 15 So, again, do you think that this is something which 16 only happens very occasionally, or do you think that in 17 fact this may well be something which is more widespread 18 and, therefore, do you think that you should issue 19 better guidelines than you do to try to avoid this very 20 unfortunate situation occurring? 21 A. Well, we believe that our policy now addresses those 22 issues. It's very difficult to comment on a scenario 23 like that. As you say, we don't know how the case was 24 handled, we don't know the circumstances, we don't know 25 who was doing the alleged shunning on that particular</p> <p style="text-align: center;">Page 104</p>

<p>1 occasion. It's very difficult to give guidance on it. 2 I don't know how long ago, even, that case was. 3 But the fact is that we do everything we can to 4 ensure that relationships are restored. We work very 5 hard in our congregations to create a peaceful 6 atmosphere. We regularly review scriptures in the Bible 7 that speak about how to resolve differences with family 8 members, and so forth. So we will try to help people 9 where there is those kind of situations. After all, we 10 don't want to see people leave our religion, we want 11 them to come back, we want them to be associating with 12 our religion. 13 Q. But can I ask, you accept, however, that if people, once 14 they have been abused, wish to dissociate themselves 15 from the faith as a result of their abuse, they feel 16 that they have lost trust and respect with the family 17 which they have grown up with, one can well understand 18 why that might be the case, do you think that the then 19 approach of exercising your religious conscience and 20 maybe not continuing to be friends with that person, 21 because they have dissociated themselves, can have 22 a particularly traumatic effect on those who are victims 23 of child sexual abuse? 24 A. I think you've got to look at the difference between 25 somebody who leaves and, as we would say, going</p> <p style="text-align: center;">Page 105</p>	<p>1 inactive, and somebody who dissociates themselves. 2 Q. Yes. 3 A. As we even heard yesterday, we heard from individuals 4 who hadn't actually been formally disfellowshipped or 5 dissociated themselves, but they'd gone inactive. So 6 there's a category of individual where they haven't made 7 a definite decision that they're not wanting to be one 8 of Jehovah's Witnesses, perhaps, they have just drifted 9 away, we reach out to those individuals periodically, 10 and ask them if they'd like to reassociate and come back 11 and try to help them. But you're talking about 12 dissociation where somebody informs the congregation, 13 usually in writing, "I repudiate the faith. I do not 14 wish to be known as one of Jehovah's Witnesses". So 15 that's a very formal dissociation from the congregation 16 and we respect that decision, but naturally it changes 17 the relationship of the congregation to that individual. 18 We don't necessarily know why the individual has taken 19 that course of action, what it is that their grievance 20 is. Elders usually before they accept a dissociation 21 will try and say, "Can we help you?" We view people who 22 leave our religion like the illustration in the Bible of 23 the lost sheep. There are 100 sheep and he leaves the 24 99 behind and goes after and searches for the lost one. 25 That's what our elders try to do in those situations.</p> <p style="text-align: center;">Page 106</p>
<p>1 Q. Do you think that the threat of social ostracism, if 2 people come forward and then end up leaving, or because 3 somebody might be considered to be bad association, do 4 you think that creates a disincentive to victims to come 5 forward in the Jehovah's Witness faith? It is a barrier 6 to reporting, to effective reporting? 7 A. There is no sanctions against anybody who reports 8 child abuse to the authorities or to the congregation. 9 Q. Can I just double-check a few things about your child 10 protection -- the policies and practices you have? 11 I think I did ask you this question yesterday, but 12 I just wanted to check in my own mind: you don't 13 conduct -- there are no external audits conducted of 14 your child protection policies and practices, are there? 15 A. That's correct. 16 Q. Is there any reason for that? 17 A. Because our policies are very weighted with how to deal 18 with things within the congregation. If somebody came 19 in from the outside and conducted an audit, okay, one 20 thing if they conducted an audit to see if we were 21 practising -- applying our cases in harmony with the 22 law, but if they were coming in and saying, "Okay, why 23 didn't you disfellowship this person? Why did you judge 24 them to be repentant? Should you have disfellowshipped 25 them?" That's not something an external auditor could</p> <p style="text-align: center;">Page 107</p>	<p>1 really do because they would have to understand the 2 process that we go through within the congregation to 3 take disciplinary actions. 4 Q. Are there any arrangements you have internally to make 5 sure that local congregations are following the relevant 6 policies and procedures? 7 A. Yes, you asked a question yesterday about circuit 8 overseers. So when circuit overseers visit the 9 congregations, they give reminders to the bodies of 10 elders. They make sure that the elders are following 11 the policies and procedures. 12 Q. Have any elders, for example, as a result of some of 13 the cases we have looked at just now, ever been 14 disfellowshipped or removed or disciplined as a result 15 of a failure to follow the safeguarding policy? Would 16 a failure to follow the safeguarding policy be 17 considered to be an offence which could be the subject 18 of spiritual discipline? 19 A. If elders do not follow our policy, yes, it could result 20 in them being removed as elders. 21 Q. Do you know if that's happened in any of these cases? 22 A. I can't think of one, no. 23 Q. I'd like to deal next with the total number of 24 allegations of child sexual abuse that you have had over 25 the past ten years, and this comes -- can we go back to</p> <p style="text-align: center;">Page 108</p>

<p>1 your witness statement, CJW000052_023. Paragraph 81 2 onwards. There have been four civil claims, three have 3 settled, and then, there in fact has been another claim 4 subsequent to that, but that involved two adults, the 5 BXB v The Watchtower claim. You say: 6 "In the past 25 years, the branch office was 7 conducted by elders who reported child sexual abuse 8 concerning 25 elders, 32 ministerial servants and 9 10 persons. The following chart sets out how the 10 allegations were dealt with by secular authorities and 11 the congregation." 12 So I can see here only 37 of the allegations were 13 reported to the authorities. Why weren't all of them 14 reported to the authorities? Do you know? 15 A. They were allegations, so I don't know why they weren't 16 reported. Are we talking about adults here who were 17 victims and who had no desire to go to the authorities? 18 I don't know the answer as to why that is the case. All 19 I can say is, these are the statistics. And these are 20 allegations, they are not anything that's been 21 confirmed. So in the absence of the congregation 22 verifying that the allegation is true, the individuals 23 concerned, as we have discussed in our policy, are free 24 to go to the police and make an allegation themselves 25 and make a report. So ...</p> <p style="text-align: center;">Page 109</p>	<p>1 Q. We can see, of those, there have been 13 criminal 2 convictions in the past ten years and 25 people were 3 subject to an ecclesiastical Judicial Committee. Now, 4 what I suppose you can't tell me is how many of those 5 who were criminally convicted were also the subject of 6 an ecclesiastical Judicial Committee, because that will 7 depend upon whether or not the two-witness rule was or 8 wasn't satisfied, I'm assuming? 9 A. You're right. I can't answer the question. 10 Q. That's absolutely fine. We also have an individual who 11 has provided us, at tab B39 -- that's in bundle 12 number 2, Mr Gillies, a list -- Danny, if you wouldn't 13 mind getting up JWS000005_001, which is 49 people who 14 have been convicted of criminal offending on the basis 15 of news reports since approximately 1999. So we have 16 got, in fact -- in fact, we have got 59 in total from 17 _001 through to _003, of which the last few are 18 redacted. But one can see that there are 51 unredacted 19 convictions which date from the 1990s onwards. Is there 20 anything you'd like to say about that? Do you consider 21 that that's about the right -- I mean, it is difficult 22 to know, but do you consider that that's a too high 23 number or, in fact, it's less than you would have 24 expected, in terms of the convictions? 25 A. You're just talking about the convictions, because</p> <p style="text-align: center;">Page 110</p>
<p>1 that's convictions -- a few elders and ministerial 2 servants there, but other individuals, who are what you 3 would call lay members, that's being discussed there. 4 So we have, as I mentioned, 130,000 witnesses in the 5 country now, so that's a list that goes back many years 6 and many cases. There could even be individuals in that 7 list who had some kind of association but left the 8 congregation. It is very difficult for me to comment 9 with any degree of certainty. 10 Q. I would like to ask you now about recommendations, and 11 particularly in respect of recommendations for improving 12 child protection. The first point I wanted to ask you 13 about is the role of women. Now, we have heard from 14 a number of witnesses in our evidence in this particular 15 strand of the investigation, and others, how useful 16 women find it to report to and speak to other women 17 rather than men when it comes to child sexual abuse. 18 Now, I understand that, from a spiritual perspective, 19 elders cannot be women, and I'm not seeking to ask you 20 to change that, but can you envisage women performing 21 some specific role, whether that's a role of pastoral 22 support and counselling or that they could be given 23 a role in investigation and support for victims of 24 sexual abuse? 25 A. If I could refer you again to our May 2019 Watchtower,</p> <p style="text-align: center;">Page 111</p>	<p>1 this shows how elders, yes -- how women can be of great 2 assistance in the congregation to bring comfort and 3 support to victims of child abuse, absolutely. 4 If you turn to page 19 of that document at tab 23, 5 or, rather, two pages there -- sorry, 18 and 20. 6 Article 20 in our May edition of the Watchtower. 7 Q. It is true to say that women don't perform any secular 8 positions, they don't have any secular positions of 9 authority in the context of your congregation, leaving 10 aside what the spiritual issues are. So you don't have 11 any women safeguarding officers or women child 12 protection officers or women counsellors? 13 A. No, but we have the women who support the young women. 14 That's what's being conveyed here. Even in the context 15 of talking to the elders on page 20, you notice there 16 that when they're talking -- when a victim is talking to 17 the elders, she might be expressing what's happened in 18 that picture, but she has a woman confidant with her to 19 support her as she's giving evidence to the elders, 20 because the elders have the responsibility to institute 21 an ecclesiastical process, so to ensure that a proper 22 report is made, and then, in another context, the victim 23 there is still with the support sisters, we would say, 24 when the elders are providing comments from the Bible 25 and also when they're praying with her.</p> <p style="text-align: center;">Page 112</p>

<p>1 Now, after that takes place, it could be that the 2 elders say to that older woman, "Could you provide some 3 ongoing support? She needs a lot of assistance to get 4 over this or to learn how to live with it", and that's 5 what you see pictured on the previous page, page 18. 6 You see that older woman being part of the process of 7 giving comfort. So there is a valuable input that our 8 women give. They're very experienced. They know -- 9 they understand the issues. As you say, they will 10 understand the feelings better than a man would.</p> <p>11 Q. Do you think that encouraging women to play a more 12 central role might avoid what we see at tab B49, which 13 is PRX000002_001-004, which is a list of at least 14 19 individuals who this particular person says the 15 victims were dissuaded from reporting to the police, and 16 they were urged by elders not to do so. Do you think if 17 women had more of a role, there would be less of this?</p> <p>18 A. Well, that seems to be the same list as you showed me 19 earlier.</p> <p>20 Q. Yes.</p> <p>21 A. But our policy is that -- sorry, did you just say to me 22 just now that they were dissuaded to make a report to 23 the authorities?</p> <p>24 Q. To the authorities, yes.</p> <p>25 A. My understanding is that they were reported to the</p> <p style="text-align: center;">Page 113</p>	<p>1 authorities. I don't know all the circumstances, 2 though, because I've only seen the list that you've 3 handed me, and I don't know the background. One or two 4 names there look familiar. But I can't really comment 5 on whether they were dissuaded or otherwise.</p> <p>6 Q. Would you object if there were any sort of mandatory 7 guidelines or standards involving secular -- the 8 requirement for some form of professional safeguarding 9 training for elders?</p> <p>10 A. We'd gladly look at any training materials that were 11 presented to us and see how they applied to -- in our 12 environment.</p> <p>13 Q. Do you have any form of redress scheme already in place 14 for those who have been subject to child sexual abuse 15 within the congregation, either in the UK or in other 16 countries?</p> <p>17 A. Well, we'll always care for individuals in a fair, 18 loving and compassionate manner, and if there's -- if we 19 are talking about institutional abuse, then naturally we 20 feel a responsibility, so we just look at -- we prefer 21 to look at matters on a case-by-case basis.</p> <p>22 Q. As I understand it, following the Australian Royal 23 Commission, they set up a national redress scheme, and, 24 as I understand it, the Christian Congregation of 25 Jehovah's Witnesses have decided not to join that</p> <p style="text-align: center;">Page 114</p>
<p>1 scheme, on the basis that they don't have the 2 institutional settings that the redress scheme is 3 designed to cover.</p> <p>4 Do you therefore believe that if, for example, the 5 panel were, in their final report, to suggest that there 6 should be some form of redress scheme for religious 7 organisations and bodies, that you would take the same 8 approach here in the UK?</p> <p>9 A. We never said that we were against redress schemes, as 10 such. What we said was that the Australian one didn't 11 apply to us.</p> <p>12 Q. In the interests of transparency, do you think that your 13 body and all religious bodies and other voluntary 14 organisations should be required to publish annually 15 data on the number of allegations, the status of those 16 allegations and the outcome of those allegations and 17 possibly, if compensation has been paid, the amount of 18 money that's been paid out?</p> <p>19 A. Well, that's a big question. I'd have to sit down -- 20 I think we'd have to sit down and think about the answer 21 to that question. In principle, we act on the law of 22 love. We act according to justice. So if there's been 23 some injustice, then, naturally, we would want to make 24 sure that a person is dealt with in a fair way.</p> <p>25 Q. So you would have to think about it but you wouldn't</p> <p style="text-align: center;">Page 115</p>	<p>1 necessarily object to it on principle?</p> <p>2 A. On principle, no.</p> <p>3 Q. If there were to be auditing by an external body of your 4 safeguarding practices and procedures, then -- sorry, 5 I have just been distracted by -- Mr Tahzib has just 6 sent me a message. There is something I need to check 7 with you. If there would need to be any auditing by an 8 external body, would you object to it in principle?</p> <p>9 A. Well, again, we'd have to look at -- ask the question, 10 what do you have in mind when you talk about auditing?</p> <p>11 Q. Well, I think it would be somebody looking over 12 practices and policies making sure that (a) they were 13 adequate to protect young people; (b) that they required 14 minimum levels of training; and (c) that the policies 15 actually were put in practice, were used in practice, by 16 maybe examining cases to see what people had done or 17 hadn't done in various instances?</p> <p>18 A. Well, what we're talking about today is a worldwide 19 policy of Jehovah's Witnesses, so we would have to look 20 at the policy in that context. But, in principle, for 21 all the questions you're asking, you see, we are 22 motivated by what we call the law of the Christ, so the 23 law of the Christ is how Jesus taught and how he 24 sympathised with people and how he showed them 25 compassion and pity. So any kind of arrangement that</p> <p style="text-align: center;">Page 116</p>

1 **makes our policy more robust and in harmony with the law**
 2 **of the Christ is fine.**
 3 Q. Can I just clarify with you, slightly earlier when
 4 answering a question, you said you are not an elder. Of
 5 course you are an elder. I think what you meant to say
 6 was you are not a lawyer. We have been asked to clarify
 7 this, and that's my final question to you.
 8 **A. Okay. I'm glad you clarified that point, thank you very**
 9 **much, indeed.**
 10 MS SCOLDING: Thank you very much. Now, if you wait there,
 11 the chair and panel may have some questions for you.
 12 THE CHAIR: Thank you, Ms Scolding. I have no questions,
 13 but I will check with my colleagues whether they do.
 14 Ms Sharpling?
 15 Questions from THE PANEL
 16 MS SHARPLING: Yes, just the one, if I may, chair. Thank
 17 you, Mr Gillies. Can I ask you whether your policies
 18 that you have described over the last two days contain
 19 anything about the provision of an apology where there's
 20 been institutional fault?
 21 **A. Our policies don't contain that, no.**
 22 MS SHARPLING: Is something such as an apology ever given on
 23 a case-by-case basis? You have talked a lot about
 24 dealing with things on a case-by-case basis. Is an
 25 apology ever provided in those circumstances?

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1 **department will oversee its records management.**
 2 MR FRANK: Do you know a person called Shawn Bartlett as
 3 a records management overseer?
 4 **A. Yes, I do.**
 5 MR FRANK: Did he come to give a seminar to elders in
 6 England in 2017?
 7 **A. Yes, he did.**
 8 MR FRANK: Did you attend that?
 9 **A. I think I did. I can't recall it specifically.**
 10 MR FRANK: You might recall it if you remember the content
 11 of the seminar. Can you remember what the purpose of
 12 the seminar was?
 13 **A. To help us to make sure that our record keeping was up**
 14 **to date with legislation and that we weren't keeping**
 15 **unnecessary documents.**
 16 MR FRANK: Not keeping unnecessary documents. Do you mean
 17 that he advised you to get rid of some documents?
 18 **A. Well, of course, at that time, and even now, we have**
 19 **data protection matters, so we have to make sure that**
 20 **documents adhere to data protection issues, so, yes, he**
 21 **would have advised along those lines.**
 22 MR FRANK: My next question is, do you have a data retention
 23 policy that you have published?
 24 **A. We have a data retention policy. Have we published it?**
 25 **I don't know.**

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1 **A. We would be very happy to look at the facts and see if**
 2 **an apology is necessary or called for.**
 3 MS SHARPLING: Thank you.
 4 THE CHAIR: Mr Frank?
 5 MR FRANK: Yes, please. First of all, is it right that you
 6 were appointed to your current post in 2018?
 7 **A. Yes.**
 8 MR FRANK: And the post is Director of the Office of Public
 9 Information of the World Headquarters of
 10 Jehovah's Witnesses?
 11 **A. Yes.**
 12 MR FRANK: That's based in New York, I think.
 13 **A. Yes.**
 14 MR FRANK: Before you, who was your predecessor in that
 15 post?
 16 **A. Mr David Simonian.**
 17 MR FRANK: Do you also have a post of the records manager
 18 overseer based in your office or elsewhere?
 19 **A. That's not my position, no.**
 20 MR FRANK: Do you know of someone who holds that position?
 21 **A. Are you talking about the world headquarters?**
 22 MR FRANK: Whether it's the world headquarters or anyone
 23 else. Do you know of anyone who occupies the post of
 24 records manager overseer?
 25 **A. Well, we have records management guidelines, and each**

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1 MR FRANK: In any event, you were at the seminar in 2017
 2 where Shawn Bartlett, among other things, advised you
 3 how to keep and how to get rid of documents?
 4 **A. Yes.**
 5 MR FRANK: Did he, in the course of that seminar, tell you
 6 that the reason for getting rid of documents was because
 7 Satan was coming after you? Satan in the form of
 8 a legal process?
 9 **A. Okay. His comments, as I say, were directed with regard**
 10 **to data protection issues, as I recall. I don't**
 11 **remember exactly what he said on the subject. I don't**
 12 **remember any comments about Satan particularly.**
 13 MR FRANK: Do you know whether there is a record anywhere of
 14 that seminar, of what was said?
 15 **A. I'd have to find out for you.**
 16 MR FRANK: Would you do that, and please let us know? Thank
 17 you very much.
 18 THE CHAIR: Thank you, Mr Frank. Sir Malcolm?
 19 PROF SIR MALCOLM EVANS: No, thank you, chair.
 20 THE CHAIR: Thank you. These are all the questions we have.
 21 Thank you very much, Mr Gillies.
 22 MS SCOLDING: Thank you very much, Mr Gillies.
 23 (The witness withdrew)
 24 MS SCOLDING: Chair, now would be an appropriate moment,
 25 given the heat, for a brief break. When we come back,

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<p>1 we have Ms Booth and Mr Gamble. Thank you again, 2 Mr Gillies. 3 THE CHAIR: We will return at 3.10 pm. 4 (2.55 pm) 5 (A short break) 6 (3.10 pm) 7 THE CHAIR: Ms Scolding? 8 MS SCOLDING: Thank you, chair. It is good to see that your 9 sound is back and working. Good afternoon, Ms Booth, 10 Mr Gamble. Thank you very much for coming. I am now 11 passing you over to the hearing centre manager, who will 12 ask you to swear or affirm. 13 MS JANE BOOTH (sworn) 14 MR JIM GAMBLE (sworn) 15 Examination by MS SCOLDING 16 MS SCOLDING: Thank you both very much, and good afternoon, 17 and apologies for the slight delay in your evidence. We 18 have had a slight overrun with our previous witness. 19 Thank you very much, both, for your patience. 20 As well, thank you very much for coming. As 21 representatives of local authorities, we know quite how 22 busy both of you are at the moment, given the pandemic, 23 and we don't underestimate the time out of your very 24 busy schedule that this will have taken you, so thank 25 you.</p> <p style="text-align: center;">Page 121</p>	<p>1 Just a few other preliminary matters. This isn't 2 a test of memory. Please feel free to refer to your 3 witness statement and any notes. Secondly, we can stop 4 at any time and for any reason. Thirdly, you should 5 have a bundle with you. We will also be getting 6 documents up on screen. Our evidence handler will do 7 so. If you can't see them, or they are not clear, 8 please let me know. 9 As you're giving evidence concurrently, we obviously 10 have to try to be careful not to speak over each other. 11 If one of you wants to come in after the other one has 12 spoken, I'm going to ask if you wouldn't mind raising 13 your hand physically, as that is the most obvious way to 14 give me a prompt that you would like to say something. 15 I would also like to indicate that we have had three 16 of your colleagues from other local authorities come to 17 give evidence in May, so we are quite familiar with the 18 statutory background. What we are really interested in 19 is both of your experiences of how local authorities 20 work with religious organisations on the ground when it 21 comes to safeguarding. 22 So, Ms Booth, if I may turn to you first, we have 23 a witness statement from Ms England, who is the chief 24 executive, behind tab A2, and you have, in effect, 25 attested to the truth of that in your witness statement</p> <p style="text-align: center;">Page 122</p>
<p>1 behind tab A1 of the bundle. Ms Booth, can you confirm 2 that you signed this witness statement? 3 MS BOOTH: Yes, I did. 4 MS SCOLDING: Is it true, to the best of your knowledge and 5 belief? 6 MS BOOTH: It is. 7 MS SCOLDING: Can you tell us what your position is in the 8 Bradford Children's Safeguarding Partnership -- I think 9 I've got that right -- and how long you have held that 10 role for? 11 MS BOOTH: I was appointed, April 2019, to a new role in 12 preparation for the change in the statutory arrangements 13 for safeguarding partnerships, and my role is to act as 14 independent chair and scrutineer. So I sort of lead 15 meetings forward and am responsible for making sure the 16 strategic plan is implemented, but also have an 17 independent voice in terms of challenge to the 18 partnership agencies around safeguarding practice. 19 MS SCOLDING: We have got information about you within your 20 witness statement, but your background is, you have 21 a long and distinguished background in social work, for 22 largely the local authorities. That's right, isn't it? 23 MS BOOTH: Yes, largely, yes. 24 MS SCOLDING: Thank you very much. Mr Gamble, if I may now 25 turn to you. Could I ask you to turn to tab A3 of</p> <p style="text-align: center;">Page 123</p>	<p>1 the bundle, where you have produced a witness statement 2 dated 21 November 2019. It is 20 pages long. Can you 3 confirm that you signed this witness statement? 4 MR GAMBLE: I can. 5 MS SCOLDING: You can or you can't? 6 MR GAMBLE: I can, yes. 7 MS SCOLDING: Good. Is it true, to the best of your 8 knowledge and belief? 9 MR GAMBLE: It is. 10 MS SCOLDING: Can you tell us a little bit about your role 11 within the City of London and Hackney's Safer Children's 12 Partnership and how long you have held that role for? 13 MR GAMBLE: When I began in 2013, I was initially appointed 14 as the independent chair of the City of Hackney 15 Safeguarding Board with the transition into the new 16 arrangements and under agreement of the key partners in 17 policing CCG and local authority. I have now been 18 appointed as the independent child safeguarding 19 commissioner with a very similar role to that outlined 20 by Jane, to provide independent scrutiny and challenge, 21 by virtue of the role that I have and to ensure the 22 effective and efficient co-ordination of the delivery of 23 our partnership safeguarding efforts. 24 MS SCOLDING: Again, Mr Gamble, we have the full details of 25 your curriculum vitae in your witness statement, but you</p> <p style="text-align: center;">Page 124</p>

<p>1 have a long and very distinguished career as a police 2 officer in child protection and now as a sort of 3 independent consultant undergoing a portfolio career, 4 I believe it is called these days, largely in respect of 5 child protection and safeguarding. Is that correct? 6 MR GAMBLE: That's correct. 7 MS SCOLDING: Now, we have had -- there is quite a lot of 8 information in your bundles -- in both your bundles, 9 about the work that you have been doing. What I'd 10 really like to do is spend some time looking at the good 11 things and maybe the not-so-good things about working 12 with religious organisations. 13 The first thing I want to ask you is, Mr Gamble, do 14 you have any way of knowing or do you have any mapping 15 which identifies those religious organisations which may 16 undertake work with children within City and the London 17 Borough of Hackney? 18 MR GAMBLE: Outside of the established churches which can be 19 mapped by virtue of their geography, I would say it's 20 virtually impossible to confidently say yes. Though, of 21 course, from 2006 to a period just short of 2018, we 22 were lucky to get funding for a community partnership 23 advisor, who did carry out some -- I think, to put it at 24 its strongest -- ad hoc work around how we identified, 25 located and attempted to engage with such establishments</p> <p style="text-align: center;">Page 125</p>	<p>1 and, of course, the out-of-school settings pilot has 2 given us a much better indication, but even in that 3 which is more comprehensive, I think we have identified 4 315 out-of-school setting sites. 111 of those would be 5 faith based. That doesn't include the suspected 6 40 yeshivas. So, yes, we have carried out quite 7 successfully some mapping, but would I have confidence 8 in the fact that we have a comprehensive understanding 9 of where these places are and how they're organised and 10 run? The answer would be, no. 11 MS SCOLDING: Ms Booth, how about you? Either during -- 12 just to indicate, we have heard about the pilot projects 13 before, but just for the purposes of people who are 14 watching along, the Department for Education gave 15 various local authorities bits and pieces of money, of 16 which you were one and Mr Gamble was another, to do 17 different bits of work about out-of-school settings, 18 which include a number of religious organisations. 19 I suppose two questions: do you know what religious 20 organisations perform activities with children in 21 Bradford and have you found any successful way to map or 22 identify where they are and what they do? 23 MS BOOTH: I think in all of this we have been dependent on, 24 if you like, people self-identifying, to a large extent. 25 Through the out-of-school settings pilot, we have had</p> <p style="text-align: center;">Page 126</p>
<p>1 additional resource, so we have had staff in that 2 section who have been actively going out into the 3 community, drawing on community knowledge, looking for 4 intelligence about where there might be out-of-school 5 settings, and we have certainly identified more. But 6 even prior to the pilot, we've always had -- Bradford 7 has had a long history of good engagement with its 8 religious organisations generally. So the mayor's 9 office has always kept a list, if you like, for 10 communication, and we'll use that, and have always used 11 that, to reach out to organisations, to set up things, 12 to work together on particular projects. But we have 13 certainly found that the additional resource in the 14 out-of-school settings has helped us. However, what we 15 do know is we don't know what we don't know, if you see 16 what I mean. (Overspeaking) quite a big list, it's by 17 no stretch of the imagination to say that that is 18 all-encompassing. 19 MS SCOLDING: I think we will talk a little bit later, 20 Ms Booth, about what you say has been the successful 21 engagement of the local authority and what you have done 22 to try and help that. 23 If I could indicate, both of you are members of 24 safeguarding partnerships, of which you can designate, 25 in effect, people to be relevant partners and then they</p> <p style="text-align: center;">Page 127</p>	<p>1 have to co-operate with you and provide you with 2 information. 3 Now, Mr Gamble, you have identified and you have 4 a large number of people, can you tell us who you have 5 designated as your safeguarding partners? 6 MR GAMBLE: Well, the safeguarding partners would be all of 7 the statutory bodies. If you are talking about in that 8 consolidated sense, which is one of the exhibits that we 9 provided you, but in the broader, out-of-school setting 10 sense, and most definitely in the faith-based setting 11 sense, we have designated as relevant agencies everyone 12 involved in those settings, no matter how large or no 13 matter how small, which sounds good in practice, but in 14 principle, we believe that the legislation that allows 15 us to designate in that way is toothless because there 16 is no consequence, in essence, for failing to comply. 17 I can go into that later, we have taken legal advice on 18 it. 19 Ultimately, we have the same partners that we had in 20 the safeguarding board scenario. We have all of those 21 commissioned partners and we have identified, by virtue 22 of the nature of out-of-school settings and, indeed, 23 yeshivas themselves, those locations and activities 24 carried out there as belonging to relevant agencies. 25 MS SCOLDING: I'm afraid I misspoke. I said the word</p> <p style="text-align: center;">Page 128</p>

<p>1 "relevant partner" rather than "relevant agency". I do 2 apologise. Relevant agency is the right matter. But 3 you think that, because there is an ability under the 4 new legislation to designate religious organisations 5 expressly as relevant agencies, but from Hackney's 6 perspective, you would say that's toothless? 7 MR GAMBLE: Well, when that came out -- I think, you know, 8 the Children and Social Work Act, the new arrangements, 9 as they were configured, were configured at speed. It's 10 one of the problems with legislation when we know we 11 have had problems for a long period of time, yet we 12 don't take the opportunity to listen and configure the 13 legislation in a way that would be meaningful. 14 So, on paper, being able to designate any particular 15 establishment or group as a relevant agency seems 16 powerful, and so we felt that we would then be able to 17 designate those organisations and spaces and places and 18 activities there and expect them to behave as if, you 19 know -- a school, for example, as if a statutory 20 organisation when it came to compliance with, for 21 example, Working Together. 22 When we have taken legal advice, of course it is not 23 as straightforward as that. So we can designate, we can 24 ask and request, but we are still trapped in this 25 voluntary world where, actually, what is the consequence</p> <p style="text-align: center;">Page 129</p>	<p>1 of failing to comply? That would mean the local 2 authority actually taking legal action -- first of all, 3 going to the Secretary of State and then having to 4 commence legal action, which is a sledgehammer to crack 5 a nut, when properly configured legislation could have 6 provided us with a legal instrument to make sure 7 children were safe in a much more effective way. 8 MS SCOLDING: Ms Booth, have you adopted the same approach 9 in Bradford in terms of having all out-of-school 10 settings as relevant agencies or any religious -- are 11 any of your religious organisations designated by 12 yourself as relevant agencies under the Children and 13 Social Work Act 2017? 14 MS BOOTH: No, we haven't. It's interesting to hear what 15 Jim has to say. We took the view that putting somebody 16 in the partnership as a relevant agency was an important 17 and serious step and that the minimum we could expect 18 was that we could write to them and tell them that we 19 were intending to do it. So we haven't gone for a sort 20 of blanket phrase that says, you know, all out-of-school 21 settings or all voluntary organisations, or whatever, in 22 quite the same way, because we felt that, actually, it 23 didn't have any meaning for us if we didn't know who it 24 was we were talking to and couldn't hold them to account 25 in any way.</p> <p style="text-align: center;">Page 130</p>
<p>1 However, we are a bit inconsistent in that because, 2 whilst we say that our training is available for partner 3 agencies, we actually make our training available to 4 anyone in the Bradford district who works with children 5 and young people. So they get free access to our 6 training, for example. 7 We also have got very strong relationship with the 8 organisation that co-ordinates the voluntary sector 9 activity, which is called CABAD in Bradford and Young 10 Lives. Quite a number of organisations who run 11 out-of-school settings are in fact members of that 12 organisation or are registered charities. Again, we 13 have a different kind of relationship via that 14 organisation with a wide range of people. 15 We also link with them through some other strategic 16 bodies, such as what used to be called the Health and 17 Well-being Board and what used to be called the 18 Children's Trust, both of which have got new names this 19 year, but people understand them with those names, and 20 subgroups of those; for example, the bishop chairs 21 a Stronger Communities Group that's a subgroup of those 22 and we link in with those. We have a strategic 23 relationship with those. But none of the religious 24 organisations are specifically named as relevant 25 agencies.</p> <p style="text-align: center;">Page 131</p>	<p>1 MS SCOLDING: Despite that, Mr Gamble, would you like to 2 come back on something now or -- 3 MR GAMBLE: I just want to clarify, while I'm saying that we 4 have adopted that blanket approach, it's for a reason. 5 We, too, have a very strong relationship with the 6 Hackney Council for the voluntary sector and through 7 them -- and we have an ongoing relationship and indeed 8 a very good relationship with certain faith-based 9 groups. But our experience has been such that we 10 recognise that, you know, you can have a list of those 11 people who self-declare, but, as in all things to do 12 with child protection, the individuals who self-declare 13 aren't necessarily the people that you need to be 14 engaging, because they're acknowledging that they exist 15 and that you exist to help support and advise them. 16 So we have taken this, after -- you know, from my 17 own point of view, seven years of experience, for 18 example, of trying to engage yeshivas, which is like 19 playing Whack-a-Mole when you're trying to engage in 20 a way with locations that will move simply to avoid 21 engagement. So I wouldn't want you to think that what 22 we did was simply apply a blanket approach with no 23 reason. We have applied a targeted approach to those 24 environments we recognise that children will frequent on 25 a frequent and routine basis and where we would expect</p> <p style="text-align: center;">Page 132</p>

<p>1 that organisation to behave as a relevant agency, and, 2 as we are identifying them, we are, of course, writing 3 to them and letting them know about what our 4 expectations are. 5 MS SCOLDING: Ms Booth, can I ask you about the -- you say 6 you have a very good relationship with the religions, 7 and in particular you seem to have quite a strong 8 relationship with the local Council of Mosques. They 9 have provided us with a witness statement where they, in 10 effect, say, "We use the local authority for all our 11 training, we go and ask them about all our policies, we 12 identify and" -- I mean, to say that they love you might 13 be taking it a bit too far, but they certainly appear to 14 engage with you on a very regular basis. How do you 15 think you have managed to accomplish that? 16 MS BOOTH: I think it developed from quite a longstanding 17 relationship between the partner agencies and the 18 Council for Mosques. Of course the Council for Mosques 19 do have quite a large membership, but they do not have 20 membership from all the mosques in the Bradford 21 district. There are other mosques who might take 22 a different approach to their interpretation of 23 the faith, et cetera, who might not be engaged with 24 that. So we do also have some other ways of linking 25 with people.</p> <p style="text-align: center;">Page 133</p>	<p>1 But I think it is because the council particularly, 2 but other partner agencies too, have historically 3 reached out to the Council for Mosques. 4 In all areas where you have such a diverse 5 population, there are times when you're very conscious 6 about community cohesion and the need to be supportive 7 of communities at difficult times, and so I think 8 Bradford has been able to build strength from that in 9 terms of supporting those communities. 10 My own perception is that we have a very robust 11 organisation in the Council for Mosques. They know what 12 they can do but, as you will have seen from their 13 statement, they also know what the limitations are in 14 terms of their relationship with the individual mosques. 15 I think it is because we talk to each other, you 16 know, if I have something I want to raise, I know who to 17 go to. If the Council of Mosques wants advice about 18 something, they know who to go to, either in the local 19 authority, in the partnership itself, and they will do 20 that, we will do that. I think it's because when -- 21 probably quite a lot of years ago now, when we were 22 beginning to get our heads around things like the 23 Prevent agenda and radicalisation as a safeguarding 24 issue, we were able to have very constructive 25 discussions with the Council for Mosques. I think we</p> <p style="text-align: center;">Page 134</p>
<p>1 saw a mutual interest in ensuring that we got good 2 safeguarding policies in place. 3 That's, as I say, not to say that they're 4 all-encompassing and the statement you have got from the 5 Council of Mosques does say membership doesn't bring 6 with it any sense of accountability to the Council for 7 Mosques. They are an enabling and a supportive entity. 8 But we certainly perceive them as doing that, and they 9 will set things out for us and we get a lot of 10 attendance at events that we -- that are supported by 11 the Council for Mosques. 12 MS SCOLDING: Danny, CFM000001_002. It is behind tab 4 of 13 the bundle. Ms Booth, your enthusiasm is noted, but the 14 transcribers have just sent me a message saying, "Would 15 you mind slowing down slightly?", as you're speaking 16 fairly quickly, fairly rapidly, and they're finding it 17 difficult to be able to follow along contemporaneously. 18 So we have got that. It identifies that the 19 Bradford Children's Safeguarding Board, at paragraph 9, 20 become involved in all child safeguarding complaints. 21 They direct all supplementary schools to be provided 22 with advice and assistance for you. At paragraph 10, 23 Danny, if you wouldn't mind getting it up, they signpost 24 them to obtain advice and support, including appropriate 25 training, and, in fact, I think you have worked</p> <p style="text-align: center;">Page 135</p>	<p>1 extensively with supplementary schools and you have 2 a quality framework, as I understand, that you have 3 developed that you try to give out for all supplementary 4 schools. That's not in this witness statement. That's 5 paragraphs 59 to 62, Danny, of BFC000088_011. It's been 6 recognised nationally and you also launched a quality 7 framework for supplementary schools -- paragraph 61 -- 8 registering them, and you also, at paragraph 63 -- 9 Danny, would you mind getting up paragraph 63? 10 Partnering with the local college to ensure that 11 supplementary schools complete a sort of a BTEC in 12 teaching. So, again, how do you manage to operate quite 13 so successfully with supplementary schools in your area, 14 some of which might be involved with mosques, others of 15 which might not be? 16 MS BOOTH: I think it's partly down to the strength of 17 the team within the council's safeguarding education 18 unit. I think the work that they have done 19 historically, and those two things referenced in the 20 statements, of course, are from a couple of years ago 21 now. They would say that they have seen an improvement 22 in their ability to engage around these kinds of things 23 whilst they have had the additional funding from the 24 out-of-schools settings pilot. So that, for example, 25 the documents that you referred to there, the tools that</p> <p style="text-align: center;">Page 136</p>

<p>1 we give them, have been updated, they have had the 2 opportunity to get feedback in a different kind of way, 3 so many of those documents are now being simplified. 4 Another piece of work that was done, a couple of 5 years ago now, also enabled them to get feedback from 6 parents of children who are in out-of-school settings, 7 particularly the mosques and the madrassas. What we 8 found was that parents have a growing appetite for some 9 kind of quality assurance around the provision that 10 their children are attending. 11 At one time, children would almost always be going 12 to the nearest madrassa. It is now not unheard of for 13 children to go elsewhere because their parents have 14 identified a better-quality setting. I think, whilst my 15 focus is obviously safeguarding, we have -- the council 16 has almost always wrapped a package of things together 17 in the training programmes, which people have found 18 incredibly helpful. So we have addressed things like 19 managing behaviour in a classroom setting, we have 20 looked at things like first aid. You know, some very 21 practical things that are also of value to the people 22 providing out-of-schools provision. 23 So I think they see the benefits of joining in some 24 of that. We are looking, again, at the quality 25 assurance stuff because, as I say, parents particularly</p> <p style="text-align: center;">Page 137</p>	<p>1 are giving feedback that they would like to see more 2 mosques and madrassas applying a quality mark when they 3 are working with children and young people. 4 Of course, information is so much more available 5 now, people are looking at their Facebook pages, they 6 are wanting to know a lot more information. It isn't 7 being -- my sense is that it isn't a case of, this is an 8 obligatory attendance. Increasingly, I think parents in 9 Bradford are genuinely interested in the quality of 10 what's going on in those settings. 11 MS SCOLDING: Mr Gamble, you identify from paragraph 23 12 onwards that there has been an ongoing issue in 13 particular with you getting religious organisations to 14 engage in training, to engage in religious awareness, 15 and in particular no religious organisations, as 16 I understand it, have attended your courses in recent 17 years, unlike, for example, Ms Booth. You identify in 18 particular, Mr Gamble, in your witness statement some 19 significant issues that you have had in respect of 20 yeshivas. So I'd like to ask you now, what are the 21 particular difficulties you've come across with 22 yeshivas, and perhaps the first thing to say is, what do 23 you consider to be a yeshiva first off? What's your 24 definition of a yeshiva? 25 MR GAMBLE: First of all, I would like to put what I'm going</p> <p style="text-align: center;">Page 138</p>
<p>1 to say in context because otherwise we can be comparing 2 apples and pears, which I don't think, in this context, 3 would be helpful. Hackney has 60,000 children, 4 23 per cent of the population under 18. 58 per cent of 5 those children to 60 are from black or other ethnic 6 minority backgrounds. We have a rich, diverse 7 community. We have black Caribbean, black British, 8 black African, Turkish, Kurdish, Haredi Jewish children 9 and others. I have to say, we have over 180 languages. 10 If you look at the reports that we have had from LADOs, 11 over half of them came from mosques. 12 So I wouldn't want to create the impression that we 13 have had no engagement with other religious settings. 14 In 2019, I think there were 11 representatives of 15 different religious organisations that didn't attend our 16 training and our training fed 1,200. We provided 17 face-to-face training for 1,200 people last year, and 18 300 since COVID, using technology. 19 Where we come up against a more difficult stumbling 20 block, and the difference again looking at some of 21 the issues around mosques, engagement with imams, which 22 we, too, have had, around radicalisation, is when you 23 come to the yeshiva scenario where you're not talking 24 about countering radicalisation or that type of work, 25 what you are actually talking about are deeply, deeply</p> <p style="text-align: center;">Page 139</p>	<p>1 faithful, strictly Orthodox Jewish people who have 2 chosen to send their sons, between the age of 12 and 17, 3 to what we call an unregulated education setting, so it 4 is not an independent school, it is to a setting where 5 they will, during what would be considered the normal 6 school week, study the Talmud, and they will disappear 7 from the system, as I said, between the age of 12 and 8 17. 9 What we have found is, you know, since 2013 our 10 engagement with the Department for Education, our 11 engagement with Ofsted and indeed our engagement with 12 representatives -- I don't like to say "with the Jewish 13 community", because that's a community of communities. 14 There is a very varied response. But with our 15 engagement with the Haredi, the strict, orthodox Haredi 16 community, at times we make progress. Then, at other 17 times, that's driven backwards and there's a couple of 18 reasons for that. 19 One is because there is a lack of trust, and that 20 trust primarily I think is with central government. The 21 unregistered education settings that we engage with have 22 a very, very, very narrow curriculum. Those who support 23 and deliver within that environment do not want to 24 expand it in the way that the Department for Education 25 and, indeed, Ofsted expect them to do, and that creates</p> <p style="text-align: center;">Page 140</p>

<p>1 a problem. Therefore, that mistrust means that, even 2 when we are paying training providers, you know, from 3 within the community to deliver safeguarding training to 4 that particular community, they can't or won't tell us, 5 and nor will, you know, those involved at a significant 6 level of authority within the Haredi community, where 7 those yeshivas are. 8 So we are left then with a significant concern about 9 identifying places and locations where, when we go, we 10 find between 140 and 200 young boys in an environment 11 where we cannot reassure ourselves that the security is 12 appropriate. In fact, in some locations that we go to, 13 you can simply walk in without being challenged, until 14 people realise who you are, or where the back door and 15 the fire escape is locked, or when you go in through 16 what seems to be the front of a, you know, terraced 17 house, you find that all the walls have been knocked 18 down so that, actually, it is much, much bigger inside. 19 When you try and engage with those who are hosting that 20 particular facility, you meet obstruction. In fact, in 21 some cases that I'm personally aware of, slightly worse 22 than that: no-one can tell you who is present, no-one 23 can give you the idea about numbers. 24 So we have been trying to deal with this for seven 25 years and, in doing so, I have engaged with central</p> <p style="text-align: center;">Page 141</p>	<p>1 government to reflect what we have been doing locally in 2 Hackney, and I have engaged directly with the Union of 3 the Orthodox Hebrew Congregations, and with individuals 4 within it, and we seem to make a limited degree of 5 progress and then come to a stalemate position, to the 6 point whereby the frustration for the safeguarding 7 partners is that no matter how hard we work to reassure, 8 to listen to the cultural concerns, to adapt, even to 9 the point of saying, "Look, from our point of view, 10 let's separate the safeguarding issues, the primary 11 safeguarding issue, from the curriculum-based issues", 12 to be met in the final correspondence with feedback 13 that, if we could just get the Department for Education 14 to negate the curriculum requirement, then those people 15 that we have been negotiating with would meet our 16 requirements around safeguarding. 17 To bring this -- my first statement on this to 18 a close, safeguarding children is non-negotiable. You 19 know, no tradition, no culture, can be allowed to 20 prevent us from delivering the same level of 21 safeguarding to children in one location, or the 22 reassurance around that, as we do in another. So that 23 is the frustration that we feel. We have it with other 24 organisations, we have gone to Christian churches where 25 deacons and others have been very legalistic, but</p> <p style="text-align: center;">Page 142</p>
<p>1 nowhere does it manifest itself on the scale and with 2 the disruptive influence that it does within this 3 particular set. 4 MS SCOLDING: In fact, the Children and Young People's 5 Scrutiny Commission undertook a commission in 2017 into 6 2018 which we have copies of behind tab 25 of 7 everybody's bundles. This is a very lengthy document 8 which we will obviously publish, but, in effect, what it 9 says is, after having undertaken a survey, after having 10 had very many meetings, after having attempted to engage 11 with the community, you cannot be certain, as a local 12 authority, that children are being kept safe in some of 13 these environments, because you simply don't know enough 14 about what's going on in them. Is that to precis what 15 is a very detailed report, what your findings are? 16 MR GAMBLE: Yes, and we have come to the point where we have 17 become even more concerned, because that's going back to 18 work begun 2017/18. This goes down year on year. It is 19 something that needs to be addressed and will not be 20 addressed by any voluntary code. 21 MS SCOLDING: When, for example, you have said to -- 22 Ms Booth, I will come back to you in a moment. When, 23 for example, you have said, for example, "Look, we 24 don't -- you can teach whatever you want. That isn't -- 25 it is nothing to do with us as safeguarding partners.</p> <p style="text-align: center;">Page 143</p>	<p>1 That's Ofsted's business or anybody else's business. 2 Can you tell us, do you have a safeguarding policy? How 3 many children have you got there?", are you able to get 4 that information on a voluntary basis? 5 MR GAMBLE: No, we are not. I think, just to put that in 6 context, as we began to engage with the community, you 7 know, a number of rabbis did engage with us and we 8 attempted to make progress. I then wrote to the 9 rabbinate of the Union of Orthodox Jewish Congregations 10 suggesting that they nominate someone with whom we could 11 work because we recognised the need to deliver this in 12 context, in the context that would work for them, and 13 simply, you know, our mutual intent was that we were all 14 reassured about children. 15 The rabbinate wrote back to me, in fact, and said, 16 well, look, they had appointed a senior individual from 17 their executive who was going to look at issues around 18 fire and health and safety in these establishments. So 19 I responded by saying, "Well, that is good, because, 20 clearly, if you are going to do that, you must know 21 where these establishments are, and that's what we have 22 been trying to do, establish their location, so that we 23 can visit and reassure ourselves". 24 That didn't manifest itself in them being able to 25 identify. What we are told by, you know, some very,</p> <p style="text-align: center;">Page 144</p>

<p>1 very credible contacts from within the community we have 2 worked with is that there is no central authority, there 3 is no oversight. Some of these yeshivas are owned 4 either by individuals in Israel or in America and 5 thereby there is no mechanism or means for them to 6 authoritatively influence them. Even when we have 7 stepped back from that and said, let's just use your 8 influence to say, "We will support you, we will help you 9 create a safeguarding committee. It will be yours. We 10 will provide support to you about what you can do, how 11 you can ensure safer recruitment, how you can ensure 12 that the premises are more suitable, how you can carry 13 out your own audits", so stepping back slightly to try 14 and meet that limited step. We initially meet agreement 15 and then we find that that agreement dissipates once the 16 conversation is over and obviously things go back into 17 the broader environment. 18 MS SCOLDING: If we can get up HAC000015_011, this is the 19 recommendations from the Scrutiny Commission. Could we 20 look at recommendation 2: 21 "While the commission acknowledges the 22 challenges ... the only way to ensure consensual and 23 lasting change ... is that a contact group be 24 established by various people to support the development 25 of a safeguarding reassurance progress and with a clear</p> <p style="text-align: center;">Page 145</p>	<p>1 remit in terms of reference to try and build 2 confidence." 3 As I understand it, you have been one of the people 4 who has been trying to do that. Danny, would you mind 5 getting up HAC000016_001. This is your, in effect, 6 correspondence between yourselves and the rabbinate and 7 part and parcel of trying to set these things up. 8 I think we see you're still at what I might call 9 Groundhog Day, in that everybody is willing but you 10 haven't really gone past willing. Is that a fair 11 summary of where you have got to with the rabbinate at 12 this particular stage in time? 13 MR GAMBLE: I think that is fair summary. To put this, 14 again, in context, I have visited the homes of 15 the rabbis. I have gone to a summer yeshiva hosted in 16 the synagogue to talk to young people there. We have 17 really done everything that we can to sensibly and 18 sensitively engage. I get the feeling from the 19 individuals representing the rabbinate and the wider 20 Orthodox Jewish community that we engaged that they 21 really want to do this but there is an inhibitor with 22 regard that is thrown back at us afterwards, when we 23 build trust, that there's no trust with the state, for 24 example, that we want the state to have line of sight. 25 I am fundamentally independent. I would be as critical</p> <p style="text-align: center;">Page 146</p>
<p>1 of the state as I would be critical of any agency or 2 otherwise who was engaged with children who wasn't doing 3 what they should, and, indeed, if you look at my 4 correspondence with government, you can see from 2014 5 I've been saying, "We need a legislative instrument for 6 this", and I've asked that there be an independent 7 review of why the Department of Education is taking so 8 long to get a grip of something where, literally, we can 9 have thousands of children out of our line of sight in 10 an environment that we know, from work in America and 11 Australia, represents a risk. 12 MS SCOLDING: Yes. I think it is clear, just for the 13 benefit of -- if we go to HAC000010_001, this is 14 a summary of your correspondence, Mr Gamble, with the 15 Secretary of State for Education, identifying in what 16 I would describe as characteristically robust terms, 17 your view that the legislation needs to be changed, and 18 identifying a degree of frustration about the delay that 19 there's been in proposed legislation. Is that right? 20 MR GAMBLE: That's right. Of course, there are meetings 21 that aren't referenced there that I've had with 22 Lord Nash and Lord Agnew with representatives of 23 the orthodox -- the Haredi community present and members 24 of Ofsted and DfE. In fact, I would say that my views 25 and Ofsted's views are absolutely aligned on this, given</p> <p style="text-align: center;">Page 147</p>	<p>1 that we have both struggled with it for a number of 2 years. 3 MS SCOLDING: We had Ms Spielman come to give us evidence 4 in May. She went through the various difficulties that 5 she's overcome, and she identified, in fact, what 6 I think is probably similar to your conclusion, that she 7 feels as if there's a sort of brick wall and she can't 8 really get over it to try and manage and ensure adequate 9 safeguarding of children within the context of 10 the yeshiva, the ultra -- the Haredi community yeshiva 11 system in Hackney. Yes. 12 Ms Booth, you wanted to come in a while ago, and 13 I asked you to wait. Please -- 14 MS BOOTH: I just wanted to really confirm what Jim was 15 saying about the importance of context here. Because 16 I think in Bradford we are operating in a very different 17 context. 18 I wouldn't wish to suggest that everything in the 19 garden is rosy either, because obviously there are 20 significant numbers of out-of-school settings -- 21 madrassas, et cetera -- who are not affiliated even to 22 a mosque, never mind the Council for Mosques, and those 23 are very much more difficult for us to reach out to. 24 When there are difficulties, when we do identify 25 those settings, and there are difficulties with them, it</p> <p style="text-align: center;">Page 148</p>

<p>1 is largely, I think, however, to do with a lack of 2 perhaps knowledge and our understanding about what might 3 be required rather than what might sound like a more 4 systemic resistance to the notion of having appropriate 5 safeguarding policies in place. We might get caught up 6 with other issues for people, like, maybe wanting not to 7 be in the public view because of maybe planning issues 8 or, you know, they might surface -- need planning 9 permission, the premises are not suitable, so they 10 disappear and they might move somewhere else. So we 11 still have all those kinds of things. But we don't get 12 what Jim has been describing there, which is something 13 that sounds like a really systemic issue of resistance. 14 MS SCOLDING: Can I identify, you have both provided us with 15 a list of LADO referrals from religious organisations. 16 Ms Booth, you first. Your list of referrals are behind 17 tab B35. Danny, BFC000090_001. There were 32 referrals 18 of which the majority came, in fact, via the police, but 19 seven came from the religious setting, and six of them 20 resulted in a conviction. You have set out at _001 21 those which resulted in a conviction. 22 MS BOOTH: Yes. I mean, I think -- 23 MS SCOLDING: (Overspeaking) details of those cases. What 24 I suppose I want to know is, do you think that this 25 reflects accurately the prevalence of child sexual abuse</p> <p style="text-align: center;">Page 149</p>	<p>1 within Bradford or do you think that this is the tip of 2 the iceberg? 3 MS BOOTH: I think we have to assume, from what we know 4 about adults reporting their childhood experiences, that 5 this must be a significant underrepresentation of 6 the prevalence of child sexual abuse in our society and 7 our communities. 8 I also think it is important to recognise that, in 9 some of the areas where we find the majority of 10 the out-of-school settings, you know, there may be 11 cultural, religious, other pressures that come to bear 12 on this, because it is significant that a very small 13 number of these have come directly from religious 14 settings themselves or out-of-school settings 15 themselves. 16 Where we do get concerns being raised about 17 out-of-school settings, it is more often about physical 18 abuse and things like chastisement far more often than 19 it is about concerns about child sexual abuse. 20 MS SCOLDING: Thank you, Ms Booth. Mr Gamble, turning 21 briefly to your LADO referrals, which are behind 22 tab B28, that's HAC000025_001, and you have provided us 23 with those details from 2017. We have seven pages of 24 that. Again, I just wanted to identify with you, do you 25 think that this is an accurate reflection of what may be</p> <p style="text-align: center;">Page 150</p>
<p>1 going on in religious organisations in respect of sexual 2 abuse, or do you think that this is likely to be 3 a significant underestimate? 4 MR GAMBLE: It's a huge underestimate, I would think. Given 5 what we know about people in positions of trust, given 6 how young people are easily influenced and indoctrinated 7 and given what we know about the difficulty of coming 8 forward to report, that is even without the layers of 9 pressure that can be directly and indirectly applied, 10 I think that that's a huge -- represents a huge level of 11 under-reporting. 12 MS SCOLDING: Thank you. So we have both identified the 13 issues that you have got. I'm now going to ask you for 14 some recommendations. Ms Booth, I am going to ask you 15 first. If you wanted to improve the oversight or to 16 ensure adequate safeguarding of children in Bradford in 17 respect of religious organisations which perform 18 activities with children or voluntary organisations 19 generally, what would you recommend? If you could say 20 to Gavin Williamson, "This is what I think you should 21 do", now is your chance. 22 MS BOOTH: I think that probably folks from other local 23 authorities that you have spoken to earlier in the year 24 have expressed similar views, but my view is that, if 25 you don't have a requirement for registering of some</p> <p style="text-align: center;">Page 151</p>	<p>1 kind of organisation and some regulatory framework 2 around that, which can be monitored, then you're on 3 a hiding to nothing, really, in terms of accountability 4 and applying standards across this sector, and of course 5 we would take that far wider than the religious 6 organisations and would want that to be in place for all 7 out-of-school settings. 8 MS SCOLDING: So your view is there should be registration 9 and some form of minimum standards. When you are 10 talking about minimum standards, what would you be 11 talking about? 12 MS BOOTH: The requirement to have a safeguarding policy in 13 place; to have procedures that support it; to have staff 14 trained; to have record keeping policies that ensure 15 things are dealt with appropriately; and to be prepared 16 to be accountable, both internally, through sort of 17 internal audits, but also externally. 18 MS SCOLDING: Externally, who do you think should be the 19 organisation that performs that role? 20 MS BOOTH: I think it should be Ofsted. 21 MS SCOLDING: Not you? 22 MS BOOTH: We are not an operational organisation. As 23 a partnership, we are all about strategic direction, we 24 are all about large frameworks. We are not -- we don't 25 manage any services, we can't regulate any services.</p> <p style="text-align: center;">Page 152</p>

<p>1 What we have is influence, but we don't have any powers. 2 So you couldn't place it with us. 3 You could place it, I suppose, with local 4 authorities, but there would be massive resource 5 implications to doing that. There's no easy way in 6 which that could be achieved, and, really, because many 7 of these settings also have a crossover with education 8 of one sort or another, then it seems to me to sit very 9 properly with Ofsted. (Overspeaking) would be new 10 resources. 11 MS SCOLDING: Do you think that the current statutory 12 guidance to religious organisations and settings in the 13 form of Working Together is sufficient for them to 14 understand and know what it is they're meant to do in 15 terms of adequate policies, practices and procedures? 16 MS BOOTH: No, I don't. 17 MS SCOLDING: What would be your recommendation: that there 18 should be specific guidance for voluntary organisations? 19 MS BOOTH: I think there should be more formal guidance. 20 I think, because of the status of these organisations, 21 and the bit of a discussion we had earlier about whether 22 they're identified as relevant agencies, that actually 23 there needs to be a lot more clarity. I think that 24 there need to be regulations that apply to all settings 25 where adults have unsupervised access to children.</p> <p style="text-align: center;">Page 153</p>	<p>1 MS SCOLDING: Thank you. Mr Gamble, turning to you. If you 2 had Gavin Williamson in front of you, given the issues 3 that you have described, what would be your recipe for 4 resolving the problems that you found? 5 MR GAMBLE: I think there are a couple of things. 6 I wouldn't disagree largely with what Jane said. First 7 of all, we need to build on the Children and Social Work 8 Act, we need to build on the practice that's been 9 legislated for with regards to designating relevant 10 agencies. Ultimately, there needs to be a consequence 11 that, number one, as part of that, once you're 12 designated as a relevant agency, you should be expected 13 to register, it should be a legal requirement for you to 14 register. You should be required, when designated as 15 a relevant agency, to act as if a statutory one when 16 called upon by the safeguarding partnership, which does 17 carry out the multi-agency audits, which does carry out 18 the peer reviews, you should be required to comply -- 19 I agree with Jane on this -- with the provision of an 20 appropriate safeguarding policy to be able to 21 demonstrate safer recruitment practices, that you can 22 evidence the widespread or the wide-ranging safeguarding 23 kind of steps that are being taken to make sure that 24 premises are safe and that staff are properly trained, 25 and, indeed, vetted.</p> <p style="text-align: center;">Page 154</p>
<p>1 So to deal with the broad range of out-of-school 2 settings, I would simply give the designated agency 3 approach legislative teeth: a consequence of failing to 4 apply accompanied with the need to register. 5 When it comes to yeshivas, which I think, all but 6 for the narrow curriculum that's taught, they are, in 7 essence, schools, I would simplify the approach and give 8 local authorities the power that if something walks like 9 a school and talks like a school and behaves like 10 a school, if children are regularly meeting together in 11 large numbers over the period of time they would 12 normally be in school, the local authority should be 13 able to designate that premises as a school. I don't 14 agree with we set these kind of criteria, because when 15 you do, if you look at elective home education and other 16 areas of legislative practice, people will then find 17 ways around them. If we are going to deal with this 18 effectively, you give the local authority the power to 19 designate an unregistered education setting as a school, 20 in the interests of natural justice. They can appeal to 21 the Department of Education, and there are other models 22 where that can be done. They can appeal and say, "This 23 is an unfair designation", but in the interim period 24 they must comply as if a statutory body. 25 We have done some work in reviewing other -- I have</p> <p style="text-align: center;">Page 155</p>	<p>1 been involved in reviewing other religious 2 organisations, and I think there are three things that 3 are key: whenever they are developing policy, and I have 4 listened to some of the evidence given, they put faith 5 first. Well, you can't do that. Number one, you have 6 to put your statutory requirements first. Number two, 7 you should be aiming for good practice. Number three, 8 if you can do both of those things, you then place it 9 within the context of your faith. 10 So I think we need to be unapologetic about being 11 child-centric, not faith-centric. Of course we need to 12 recognise and respect the context. But let's legislate 13 for the wider group of out-of-school settings using the 14 children and social work legislation and add teeth and 15 create a new power for local authorities to simply 16 designate an environment they believe manifestly is 17 a school. 18 MS SCOLDING: So you don't agree with the Department for 19 Education issued some guidance seeming to suggest that 20 it would seek to ask that all educational establishments 21 which are full time register, in effect, as schools. 22 You think that that will just cause more -- an evasion 23 of a loophole or the creation of a new loophole. Is 24 that right, Mr Gamble? 25 MR GAMBLE: If that's the Green Paper submission that was</p> <p style="text-align: center;">Page 156</p>

<p>1 made by the Department for Education, what I have 2 actually said in my correspondence with them, "That's 3 fine, but add a line, 'or any premises the local 4 authority designate as a school'". Because that puts 5 the law on the side of the child and gives the power to 6 those who have to enforce it, and I don't think you're 7 going to be able to, you know, invest in Ofsted to the 8 degree that they can do all of these things. Local 9 safeguarding partnerships have to have more than 10 influence; they need, through the local authority, who 11 now, along with police and health, lead in these areas, 12 to have the actual authority to use the collaboration 13 within the safeguarding partnership to carry out these 14 multi-agency case audits and visits and then report. 15 Because what we've got is we've got the Child 16 Protection in Sport Unit which does a very good job. We 17 have got a lot of stuff in some of the mainstream 18 churches that are very good policy-wise but there is no 19 evidence of compliance. I think the Charity Commission 20 lacks an inspection arm. So they go in after something 21 has gone wrong and been found out, but they don't go in 22 frequently and routinely, in the way Ofsted does, to 23 carry out inspections. So I think you have the 24 opportunity to look creatively and imaginatively at how 25 we simplify this to promote better safeguarding practice</p> <p style="text-align: center;">Page 157</p>	<p>1 and to ensure compliance with it. 2 MS SCOLDING: So your role would be that you would place the 3 auditing inspection role with the Local Children's 4 Safeguarding Partnership? 5 MR GAMBLE: Yes, I would, because I think, through the 6 collaboration of resources that they have, and because 7 they're locally based, it would be about, you know, 8 acting within our learning and improvement framework, 9 which will be about a support and continuous improvement 10 approach rather than, you know, an inspection that may 11 take place, you know, every now and again, but, 12 ultimately, there's no relationship there with the local 13 safeguarding partnerships. 14 So, on the one hand, I'm saying, yes, legislate, 15 give us the authority, but leave us with the influence, 16 you know, in the aftermath of that authority, to work 17 with our local settings, so that we can support them in 18 a local context. Because, you know, context is 19 critically key and we have really championed and pushed, 20 contextualised, safeguarding in Hackney and the board, 21 in 2013, I think was the first to say, "Let's start 22 looking at children's lives and the context of their 23 lives -- you know, the context at home, the context at 24 school, the context outside in other places and spaces 25 online and offline". I think this is a real opportunity</p> <p style="text-align: center;">Page 158</p>
<p>1 for the panel to get a grip of this, strip it down, 2 simplify it, but push it back to the local authority. 3 MS SCOLDING: I'm most grateful to both of you for the 4 evidence you've given this afternoon. I have no further 5 questions. I pass now to Professor Jay and panel, who 6 may have some questions for you. Thank you both very 7 much. 8 THE CHAIR: Thank you, Ms Scolding. I have no questions, 9 but I will check with my colleagues. Ms Sharpling? 10 MS SHARPLING: No, thank you, chair. 11 THE CHAIR: Mr Frank? 12 MR FRANK: No, thank you. 13 THE CHAIR: Sir Malcolm? 14 PROF SIR MALCOLM EVANS: No, thank you, chair. 15 THE CHAIR: I'd like to thank the witnesses very much, thank 16 you. 17 MS SCOLDING: Thank you both very much. 18 (The witnesses withdrew) 19 MS SCOLDING: Chair, if we may now adjourn for today and 20 resume tomorrow at 10.30 am. 21 THE CHAIR: We will do that, Ms Scolding. 22 MS SCOLDING: Thank you very much. 23 (4.05 pm) 24 (The hearing was adjourned to 25 Wednesday, 12 August 2020 at 10.30 am)</p> <p style="text-align: center;">Page 159</p>	<p style="text-align: center;">I N D E X</p> <p>1 2 3 MR PAUL STUART GILLIES (continued)1 4 5 Examination by MS SCOLDING (continued)1 6 Questions from THE PANEL117 7 MS JANE BOOTH (sworn)121 8 MR JIM GAMBLE (sworn)121 9 Examination by MS SCOLDING121 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 160</p>

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