

INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE

RELIGIOUS ORGANISATIONS AND SETTINGS

Written submissions on behalf of Migdal Emunah

1. These written submissions follow the hearings in which the panel heard evidence relating to Jewish communities from Yehudis Goldsobel, Shelley Marsh, Rebecca Fetterman, Steven Wilson, and Jehudah Baumgarten. The issues have been extensively canvassed in witness statements and in oral evidence; we do not repeat matters already set out, but simply highlight key points from the oral evidence, and our submissions as to the inquiry's recommendations.

Key points from the oral evidence:

Reshet (Shelley Marsh)

2. The following points were apparent from her evidence:
 - Reshet has been operating only since 2015, confirming that its safeguarding work is very recent and only incepted within the lifetime of this inquiry.
 - Ms Marsh confirmed that her training activities would not capture those who are unenthusiastic about child protection, or actively hostile to it, and that those who engage with her training activities would be a self-selecting sample.
 - She gave conflicting evidence on coverage, but seemed to concede that her training reaches 25 trustees of relevant organisations per year, which she acknowledged would be a "small" percentage of the whole.
 - She suggested that "more orthodox" sections of the community would use other suppliers, but did not identify the suppliers

- She acknowledged a “lack of clarity” with in the community about how to integrate ex-offenders, and a confusion about the definition of regulated activities.
 - She acknowledged the need for uniform standards, and the lack of them currently
 - She acknowledged the persistence of concerns in the community around reputational protection and consequent reluctance to engage
3. On any assessment of her evidence, Reshet’s reach in the community is limited to those interested in safeguarding and already inclined to engage. The issues she acknowledged in the community – lack of engagement, lack of uniform standards, and focus on reputational protection at the expense of children – can only be addressed by external oversight.
4. Since the IICSA hearings Reshet has been invited to attend meetings at the Board of Deputies to discuss addressing safeguarding in the community. No victim advocacy or support services were invited or present at these meetings. This is a form of communal ostracisation alongside the United Synagogue’s victim blaming words below – ensuring no one involves Migdal Emunah in further work.

Liberal Judaism (Rebecca Fetterman)

5. It was clear from Rebecca Fetterman’s evidence that:
- The decision to mandate that all member communities must have a safeguarding policy and to send staff or volunteers to accredited training was only made in November 2019.
 - As yet, only 50% of the member communities and synagogues have done both of the training courses now offered
 - No independent external audits of safeguarding have been done
 - No training log has been kept.

- The safeguarding policy for Liberal Judaism is not dated and was written by LJ themselves, not an external expert.
6. Ms Fetterman confirmed that the definition of Regulated Activity is unclear and unhelpful: part-time rabbis are a problem under this definition.
 7. The inception of the current safeguarding regime in November 2019 is extraordinarily late and suggests the decision was only made given the announcement from IICSA of its intention to investigate minority religious organisations.

United Synagogue (Steven Wilson)

8. Despite the superficial plausibility of Mr Wilson's oral evidence, including his apparent support for independent external oversight, two matters stood out from his evidence and the closing oral submissions of the US's legal representative.
9. Firstly, a victim blaming mentality towards those in the Jewish community to those who have fought to expose abuse and ensure proper investigation of cases- for example Migdal Emunah, at whom the following comments from US's legal representative were clearly aimed: "*The ability of victim focussed organisations to put aside their understandable suspicion of religious communities and to adopt an approach based on positive engagement and dialogue as opposed to criticism and conflict is key*". Such statements turn reality on its head, and seek to place the responsibility for safeguarding failures not on those responsible for them, but on those who have challenged them. This is also a form of ostracisation – basically telling the community to not work with Migdal Emunah.
10. Secondly, on the issue of an independent external regulator, the US's legal representative stated as follows: "*...the United Synagogue considers there would be real benefit in having an independent body to set clear and minimum standards and to monitor adherence to those standards. The body would need to*

be religiously literate but independent of any particular religion. Moreover, the system would need to be structured in a way as to avoid placing an excessive administrative burden on communities and provide religious communities with discretion as to how to achieve the safeguarding standard”.

11. In our submission, these statements illustrate a continuing reluctance on the part of the United Synagogue and the organisations associated with it to take responsibility for past failings, and a continuing belief in the efficacy of self-regulation (“*discretion as to how to achieve the safeguarding standard*”), even though this has clearly failed. It illustrates precisely the risk of regulatory capture we warned about in oral submissions.

UOHC (Jehudah Baumgarten)

12. Rabbi Baumgarten’s evidence illustrated, no doubt unintentionally, the vast gulf between the requirements of modern child protection and safeguarding on the one hand and the culture, beliefs and practices of ultra-orthodox religious leaders on the other. In his oral evidence Rabbi Baumgarten:

- Maintained the denial and minimisation of child abuse apparent in his written evidence;
- Confirmed the central role of rabbis all aspects of the life of ultra-orthodox communities, including in relation to child abuse;
- Confirmed that despite this, none of the UOHC rabbis are DBS checked and/or trained in safeguarding;
- Confirmed his deeply entrenched resistance to any meaningful form of SRE

13. His failure to engage with the realities of safeguarding at even the most elementary level was so glaring that it scarcely needs pointing out. The attitude of the UOHC and its allies to safeguarding was confirmed by Jim Gamble’s evidence that the issue was treated by them as a matter for “negotiations”. Baumgarten’s evidence bears out the need for the changes identified below.

Shema Koli

14. The inquiry did not hear oral evidence from Shema Koli and so the assertions in their witness statements were untested in the hearing. We put on record our concern at the sequence of events by which Shema Koli avoided being called to give evidence, despite having originally been listed to give evidence in the March hearing and then listed to give evidence in the reconvened August hearing. Following Mr Rabson's withdrawal due to disciplinary proceedings, it was stated that Mr Rabson was no longer active in Shema Koli that no other individual in the organisation was qualified to give oral evidence. Next it was stated that Mr Rabson's replacement was too unwell to give evidence and that as a result no representative of the organisation would be available to do so. Subsequently at Migdal Emunah's insistence a statement was provided on the organisation's behalf by Adrian Jacobs, purporting to answer questions submitted by Migdal Emunah. Mr Jacobs has been a trustee of Shema Koli since 15.11.2018 so (assuming he is fully familiar with the organisation's operations as required of a trustee) he could have made himself available to give oral evidence at the May or August hearing had he wished to do so. This sequence of events strongly suggests that Shema Koli did not wish to submit themselves to the scrutiny of questioning at the inquiry.

The Inquiry's recommendations

15. Migdal Emunah joins other core participants represented by Slater & Gordon in urging you to recommend:

- A new register of religious organisations and settings and those within them undertaking activities involving children
- An expanded definition of regulated activities to capture the full range of activities involving children being carried out in religious organisations and settings
- Mandatory reporting of knowledge and reasonable suspicion of abuse on the model advocated by Mandate Now

- A new set of common safeguarding standards and procedures across religious organisations and settings
- A new independent body with legal powers to audit compliance with those standards and enforce compliance

16. In relation to an independent oversight body, we highlight the real danger of regulatory capture referenced above. An independent body must understand the organisations and settings being regulated; it cannot, and must not, be staffed and led by those being regulated. To be effective, an independent body must be developed with victims/survivors themselves and/or their advocacy groups.

Slater & Gordon

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