

## OPENING STATEMENT BY COUNSEL TO THE INQUIRY

### CHILD PROTECTION IN RELIGIOUS ORGANISATIONS AND SETTINGS

#### Introduction

1. Good morning Chair and Panel. I am Ms Fiona Scolding, leading counsel to this investigation. On my left sits Mr. Olinga Tahzib and Ms. Nikita McNeill, junior counsel. Today we begin the substantive hearing into how faith organisations and religious settings organise their child protection practices: manage allegations made: and what oversight there is of their child protection practices by any external body.
  
2. Chair, I will now introduce those core participants who are in attendance today:
  - a. ***Migdal Emunah*** - represented by ***Richard Scorer and Kim Harrison***, of Slater and Gordon. He also represents the following core participants:
    - i. ***Southall Black Sisters***,
    - ii. ***Lisa Oakley***, Chair of the National Working Group on Child Abuse linked to Faith and Belief
    - iii. ***Yasmin Rehman*** - Chief Executive Officer of JUNO Women's Aid,

- iv. **Sadia Hameed** - the Director of Gloucestershire Sisters,*
- v. **The Interfaith Alliance UK***
- vi. **Lloyd Evans***
  
- b. **Ex-JW Advocates Opposing Crimes Against Children** - represented by **Samuel Barker**, solicitor at Hugh James*
  
- c. **Kol v'Oz** - represented by **Honza Cervenka**, solicitor at AO Advocates*
  
- d. **Nick Griffin QC** and **Amelia Walker** of counsel represent **The Home Office** - and will also be looking after the witnesses from MHCLG, DCMS and MoJ who are due to attend next week.*
  
- e. **Ms Cathy McGahey** of counsel will be representing the DfE who will also be attending next week.*
  
- f. **Ofsted** - represented by **Sarah Hannett** of counsel*
  
- g. **The Charity Commission** - represented by **Saara Idelbi** of counsel*
  
- h. **The Christian Congregation of Jehovah's Witnesses** - represented by **Shane Brady** of counsel*

- i. **The United Synagogue** - represented by **Alan Payne Queen's Counsel***
- j. **The Baptist Union of Great Britain** - represented by **Ijeoma Omambala of counsel***
- k. **The Methodist Church of Great Britain** - represented by **Genevieve Woods of counsel***
- l. **The Union of Hebrew Congregations** - represented by **Paula Jefferson, solicitor at BLM***
- m. **Shema Koli** - represented by **Adam Gersch of counsel***
- n. **Thirtyone:eight** - present is **Justin Humphreys, Chief Executive***
- o. **The United Reformed Church** - present is **Ioannis Athanasiou, Safeguarding Adviser***

*In addition, the following are also core participants, though not present today:*

- p. **Liberal Judaism***
- q. **Reform Judaism***

*r. Evangelical Alliance*

*s. Pagan Federation [not attending]*

3. This investigation begins after you have already looked at the institutional response to child sexual abuse in the Church of England and the Church in Wales, and the Roman Catholic Church, alongside schools run by the English Benedictine Congregation. The Research team also published a literature review about child sexual abuse in the Anglican and Roman Catholic churches, identifying the paucity of any research into sexual abuse in any religious institutions.
4. The Inquiry has also published a review arising from The Truth Project. This identifies particular factors present in experiences shared with The Truth Project by victims and survivors when they involve a religious organisation and setting which we have used to inform some of the strands of this investigation.
5. This hearing provides us with an opportunity to examine how a greater range of religious organisations in England and Wales in 2020 respond to the need to keep children safe and to act appropriately if allegations of sexual abuse are made. We want to look not just at policies, but at the cultures of these organisations, and what barriers there may be to dealing effectively with child sexual abuse within these settings, which of course reflect aspects of our society.

6. Every religious organisation which has provided us with evidence has stressed their dedication to stamping out child sexual abuse, and has categorically said their religion does not tolerate child sexual abuse. What this investigation wants to examine is whether or not these statements of intent are reflected by practice and action.
7. Unlike some of the other investigations, we do not seek to examine any one religious organisation, or forensically examine the response to a particular incident, or series of incidents of sexual abuse.
8. But this does not mean that we will not hear from victims and survivors of sexual abuse in religious settings. When I use the word victim or survivor in this context, I mean a situation where a perpetrator has been convicted in a criminal court, or findings of fact have been made in a civil, disciplinary or regulatory setting that they have sexually abused a child. Otherwise, I will use the word complainant where no such findings have been made or could not be made (because the alleged perpetrator is deceased).
9. This investigation has been focused upon Child Protection in Religious Organisations and Settings. The phrase child protection has been used in recognition of the fact that safeguarding has, because of its use when talking about radicalisation and terrorism become in some communities a touch paper issue. We also think that it is a word which lacks precision and which does not reflect what we want to explore. We are looking at how religious organisations minimise the risk of exposing children to those who would sexually abuse them

and take steps to actively promote good practice in keeping children safe from harm.

10. The purpose of this investigation is to look at:
- a. The management of child protection within religious organisations and/or settings, including;
    - i. Training, and the understanding of child sexual abuse
    - ii. Policies and procedures;
    - iii. Vetting and barring;
    - iv. The arrangements in place to respond to allegations of child sexual abuse, including the provision of pastoral support;
    - v. Internal processes for auditing, inspection or oversight of the child protection practices and procedures.
  - b. The existing statutory framework for the protection of children from abuse, and its application to religious organisations or settings.
  - c. The existing framework for auditing, inspection or oversight of the practices and procedures by either state or non state institutions;
11. We have spent the past nine months requesting, collating and reviewing evidence from a vast number of organisations which are involved in child protection within religious settings. We want to thank each and every one of you who has taken the time and effort to produce evidence for the Inquiry - we know how much time it takes

and are, as ever, grateful for your conscientious and careful attention, and for your patience in dealing with our queries.

### **Difficulties obtaining evidence in this investigation**

12. Not only is it impossible to estimate the prevalence of child sexual abuse in religious organisations because of the absence of data collection or research, it has also been difficult for this investigation to obtain the evidence it requires: to identify relevant organisations, to find contacts for those organisations and to obtain adequate responses from those organisations it has contacted.
  
13. There is no list of religious organisations in the UK. The Charity Commission estimates (and it is only a rough estimate) that there are over 34,000 faith based organisations excluding the Church of England and the Roman Catholic Church<sup>1</sup> registered with it<sup>2</sup>. Around 80% are Christian in origin, with the others relating to other faiths, of which the second largest is Islam, followed by Judaism and then Hinduism.
  
14. There are also around 60,000 exempt or excepted religious charities: all universities, further education, academies, foundation mainstream or special schools, voluntary aided schools, sixth form colleges are all exempt under Schedule 3 of the Charities Act 2011 and so are not permitted to register with the charity commission and do not have to comply with the charities act financial requirements -

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<sup>1</sup> (HG, para 31)

<sup>2</sup> (para 157, HG)

but they have to have a “regulator” who performs much of the role that the Charity Commission would play.

15. There are also excepted charities - which means they don't have to register or submit annual returns, but the Charity Commission can use its powers to intervene and/or take compliance action against them. Many smaller religious organisations are excepted charities are all Christian churches which have an income of less than £100,000 are excepted, and any buildings which are registered places of worship or school premises. Moreover, until 2020 all Cathedrals were exempt from any registration or regulation at all by the Charity Commission because they were ecclesiastical corporations.<sup>3</sup> This is about to change, with the need for all charities with a turnover of more than £5,000 having to register [check] but this has been the position to date.

16. The way that Charity Commission data is kept means that it is also not possible to separate out those charities which relate to religious settings, and those which deal with the charitable giving or other aspects of religious life – such as the provision of support to those living in developing countries. We could not therefore use the Charity Commission as a database for those charities which could be relevant to our investigation.

17. Local authorities do not map religious organisations or settings although some are telling us of steps they are taking to do so for

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<sup>3</sup> (s10 - Charities Act 2011)



religious organisations that offer “supplementary schooling” which I will explain below.

18. To try and obtain a spectrum of information, this investigation started by using information provided about organisations belonging to interfaith networks, but that of course is a self-selecting group. Even amongst those who had shown interest in work around child protection did not all answer our requests, or identified that their size would make it impossible to do so. The investigation therefore sought information from religions absent from these organisations, based upon what information is known about the pattern and nature of such observance from general statistics and information provided by the groups themselves.
19. The majority of organisations to whom we wrote have responded fully, conscientiously and provided us with a great deal of assistance, often pointing us in the direction of other organisations which can help.
20. However, we have encountered some problems. One of them, as I mentioned, is an inability to identify religious organisations at all. The autonomous and individual nature of many religious organisations means that writing to every place of worship by this Investigation would be neither feasible, nor proportionate and some religions have no national or umbrella organisations to provide co-ordination or support.

21. The second challenge was to find the relevant person who deals with child protection within that religious organisation or setting. In many cases the organisations' websites listed no contact with responsibility for child protection, or had no information about child protection at all. The only contact details available were often generic information email addresses or administrative staff, who were not always able to either answer the questions or identify someone who could. This is a cause for concern, because if the organisation cannot tell us who is responsible for what, it strongly suggests that child protection may not be part of their agenda at all.
22. The third challenge is that some organisations did not respond at all to our requests, necessitating the use of the compulsory powers which this inquiry has under Section 21 of the 2005 Act. Without the use of compulsion, we would have struggled to receive adequate information from some organisations.
23. What this shows is that there is still work to be done in providing, mapping and collating sufficient information to identify religious organisations. We know that it would be impossible to identify every small or new religious movement maybe made up of a handful of members, but when we speak of difficulties, this is with long established religious organisations with significant numbers of adherents and long roots within the communities they serve.

## **Introduction – religion in the UK**

24. We live in a multi faith society, with very many religious traditions and beliefs. The 2011 UK census identifies that Christianity is the majority religion of those who express a religious affiliation within the UK - with 59.5% of the population professing such beliefs. Within that religion, there are a vast number of denominations and traditions. In England and Wales, the 2011 census does not collect data on adherence to individual Christian denominations. Surveys seem to suggest that the majority of those who are Christian in the UK are adherents to the Church of England, followed by the Roman Catholic Church with the next largest being Methodists, Baptists and other religious denominations loosely called “non-conformist” because they spring from Protestantism but are not part of the Church of England. As the Evangelical Alliance tells us, the fastest growing part of the Christian church in England and Wales at present is in evangelical, Pentecostal or charismatic forms of worship.

25. The next largest religious affiliation is Islam. Around 5% of the population of England are Muslim which is around 2.7 million people ; Muslims make up 1.5% of the population of Wales. There has been 1.2 million increase in those who are Muslim between the 2001 and 2011 census.

26. Hindus were found to make up 1.5% of the English religious population - around 800,000 people . There were around 420,000 Sikhs in England: 238,000 Buddhists, and 261,000 people who

affiliate to the Jewish religions. All religions, with the exception of Judaism, grew between 2001 and 2011.

27. Despite the fact that society is seen as becoming more secular, with the 2011 census identifying that 25% of the population stated that it does not have any religious beliefs, most people do have some form of belief and religious organisations play some role in the lives of the majority of children in this country in one way or another.

**Some aspects of the political and socio cultural context of this investigation.**

28. This investigation examined a number of religious organisations, many of which have significant numbers of worshippers of black or minority ethnic communities, or those are ethnically or culturally distinct – such as the Jewish population.

29. Some of these religious organisations and the communities to which they belong live together in concentrated geographical areas. Over 50% of the black and minority ethnic community in England live in London, Birmingham and Manchester. The concentration is greater in Wales, with the majority of those living in Cardiff, Swansea or Newport. In some wards in some parts of local authorities there are 70-85% of the population who share a bond of religion and ethnicity – such as Burnley, Bradford or Blackburn for the Muslim community or parts of Salford for the Jewish community. In those areas, children will often go to schools with high concentrations of individuals from the same religious background, even if they are not

faith schools – over 50% of pupils from ethnic minorities go to such schools so that growing up, their religious, cultural, social, employment life and wider kinship groups all being located as part of the community: there is no hard and fast boundary in these cases between what is religious, and what is not. In many minority religious organisations, no matter what one's ethnicity, ties of kinship, community, business and religion overlap and interrelate.

### **The role of religious organisations**

30. We have a rich tradition in this country of religion as a force for good and for those with faith to engage in community and voluntary activities which help all of society, not just those with belief. The work that religious organisations do in our country is often selfless and unremarked upon but can have a dramatic impact upon those who they help.
31. Ties of kinship, friendship, culture, language, leisure time and business and employment relationships are often interrelated and tied together within religious communities. Many children and young people who have parents or family members who are religious believers will spend much of their time outside school in religious settings, or as part of religious organisations.
32. Most organised religions and beliefs have traditions and rituals: parents wish those traditions and rituals to be passed on. Even if not religiously observant, the ties between culture, language, ethnicity and religion can mean that one is part of an extended religious

organization or setting at some points in one's youth and adolescence. Often this involves not simply discussion and worship within the home, but also education about specific religious, language or cultural traditions which are bound up with religious identity. The boundary between what is religious life, and what is social life is indistinct and not able to be easily disentangled.

33. Religious figures, some of whom may have formal qualifications, others of whom may simply assume a role of leadership, are important figures of authority and influence within religious organisations. Children who will often be taught to respect and revere them, and have special status because of their spiritual and moral force. This may be the case even where families may not be particularly observant themselves, as their role within religious life often translates to an important part of a community and civic society. Such figures will be trusted implicitly to be alone with children, and have access to both private and public spaces, homes, religious schools and others. Places of collective worship may well also be the central hub of all community life and activity. We will hear evidence from a number of religious organisations who provide a round the clock social and community service unmatched by any other voluntary services.

34. Religious organisations provide social, leisure, linguistic, cultural or religious tuition either within their setting or by those associated with their setting. From an after school club through to summer camps: from religious study for a particular rite of passage through to

extensive instruction in religious texts throughout childhood, religious settings provide an extensive amount of support and help to children and young people.

35. The size of the organisation does not necessarily reflect its level of professionalism or the scope of its children's activities - for example, the Bahai faith, a small organisation in the UK, runs a comprehensive programme of children's classes and a youth spiritual programme run by trained members of the Faith. Smaller organisations may well provide a more encompassing service for their adherents to seek to keep individuals within the faith: sometimes, they share an ethnic, linguistic and cultural heritage – for example Sikhism which encourages the community to place the gurdwara at the centre of all aspects of Sikh life, or Zoraroastrians whose ancient religion means that they discourage marrying those who do not share their faith.
36. The particular diversity of England and Wales is present in the religious organisations present here – practically every long established religion has a presence here – from the Islamic community of Newcastle and Gateshead, present from the 19<sup>th</sup> century because of trading routes with Aden and the Arabian gulf, through to the long established Jewish community enlarged by the pogroms from Easter Europe in the late 19<sup>th</sup> century, to the influx of Eastern Orthodox and Middle Eastern religions such as the Syriac church, the Yazidi community or the Druze who have arrived over the past 50 years due to wars and conflict within the Middle East. We will also hear about some newer religious movements or read about them

such as Scientology, the Jesus Army or the Church of Latter Day Saints and Jehovah's Witnesses who all have significant presences within England and Wales. Not obviously to miss out those religious movements founded in the United Kingdom present around the world such as Methodism, Baptism, Episcopalianism, the Quakers, the Plymouth Brethren and a multitude of other religious movements.

37. Given the important role that religious organisations and settings can play in the lives of children, it is essential that they, as focal points for communities, as providers of education and religious worship, as places where communities meet and where one socializes have strong, well developed and clear child protection policies. They can and should act as beacons of good practice, responding with compassion and care to victims of child sexual abuse and taking adequate steps to minimize the risks to children and young people in their care.

38. The vast majority of individuals within these organisations adhere to and practice the beliefs that they espouse. But we also know that some individuals use religious organisations as a mechanism to be able to be with children without suspicion being aroused: and they groom and perpetrate abuse upon children in those settings. The power and influence of those in positions of religious leadership can lead to abuses being silenced or ignored.



## **Education**

39. When this investigation looks at religious organisations and settings, we are not looking only at individual churches, mosques, temples etc. Faiths and religions also perform a significant educational role.
40. We have been provided with a lot of evidence by both institutions and religious organisations about the full time schooling that they provide, and about concerns expressed by, for example, OFSTED about such provision. This is not within the scope of our investigation.
41. However, very many religious organisations provide what the Department for Education call supplementary schools: which they define as offering support in mother tongue languages, religious studies, cultural studies or national curriculum subjects<sup>4</sup>. These supplementary schools often provide a valuable cultural identity: ensure that children learn about their faith: provide a place for children to go after school to avoid being home alone, and can raise standards and instil confidence.<sup>5</sup>
42. There are no reliable statistics about religious supplementary schools, but evidence from OFSTED suggests that there may be at least 5,000 faith based supplementary schools which probably teach in the region of 250,000 children<sup>6,7</sup>).

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<sup>4</sup> (draft December 2018 voluntary safeguarding code of practice issued by DFE)

<sup>5</sup> (taken from) Andrew Kehinde - Treenthams Books 2013 (13/41 of OFS12404).

<sup>6</sup> OFS12404/10 - evidence from the Paul Hamlyn Foundation research into Supplementary schools . (OFS12404 - 8/41)

<sup>7</sup> See the Case Review of December 2016.

43. OFSTED commissioned a report published in November 2019 about the quality of safeguarding in faith based supplementary schools following on from a conference it held in June 2019<sup>8</sup>. It identified that there are a significant number of religious organisations and settings operating a comprehensive programme of after school tuition, including weekends, which make a large claim on a child's time during the week. They state their paper that the majority of supplementary schools serve a particular ethnic community, with those which provide more intensive tuition tending to be faith based - with a heavy bias towards madrassas and yeshivas.<sup>9</sup>
44. Research by the RSA Action and Research Centre found that 60% of supplementary schools served a single ethnic community. About 68% offered teaching in National Curriculum subjects and three quarters provided coaching for GCSEs. Religious education was provided by just under half of supplementary schools with Islam accounting for 52%, different denominations of Christianity at 25% and Hinduism at 18%. Most run during term time (85%) with about a third continuing during school holidays, with children attending there for between two - five years.<sup>10</sup>
45. The Children's Commissioner visited some yeshivas and madrassas along with OFSTED, in 2017 and 2018 and in a report

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<sup>8</sup> (called Insights paper safeguarding children in a faith based supplementary schools (OFS12404))

<sup>9</sup> (OFS12404)

<sup>10</sup> (OFS12404/7).

published in 2019 called *Skipping school: invisible children*, the Commissioner expressed concern that the absence of oversight or the setting of standards in respect of child protection in these settings by statutory authorities which she said resulted in children being more vulnerable to abuse. These were largely settings which may have been unregistered schools – i.e. providing full time education.

46. OFSTED suggests that there are a small number of organisations which may masquerade as supplementary schools but which provide full time education and so should be registered as schools but which choose not to do so, many of which have a faith basis, and about which they in their evidence express concerns.
47. It is not just OFSTED who tell us this. Bradford MBC tells us that they estimate that around 10,850 children attend supplementary schools in evenings or weekends in Bradford, and they have 130 supplementary schools in their area from a range of religious and cultural backgrounds- Polish, Ukrainian, Sudanese, Arabic, Chinese, Sikh, Hindu, Muslim.
48. Tower Hamlets, a diverse borough in inner London, which has been funded by the Department of Education to try and identify the number and range of out of school settings has identified 120 of them within their local authority. Despite visiting them to offer training, none of them have responded positively or displayed an interest in

training – the local authority has identified a resistance by some of them to any council scrutiny.

49. There is a National Resource Centre for Supplementary Education (NRCSE) which provides accredited teacher training with a recognised certificate in teaching in the supplementary education sector and operates a quality mark for which nearly 500 schools have qualified.<sup>11</sup> We have a witness statement outlining the work that they do, but again this training is voluntary and the number of organisations that have used its services are significantly fewer than those in the sector as a whole.

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<sup>11</sup> [OFS012404\_008]

## **Prevalence**

50. There are no reliable statistical surveys which identify the prevalence of sexual offending against children in religious settings as a whole. The statistics published by the ONS in January 2020<sup>12</sup> showed that 7.5% of all adults in England and Wales experienced sexual abuse before the age of 16 - which is some 3.1 million people. There are no current surveys which measure a child's experiences of sexual abuse because of the challenges of asking children about such a sensitive topic.<sup>13</sup>

51. We have some accounts of abuse in religious settings as part of the work of the Truth Project. The Project published a report about those who had come forward to speak about their abuse in religious contexts between the 1940s - 2010: most of their experiences took place before 1980. There were 183 individuals who had been sexually abused either by religious staff or within a religious organisation. Most of the cases related to the Anglican and Catholic Church: of the other individuals, 11% were Jehovah's witnesses.

52. We also asked Childline, a telephone and online helpline run by the NSPCC which provides a national service and which is widely advertised and used by children and young people in secular settings (providing around a quarter of a million counselling sessions in 2017/18)<sup>14</sup> about the number of calls they received related to a religious setting. Over a 4 year period from 2015 - 2019, there were

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<sup>12</sup> Ons.gov.uk - csa in England and Wales year ending 2019.

<sup>13</sup> Taken from ONS data release, under How is child sexual abuse measured?

<sup>14</sup> Philip Noyes w/s para 18

51 sessions where a child mentioned a religious setting (around 12 a year) : of those most of them involved church - this is a small number in comparison to the 39,828 counselling sessions provided by the NSPCC which mentioned sexual abuse during that period of time.<sup>15</sup>

53. We have some statistics about numbers of referrals to local authorities which concern or were linked to religious organisations, which again can only be partial figures as local authorities do not often keep data in this way, and as we may explore, religious organisations may not refer matters to the LADO. In Bradford, for example, there were 32 referrals to the LADO between 2007 – 2019 which concerned religious organisations. Similar numbers of referrals were made to other local authorities. Other Local Authorities will be attending next week to give evidence about the referrals they have received.

54. The National Police Chiefs' Council have confirmed that they do not record whether sexual offences have been committed within religious organisations. The only information available was from Operation Hydrant – which collects data related to non-recent child sexual abuse cases from August 2014 to date. Operation Hydrant identifies that 11% of those cases where a live investigation has taken place since that date involved a religious organization or setting – with 10% of suspects – or 726 people being employed in some form of religious organization or setting.

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<sup>15</sup> Philip Noyes, p72

55. We asked every religious organisation from whom we obtained evidence how many allegations had been made to them over the past 10 years. We chose a decade as providing a reasonable snapshot of activity, in particular, there has been a great deal more publicity and discussion about sexual abuse in institutions since the turn of the last decade in the media.

56. Many organisations, even if they have a central model for the provision of training in child protection, do not collate statistics centrally about the number of allegations within their individual church or place of worship or collective activity.

57. As part of this investigation we are not able to do anything more than provide a very caveated and small picture of those allegations. For example:

- a. Chabad Lubavitch, an organisation which provides community activities and outreach work in the Jewish and non-Jewish community, and which runs schools, had identified 8 allegations, 6 of which relate to the schools run by the organisation.
- b. The Christian Congregation of Jehovah's witnesses has identified 67 allegations being made to them, of whom 13 were convicted of criminal offences<sup>16</sup>.
- c. By contrast, the Baptist Union could not provide us with statistics because it does not collate these figures.

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<sup>16</sup> CJW000052-023

- d. The Mosque and Imams National Advisory Board tells us that sexual abuse is limited if not rarer within the Muslim community and it has not received any reports amongst its 552 listed members.
- e. The largest gurdwara in England in Smethwick has told us that there has been one allegation made (not substantiated).



**Victims and survivors**

58. We have gathered 12 witness statements from individuals, but also 11 witness statements from organisations which work with survivors of sexual abuse who have provided us with powerful testimony.
59. Many of those who have provided us with evidence were abused as children, many years ago. However, those cases can shed light on an organisation's ability to learn lessons and implement change from the mistakes it may have made in the past.
60. The anguish of those who were abused as children does not disappear. Some of those from whom we will hear have had their whole lives blighted by abuse, and the fabric of their belief system and sense of trust has been shattered. For others, their abuse has led them to become activists for change both within their faith community and in society as a whole. We will hear about their attempts to promote a more open and transparent culture and to compel change within their organisation. They have sought to present what are often uncomfortable truths.
61. The feelings of shame and guilt associated with sexual abuse within childhood can leave scars for even those with the most courageous and optimistic of personalities. We thank all those who have provided us with oral and written evidence, for their openness, for their honesty and for their willingness to speak about some of their most private emotions in their sincere desire to help us.

62. The issues which emerge from this testimony, and that of the Truth Project analysis, have been key to shaping what we are examining during these hearings.

63. We have produced a table of those who have provided us with evidence about their abuse. Again, this is not meant to be a comprehensive overview as it depended upon people coming to us or information which has resulted in criminal convictions. To give some examples from this table (to be brought up on screen from emailed copy):

- a. PR- A10 was sexually abused by a communion steward, someone who helped out whilst she was a member of the Methodist Church in the 1990's. She tells us that the reaction of the Minister was not supportive, and he made contact with the victim after she had reported matters to the police. He also identified that he would not offer any pastoral support to the victim, and commented upon how valued the perpetrator was in the community and that he must be considered "innocent until proven guilty". No one from the congregation apologized when the perpetrator pleaded guilty and it came out that he had been removed from the police force after previous allegations of sexual abuse with minors and so, even at that time, should not have had a role within the Church which would have lead to his coming into unsupervised contact with young people. She also raises concerns about how the Methodist church dealt with her

complaint about the actions of the Minister in 2019, branding it a farce.

- b. PR-A3 tells us about his abuse at the hands of a youth leader in an organisation connected to the United Reformed Church, who would lead out of school activities. These would include Sunday school trips and the holiday club every year. He spent lots of time with the Church, in particular as his family situation meant that he needed to be looked after by members of the church. This youth leader, Andrew Roy, would use his role as a leader during those trips to sexually abuse PR-A3, then telling him that he would not be believed if he told anyone because of his position in the church. Many years after the abuse he came forward to disclose his abuse to others. He identifies that many families live their lives around and in church organisations and have little contact with people outside the organisation, and that their whole lives revolve around the church.
- c. PR-A2 was abused as a child by someone who had been dismissed from two madrassas for his sexual abuse of students whilst teaching them but he was not reported to the police. As an adult whilst involved in work within the Islamic community, she met someone whom she knew had been involved in moving this individual from teaching without informing statutory agencies and wanted to confront him. She went to see a leading member of the mosque who is a

leading imam who told her not to rock the boat given this name within the community and reprisals which may happen to her in the community. PR-A2 wanted to set up a support network and did not do so after that incident. She talks of being silenced through religious arguments based on honour and shame and cronyism and nepotism between families and certain religious organisations and not support for victims.

- d. PR-A4 tells us that she went to study in a “house mosque” which was some room in someone's house which acted as a prayer room where she went to learn the Qu’ran every day after school from the age 6- 11. She was fondled by one of her teachers who then groomed, coerced and blackmailed her, whilst the abuse escalated into rape. Her abuser was 16 or 17 at the time and was a trainee teacher. At secondary school, she told her teachers and her parents of her abuse, but she tells us that when her mother tried to search out other victims of abuse, they denied it had happened as they were concerned about the cultural shame that it would bring on their family. She was also subject to verbal abuse within the community once she had disclosed her allegation, being called a slag and a tart. She says that within the madrassa system, teachers are male, and that it is an old boy’s network so that any allegation of abuse is quashed.

- e. PR-A7 tells us of her sexual abuse by an elder in the Jehovah's witness congregation in the early 1990's from the ages of 12 – 14. She told her parents, and they then told the elders of the congregation. She then had to, as a teenager, meet with elders and the perpetrator and his wife. The Elders asked him what he had done to her in front of everyone. She also had to recount her story to a number of other elders, but no action was then taken.

64. We also have the benefit of a witness statement from Gregor McGill, director of Legal Services at the CPS who has provided us with several case studies of individual convictions of perpetrators in matters related to religious organisations. They included:

- a. Menachem Mendel Levy who was convicted in 2013 of two counts of indecent assault against a teenage girl who was a family friend. He had donated a Menorah to be used in Trafalgar Square and also Torah scrolls, which was accepted by the Chabad Lubavitch Golders Green despite knowing of his conviction for such offences.
- b. Todos Grynhaus was convicted of indecent assault against three complainants after a trial in July 2015 for which he received a custodial sentence of 13 years and 2 months, with a licence period for public protection. In this case, at least one victim had gone and spoken to rabbis for help when she was a teenager, which included two rabbis from the

Manchester area. This including a Rabbi who was part of the Manchester Beth Din, or religious court. She provided him with a diary which referred to her account of the abuse made contemporaneously. She was offered compensation by a rabbi to whom she spoke, being told that she could not report the matter to the police which would lead her to being shunned by the community. It was also the case that in 2011, 2 rabbis were told by Mr. Grynhaus that he had sexually abused two girls. Instead of being referred to the police by them, he had therapy organised for him, and Mr. Grynhaus was told to report to the rabbi after the therapy.

- c. In another case involving the Jewish Charedi community, those involved in prosecuting the case identified that witnesses were reluctant to come forward for fear of being shunned by the community, including the parents of the children who had been abused.
- d. In a case involving a Quranic teacher, Mohammed Saddique, at a mosque in Cardiff he was convicted of 14 counts of indecent assault, being sentenced to a total of 9 years imprisonment in 2017 . The court noted that the victims of the abuse had to overcome not only personal but also cultural barriers to give evidence at the trial.
- e. The CPS also told us about the case of John Wilson, who was a pastor in a Pentecostal church in Keighley. He was

jailed for 21 years in 2017 for sexually abusing 6 women between 1984 – 2010. He told vulnerable women that they were possessed by spirits, and during “deliverance sessions” which were purported to exorcise the spirits within them, he would sexually assault them, sometimes assisted by his wife.

- f. Only on Friday 6<sup>th</sup> March was a pastor, Michael Oluronbi, found guilty of sexually abusing six boys and a girl over a 20 year period. He used spiritual work as a subterfuge for sexual abuse, administering holy baths which he said would cleanse them. Some of his victims had multiple terminations as a result of his sexual exploitation of them. None of them told anyone as a child- but someone did come forward as an adult.

### **Barriers to reporting**

65. As we have learnt in other investigations, the attitude and approach of religious organisations to dealing with child abuse and issues surrounding it – which we sometimes call the “culture”- is deep seated, and can be difficult to change. We want to know if there are issues about their approaches, practices and appointments which may create barriers to reporting which are greater than that which arises in society in general. From the evidence we have collated, the following issues have arisen which we wish to explore in oral evidence:

### Barriers to reporting- Spiritual abuse

66. Religious figures and leaders have considerable power. They hold an esteemed place within a religious community, and this esteem can all too easily be abused. One of the ways that this power can be abused is the use of religious texts, religious positions and God's name and threats of spiritual consequences as a way of preventing the disclosure of abuse or of seeking to justify why such abuse can take place.<sup>17</sup> Professor Lisa Oakley, who is an academic who researches spiritual abuse, and who is the Chair of the National Working Group for Child Abuse linked to faith and belief has told us that survivors of child sexual abuse in faith contexts have identified that spiritual coercion and control has often been an integral part of their experience of abuse - by using sacred texts to control, coerce, silence and to prevent disclosure.
67. The Muslim Women's Network gives us an example of this from a report they published in 2013 called "Unheard voices". They speak of Imaan, a young woman who came from a Muslim background, and who was groomed by her Qu'ranic teacher and her father. Her Quran teacher told her that verses of Quran justified her abuse by her father. She struggled to let go of the belief that this abuse could be religiously justified. They also provide examples of situations of exorcism of "djinnns" in children where the exorcism is used as a cover for sexual abuse. Moreover, as is identified above, the notion that a minister or leader holds a divine position can mean that there is reluctance to report abuse or fear of what may happen if this occurs.

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<sup>17</sup> (paragraphs 10 and 12 of the w/s of Lisa Oakley)



68. They give another example that “black magic” is often used as an excuse to dismiss the actions of an abuser, alleging that the rape or sexual assault was not caused by the person, but the spirit within him, thus excusing the perpetrator from any responsibility.

69. The NSPCC undertook some work in relation to child protection within the Hindu and Buddhist communities in 2017, focussing upon the use of religious texts, teachings and culture which could then impact upon the approach to and attitudes towards child protection identifying that the reverence towards religious leaders lead to a reluctance to report abuse<sup>18</sup>

#### Barriers to reporting- inherent disbelief

70. Across all religious organisations, a common reason for not reporting abuse is the feeling that it could not happen here. People in religious organisations view themselves as good and others within that organisation as having the same ethics and strong sense of morality. The Muslim Women’s Network identifies that there is a serious lack of understanding and ability to spot the signs of child abuse, and there is naivety about the integrity of religious leaders which can be misplaced.<sup>19</sup> This sentiment is reflected by the majority of religious organisations who have provided us with detailed information that those within the community often view their fellow congregants and religious leaders as beyond reproach.

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<sup>18</sup> (Philip Noyes, paragraph 93)

<sup>19</sup> (para 9 of Muslim women’s Network)

71. We have several witness statements from individuals and organisations who give us evidence of non-recent cases of sexual abuse. They have told us of being disbelieved, belittled or ignored: or even in some cases being ostracised from their previous life within the religious community or blamed for what happened to them. Research undertaken within the Church of England suggests that there is a greater degree of disbelief that child sexual abuse can happen in a religious setting - this research is tentative, but seems to mirror what victims and survivors have told this investigation.<sup>20</sup>

72. The Edward Cadbury Centre for the public understanding of religion has, in their witness statement identifies that in some religious communities (of all faiths) that nothing could go wrong here, that they are safe places to attend and that a strict adherence to or use of procedures is not needed as the community can resolve matters together informally.<sup>21</sup>

### Barriers to reporting- deference

73. We have learnt about clericalism in the Anglican and Roman Catholic investigations - i.e. excessive reverence for those in positions of religious authority. In other contexts this could be reverence for the head of the household, or the male elder : respect for which may become a cultural expectation that someone is above reproach.

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<sup>20</sup> (see Craig Harper - need to find URN and disclose in this investigation)

<sup>21</sup> (para 16 of EC).

74. However, this reverence can then lead either to temptation, or accusation of abuse of power such that the ability of openness should trump any cultural expectations in these contexts. Manny Waks, of Kol V'oz tells us about the reverence in which Rabbis in the Charedi community are seen. Rabbis, and other religious leaders have the power to make decisions about aspects of life which provide them with significant power.<sup>22</sup> Sadia Hameed says the same about the Muslim community.<sup>23</sup>

75. The same is true in respect of many Christian organisations: those who are religious leaders in these settings consider that they have a calling from God, and that this is a position of leadership which they have to take - which can therefore lead to a view that they cannot be challenged and must be obeyed.<sup>24</sup>

#### Barriers to reporting- role of the community

76. In many close knit religious communities with strong ties of kinship where one's social, cultural, religious and often working life is spent within that community, there can be a view that safeguarding oversight outside the community is not needed, or in fact positively unhelpful.

77. The Union of Orthodox Communities describes attempts by the City and Hackney Children's Safeguarding board as arrogant,

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<sup>22</sup> (see paragraph 30 and 31 of Kol v'oz).

<sup>23</sup> (SHD000001-019 at paragraph 106)

<sup>24</sup> (para 32, Lisa Oakley).

overbearing and intrusive for arguing that children should be in the line of site of the state.<sup>25</sup>

78. These communities, and they are not confined to the Jewish religions but similar factors arise in other religious communities, for example, the Jehovah's witnesses, may in fact see their society, with its emphasis upon family, upon strong personal morality, upon a need to guard children against knowing about sex and relationships to preserve their innocence and upon religious observance as providing a greater degree of safety than the state.

#### Barriers to reporting- cultural barriers

79. In some religious communities there can be cultural and language barriers to reporting abuse. Abuse Never Becomes Us, a UK body working with the Tamil community, identifies that there are no Tamil words for child sex abuse and this can deter disclosures and dialogue. Child sexual abuse, they report within the Tamil community, is to kept within a close family network, which then deters greater or more widespread understanding of child sexual abuse and can perpetuate unhelpful perceptions and denial. Other religious organisations may have those who are faith leaders who have poor English skills and so are not able to access training. LBTH has provided guidance on safeguarding in Bengali and Somali to access those significant communities within their local area. It also identifies that some African churches, which are completely autonomous are mistrustful of authority.

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<sup>25</sup> (paragraph 36)

80. As the Muslim Women's Network also identifies, there can be a fear in the Muslim community to report abuse as it will fuel Islamophobia and so fear of these reprisals can in fact prevent open discussion.

81. Bradford Council, whose work with supplementary schools in its area and with faith groups is seen as being in the vanguard of co-operative links identifies that within its community, senior leaders and safeguarding leads recognise that there needs to be a cultural change.

#### Barriers to reporting– shame and dishonour

82. In some cultures (which can often reflect a number of different religious faiths - for example the South Asian community which reflects Islam, Christianity, Hinduism, Buddhism amongst others), those who are survivors of child sexual abuse may be seen as dishonoured.

83. This may well impact significantly upon their prospects of getting married or having a family. If this involves a culturally significant organisation then this can be an even bigger source of shame. But shame is not confined to this community. As Shema Koli, an organization which works with the Orthodox Jewish community running a helpline for those who have been abused, abuse within this

community, as in many others, that abuse is shrouded in stigma, fear, shame or ignorance.<sup>26</sup>

84. The need for sexual chastity and “purity” of women can lead those who have been abused to hide it for fear that it will impact upon their opportunity to get married, their standing within society and that of their family. Marriage and family unit are often of central importance to these religious communities for both religious but also wider social and cultural reasons and are constructed to exclude anything other than the heteronormative. The Southall Black Sisters have told us that no matter what one's ethnicity, education or class, the extended family is the central way in which many women see themselves and so are defined by patriarchal structures of submission and subservience.<sup>27</sup>

85. For men, the cultural stigma is even greater given that often these communities will find it almost impossible to believe that men could be abused by other men.

86. We will be hearing from a number of organisations which represent women and girls who have been subject to sexual violence within their communities. Karma Nirvana, which runs a national helpline for women and girls, have identified that shame and dishonour compounded victims and survivors' difficulty in speaking out, and that

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<sup>26</sup> (paragraph 25)

<sup>27</sup> (paragraphs 18 and 19 of Southall Black Sisters)

religious leaders have identified that speaking out will cause shame to the religious organisation.<sup>28</sup>

87. The Muslim Women's Network, which runs a helpline for Muslim women and girls, and casework have told us of the need for transparency needing to be a key aspect of safeguarding. They also identify that the general pattern from their experience – and they identify that they tend only to hear about negative practice – is that of silence, Southall Black Sisters identifies that the concepts of honour and shame are embedded within South Asian communities even in the 21<sup>st</sup> century and perpetuate a means of regulating and controlling women's sexual behaviour. Those who transgress are immoral – which can lead to ostracization.<sup>29</sup>

88. These codes are not just overt, but are internalised by women thus leading to under reporting. Southall Black Sisters has undertaken work which identifies that young south Asian women have higher rates of suicide (three times the national average) and that suicide is linked to abusive and oppressive family and community practices which assert silence as a pre-requisite for those women.

89. Sadia Hameed, who runs an organisation for women in Gloucestershire tells us that within the Muslim community in the UK, the idea of honour for me can mean that they are judged against the sexual conduct of the women in his immediate family, and that any

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<sup>28</sup> (paragraph 5)

<sup>29</sup> (paragraph 20)

breach of sexual codes by such woman is seen as an assault on a man's honour, or the honour of the family and so must be punished.

90. As part of this, Ms. Hameed identifies that when girls have been sexually abused, the victim can be questioned as if she asked for, or was responsible for the sexual attack<sup>30</sup> and she says that some aspects of some communities can still hold views about why such abuse occurs which seeks to identify that this is the fault of the woman for her dress, or her behaviour.
91. In some religious organisations and societies, there can be a reluctance to discuss sex, menstruation or other aspects of relationships so that children and young people do not know factual information or positive information that may keep them safe from harm.<sup>31</sup>
92. The Interlink Foundation, which is a membership organization for Orthodox Jewish charities, has identified that the cultural norms for discussing sex in the this community is different from that of secular society. Children in the Charedi community may not have any awareness of the mechanics of sex, and adults are not likely to discuss sexual matters is also different, and the value placed upon modesty and chastity.<sup>32</sup>

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<sup>30</sup> (para 43 of Said H - SHD 000001 - 007)

<sup>31</sup> (Sadia at paragraphs 48 - 54)

<sup>32</sup> (paragraph 25(ii))



93. Sexual autonomy in some religious communities can be associated with sexual promiscuity: sex is often a taboo subject within these communities, and Southall Black Sisters state that south Asian communities in the UK are largely tight knit, insular and socially conservative when talking about sex.<sup>33</sup>
94. Strengthening Faith Institutions identifies that gender inequality issues in faith management roles can be an obstacle to creating safeguarding systems, firstly because either only men can perform safeguarding roles within certain communities, or safeguarding issues are seen as a “women’s issues” and so are not given priority.<sup>34</sup>
95. Moreover, women, for cultural reasons, may not spend periods of time out of the house without male family members, and so may not attend seminars run in mosques or madrassahs or in synagogues. Tower Hamlets, for example, has sought to raise awareness in a school setting where mothers may well drop their children off at school or be involved in a more extensive basis, delivering safer parenting courses within that setting.<sup>35</sup>

#### Barriers to reporting - reputational fear

96. These individuals, from a variety of religious backgrounds have also told us, in some cases, of a desire not to report the sexual abuse to outside authorities for fear of the reputational damage it may cause to the organisation: such fear overriding concern about justice for

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<sup>33</sup> (paragraph 63)

<sup>34</sup> (paragraph 38)

<sup>35</sup> (paragraph 56).

those who were subject to abuse. They have also told us of organisations who prefer to deal with matters themselves: considering that the spiritual authority they could use was more powerful a force for good than engagement with outside authority.

### Barriers to reporting- Distrust of external organisations

97. Some religious organisations are set up to exclude the outside world, and to create a complete environment in which individuals are encouraged to spend all their time and to live communally. These are small organisations often. An example of this is the Jesus Army. We have a witness statement from the police about their criminal investigation, known as Operation Lifeboat and Sally Hirst, who is Chair of the Jesus Fellowship Survivors organization. Most individuals in the Jesus Fellowship lived in communes with shared possessions and monies, with leaders dictating what could be done with the lives of individuals— such as where they lived, or who they married. This made individuals reluctant to report abuse for fear of repercussions. Four individuals in this organization have been convicted of sexual abuse against children.

98. There can also be concern about reporting outside the organisation because of fear of persecution as they are a minority group which may lead from reporting such abuse.<sup>36</sup> A concept such as mesirah - which is the action of one Jew reporting the conduct of another Jew to a non rabbinical authority under circumstances forbidden by rabbinic law have often been used, in ways which some

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<sup>36</sup> (see the witness statement of Kol V'oz at paragraphs 21 - 23)

Rabbis consider it is not theologically correct, to state or encourage members of the Orthodox, or Charedi community not to report crimes of sexual abuse against children because it would break such religious practice. The law emanated from persecution of the Jewish community by Persian and Roman communities which meant that if such reports were made, those individuals would not have a fair trial or it would encourage anti semitism. In the context of the persecution of the Jewish community around the world throughout the centuries including the Shoah, such fears were often justified. There is often a suspicion of reporting to authorities because of the previous persecution. There are also concerns of police or social services having acted in a heavy handed or culturally inappropriate manner without consulting with community leaders. This is something experienced by other minority religions who have experienced persecution around the world – for example, the Jehovah's witnesses in Russia: Christian groups in the middle east – so the values system developed may well lead organisations to be less open to the state – seeing it as something oppressive.

99. However, within the context of the UK and other Western democracies and in the context of sexual abuse against children, which is a crime under religious and secular laws, but we have examples of it being used by Charedi communities in the UK recently. We have the example of Rabbi Padwa, a senior member of the Charedi community in London, who was filmed by an undercover reporter telling him not to report alleged sexual abuse to the police on this basis.

[CHF000001- minute from 11.24-12.42]

100. Another example of this comes from the sentencing remarks of Mr. Justice Holroyd in the case of Todos Grynok, who said:

(CPS004874\_005 - read second para up to "you hoped").

101. Violation of this Code leads those in the Jewish community to treat them as subject to "Din Moser" - the law of the informer which can prescribe death to the informer and that the individual may be killed without warning. Mr. Manny Waks, who gave evidence to the Australian Royal Commission on Child sexual abuse about his abuse whilst attending a yeshiva - a religious college of study - tells us in his witness statement on behalf of Kol V' oz , a religious organisation about his ostracism from the Australian religious community and the verbal abuse that he received and that others also received which then continues the silence.

102. Mr. Waks also talks about Lashon hara - which means evil tongue - which is that unless the evidence is unequivocal, stating such is a major sin. Reshet, a Jewish training organization also identified that when it first started running safeguarding training, some perceived that it was more important to maintain the reputation of the organization rather than directly address the welfare of the child, described by a sociologist as a "holy hush" (para 44 of Reshet).

103. This fear of reporting outside the community is not confined to Judaism. We have been told of Islamic and Christian organisations

which similarly discourage the reporting of allegations to secular authorities because of the need to settle matters internally and fear of persecution. Smaller communities where racism and social alienation are present can lead to an insular mindset and a view that even if reported, the authorities will not deal with it appropriately, or it will be manipulated into an excuse for religious, national, ethnic or racial oppression.

104. To give one example, within the Jehovah's witnesses, there are allegations that there has been reluctance to report the matter to secular authorities, wishing to leave it to the elders of the congregation. If dealt with internally, it is seen primarily through the medium of sin, rather than a crime, and can involve any allegation being judged against the requirement for there to be two witnesses present for any sexual crime to have been committed for it to be established. Dealing with it in house can also cause the abuser and victim to be in the same room and be examined by others in the congregation. We have a very recent example of a High Court Judge being very critical of the failures of the witnesses to report alleged child sexual abuse to social services.

105. Those individuals who make up the Ex JW advocates group, represented by Ms. Sarah Davies, say that those who are disfellowshipped from the Jehovah's Witnesses – have ties completely cut with other family members are ostracized and ignored. Those who have reported abuse within the Jehovah's witnesses have told us of such social ostracism – which can mean children not

speaking to parents, siblings not speaking to each other, which can have a profound effect on someone's life.

106. Lisa Oakley, who has written and worked extensively with survivors of sexual abuse has identified that within the Christian faith, the idea of unity can be used as a tool to prevent disclosure as it would be to threaten the unity of the members (paragraph 32 of Lisa Oakley).

107. In fact, the UOHC describes that "exposure" of the community by way of media headlines could in fact stop cultural change. They identify that this may foster negative reactions within the community, with proponents of safeguarding becoming the enemy – again, something seen in other religious organisations: it can also lead to isolation and marginalisation within communities and drive wedges between different community interests.<sup>37</sup> There is no easy solution to these problems.

#### Barriers to reporting- Forgiveness

108. The idea of forgiveness of the abuser is also something which has emerged from the evidence gathered. The concept of forgiveness of sins is very strong, and faith organisations have, on occasion, restored known abusers to a place of power if they demonstrate contrition and penance. This is sometimes in the teeth of significant opposition from the survivor of the abuse or without consulting them

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<sup>37</sup> (see paragraph 39)

or taking their views into account. Moreover, victims often feel that they should forgive their abusers and not to disclose it.<sup>38</sup>

109. The Jehovah's witnesses show an example of this, as a repentant abuser can remain an active member of the congregation if they are not guilty within the internal juridical process of the congregation, or by means of a reprove process.

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<sup>38</sup> (Lisa Oakley, para 32)

**What oversight is there of the child protection policies and practices that religious organisations have or should have?**

110. The short answer appears to be little to none by anybody external to the religious organisation itself. Even within religious organisations, an umbrella or central body sometimes provides advice or guidance to individual churches, mosques, temples or gurdwaras but this guidance is often voluntary, and there are, in many settings, limited or no oversight of what happens in an individual religious setting by any umbrella body.

111. There is no oversight of the activities provided for children in religious settings other than that within the religious setting itself. There are no child protection standards or minimum levels of competence which must be fulfilled.

**Oversight by Government Departments**

112. We asked various Government Departments about what responsibilities or oversight they have of child welfare in religious organisations and settings. The Department for Digital, Culture, Media and Sport, known as the DCMS, is responsible for the Charity Commission and is responsible for policy in respect of young people and volunteering.<sup>39</sup> They have no responsibility for setting or monitoring standards of child protection and had not undertaken any work about this, or any outreach or any interfaith work.

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<sup>39</sup> (para 4, David Knott).



113. The Ministry of Housing, Communities and Local Government has provided some monies for the Cadbury Centre for the Public Understanding of Religion, from whom we have a witness statement to provide a programme for some faith leaders on a voluntary basis. The Cadbury Centre identifies that they have no specialist expertise in child protection.<sup>40</sup> The training is designed to help them face the many varied social challenges they face - called the Faith Leaders Training Initiative. The impetus for this programme came from the government's Integrated communities Action plan which was about supporting faith leaders to understand the English legal system and to promote shared values. This programme is designed<sup>41</sup> to engage with the most conservative religious communities. The training programme focuses on significantly more than child protection, and in fact this is just a small part of the work: the programme seeks to introduce basic principles of corporate governance such as charity law, data protection, ethics and accountability, equalities legislation and the law on marriage, the role of religion in public life, and how faith communities are addressing the social and economic needs of their areas. There are modules for child sexual exploitation, grooming, and safeguarding in organisations. We will hear evidence from one of the trainers on this course, Rabbi Natan Levy.

114. The Cadbury Centre has identified that some 257 participants had registered by October 2019 for sessions. The remit does not extend to Wales.<sup>42</sup>

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<sup>40</sup> (paragraph 2 of their w/s EDW000001-001).

<sup>41</sup> (paragraph 4)

<sup>42</sup> (para 14 - 16)

115. The MHCLG funds Strengthening Faith Institutions. They work with organisations which are not affiliated with large umbrella bodies, and they provide consultants to provide a “health check” which is an audit of their policies, procedures, governance structures and capacity to handle risks (paragraph 5). 446 organisations have undergone such a health check to date. They also provide safeguarding training and courses which we will be hearing about, and from the information they have gathered what they consider should be instituted within this sector. They provide courses in multiple languages and we will be hearing from Rabbi Natan Levy, a member of an interfaith team which works within this organisation.

116. The Home Office have also provided us with some evidence identifying that they have a tackling exploitation and abuse unit<sup>43</sup> which manages policy on child safeguarding and victims of sexual abuse and a safeguarding hub. There is a ministerial group on child sexual abuse set up in 2015 which has representatives from all government departments, but does no work on those in religious settings. The Home Office is also responsible for policy about vetting and barring those working with children.

### Local Authorities

117. The legislative framework provides that local authorities are responsible for delivering services to vulnerable children living in their area, and this includes investigating where a child may have suffered

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<sup>43</sup> (paragraph 5)

significant harm<sup>44</sup>. Local authorities are under a duty to make arrangements to promote cooperation with a range of other relevant partners and such other persons engaged in activities relating to children and considered to be appropriate with a view to improving the wellbeing of children in each local authority area as it relates to physical and mental health, protection from harm, education, contribution made by society and social and economic well-being. They also have to put in place arrangements to take account of the needs to safeguard and promote the welfare of children when discharging their functions and that any services provided by another person made by the person to discharge their functions, as do the police and the CCG.

118. Under changes arising from Working Together to Safeguard Children, as updated and published in 2018, which were to be implemented by September 2019, a local authority could ask a religious organisation to cooperate with them in the discharge of their child protection functions and to be part of the local safeguarding arrangements. The information we have from local government organisations is that they have not to date used these powers to seek to have local churches, mosques or temples as one of their relevant safeguarding partners.

119. There is a general expectation that religious and voluntary organisations will develop policies and processes in line with the statutory guidance Working Together. The expectation is not legally

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<sup>44</sup> Children Act 2004 and CA 1989, s47, s17

enforceable, and religious organisations are under no duty to follow that guidance, or even examine it. Some religious organisations have a good understanding of Working Together and make reference to it in their evidence. Others do not mention it at all and it is not clear if they are even aware of its existence.

120. The Working Together Guidance does say that voluntary organisations play an important role in safeguarding children, and have an important role in supporting families and communities.<sup>45</sup> All practitioners are deemed to be subject to the same safeguarding responsibilities, whether paid or a volunteer.<sup>46</sup> They recommend that every organisation should have policies in place to safeguard children from harm.<sup>47</sup>

121. There is, however, no responsibility at present for any religious organisation to comply with minimum standards: or to have certain practices and policies on a mandatory basis, or to have safeguarding training. This is in contrast to other organisations which work with children, such as schools, nurseries, fostering or adoption agencies, children's homes, statutory youth services, domiciliary care services or other agencies which provide care and support to children and young people. Many religious organisations run schools or provide nursery care and so are used to engaging with statutory responsibilities in this context but this does not carry over necessarily into the rest of their work.

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<sup>45</sup> para 57 - WT 2018

<sup>46</sup> (para 60)

<sup>47</sup> (para 61)

122. We have sought evidence from seven local authorities who have large populations of diverse religious communities about the work that they do with religious organisations given their obligation to safeguard and promote the welfare of children and their obligation to investigate where children have been harmed. They are most likely to encounter religious organisations on a day to day basis in the many and varied work that they do.

123. To summarise their evidence:

- a. Some of them, such as Bradford, have links with umbrella voluntary sector organisations and through them, offers training on safeguarding, newsletters with best practice which will often go to religious organisations (although not designed for them). They also sometimes offer free safeguarding training for not for profit organisations.
- b. Some local authorities have informal links with individual religious organisations, though some are stronger than others.
  - i. In Bradford, work has been undertaken for many years between the council and the council of mosques, as well as the Anglican and Jewish communities.
  - ii. In Liverpool, the relationship has been mainly with the Catholic church.
  - iii. Tower Hamlets local authority have told us that they have a Muslim Children's Safeguarding co-ordinator

who runs workshops with mosques, having run 87 parenting sessions in schools about the risk of unqualified home tutors – this individual has been in post for over 18 years, but this is not replicated in all other local authorities.

- c. All local authorities have developed standardised child protection procedures to be used by all statutory bodies and other partners, including identification of how to react to an allegation of abuse, recruitment of those who work with children, investigation of allegations and training but these do not have to be adopted by religious organisations as we set out above.
- d. Each local authority also has a LADO - a local authority designated officer, who has responsibility for assisting to ensure that any investigation concerning child sexual abuse, and other forms of abuse which concern individuals acting in a position of trust with children are reported to the local authority. That would and does include religious leaders and those working with children in religious organisations and settings. Religious organisations should be referring allegations of abuse to the LADO if they involve their staff, religious leaders or volunteers. It would seem from the policies we have seen that some do mention the LADO, but many do not, and the level of engagement with the local authority does vary.

- e. Most local authorities recognise that children in their area attend some form of supplementary schooling with a faith focus. Some local authorities provide specific advice and support to those who provide supplementary schools in a faith setting by having an officer in the authority who has that role.<sup>48</sup> They have undertaken work including the creation alongside a group of mosques of safe spaces where children can talk and receive counselling: training to local supplementary schools and a toolkit for mosques and muslim faith schools and the development of child protection policies for faith based settings. They can also assist with the provision of DBS checks for staff, provide training in behaviour management, help with policies and they also provide an accredited training programme, working with the NRCSE to have a quality framework for supplementary education. Other local authorities have done the same – Tower Hamlets having provided advice on improving safer recruitment processes and running seminars. LBTH has also produced a set of guidance aimed at African Evangelical churches and has an African Families Service coordinator.
- f. Some of them have relationships with voluntary action organisations which provide safeguarding training to smaller organisations including faith organisations.<sup>49</sup>

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<sup>48</sup> (para 35 of Bradford)

<sup>49</sup> (see Harrow - HAR000001-002)

- g. There appears, however, to be no systematic or strategic work undertaken across the country or any requirement from the central government that this is the case and the level and type of intervention. The work also does not engage necessarily all religious communities and organisations and is largely dependent upon them coming forward, and also can and is only a very small part of the local authority's many pressing requirements in respect of child protection. Given that there is no statutory obligation to provide such, the rise in children in care and the pressures on local authorities given cuts to non-compulsory services make the provision of assistance something which may well be impossible to manage.
- h. The local authorities have told us of small numbers of referrals made to them by religious organisations:
- i. Harrow, which has the most diverse borough in England and Wales tells us that it received 7 allegations between 2012 - 2019.
  - ii. Cardiff local authority tell us of 7 allegations of sexual abuse in religious settings since 2000.
  - iii. Leeds tell us of 15 notifications to the LADO which concern sexual abuse<sup>50</sup>.
  - iv. Manchester has received 16 referrals to the LADO since 2008 which have involved allegations of sexual

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<sup>50</sup> (paragraph 28 of the w/s of Leeds at LEC000004-010)



abuse involving those in positions of trust in religious organisations.

- v. Liverpool tells us of six referrals which have been made.

Given the size and breadth of religious organisations in these places, the question remains as to whether all allegations are being passed to the LADO or whether it is being used for advice and guidance appropriately.

### The role of the Charity Commission

124. Many religious organisations are charities: this means that they have to register with the Charity Commission and have duties set out in law under the Charities Act 2011. These statutory duties include a general duty to safeguard the welfare of the beneficiaries of the charity - i.e. those who benefit from the charities actions and activities. That would include keeping them safe from child sexual abuse. Those who provide the governance for a charity are called trustees: they are under a general legal duty under the Charities Act to take reasonable steps to protect from harm those that come into contact with their charity. However, as is identified by the Charity Commission in their witness statement, this oversight is a very limited role to ensure that safeguarding responsibilities and governance are taken seriously and to be able to hold trustees to account for the actions of their charity.<sup>51</sup>

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<sup>51</sup> (see paras 7 and 8 of Harvey Grenville)

125. The Commission has a safeguarding strategy for dealing with safeguarding issues in charities which was updated in December 2017.<sup>52</sup> This identifies that safeguarding should be a key governance priority for ALL charities, and that the failure of trustees to safeguard those in their care or to manage risk is of serious regulatory concern.<sup>53</sup> However, this is not guidance to which charities must have regard under the Charities Act 2011 (s17) and so the extent to which a breach or failure to follow the guidance could give rise to compliance action is doubtful.

126. The Charity Commission also publishes safeguarding guidance, and provides advice to charities. It recognises that over the past 10 years it has developed its approach to taking action in cases of perceived safeguarding failure - intimating that before that point in time it was not so focussed on using its powers where there have been child protection failures.<sup>54</sup> It recognises that it has increased the amount of safeguarding work from 2017, and because of concerns around Oxfam and other charities, from early 2018.<sup>55</sup> It is certainly the case that there have been increased reports from charities themselves in the light of the guidance and steer of the Charity Commission in the light of the Oxfam report.

127. The Charity Commission tell us that they received 2,504 reports of safeguarding incidents in 2018/2019, up from 1,580 the previous year. The Commission's safeguarding case load has risen in

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<sup>52</sup> (exhibit ref 3 to HG w/s)

<sup>53</sup> (paragraph 19)

<sup>54</sup> (see para 63 of w/s of Harvey Grenville)

<sup>55</sup> (para 64, HG)

consequence: in 2018/2019 the Commission opened 764 new compliance cases involving safeguarding concerns, as compared with 552 during the previous year.<sup>56</sup> This was from all charities not just those dealing with religion.

128. The Commission has not used enforcement action frequently in cases involving child protection in religious organisations - between April 2018 - 2019, there were 98 statutory inquiries - which is the formal mechanism by which the Charity Commission has power to require information to be provided and may be the basis upon which enforcement action is then taken by the Commission – of which 13 had a safeguarding component, which can include adults, as well as children.<sup>57</sup> Three relate to RC charities, two of them relate to the Jehovah's witnesses: four relate to Islamic charities, and two relate to Christian organisations, and one relates to a Buddhist organisation. There is also an inquiry<sup>58</sup> into the SPAC nation, an evangelical Christian group, but not all of these investigations relate to child sexual abuse or exploitation and many of them are around financial exploitation and abuse.

129. The Commission has no role in investigating or dealing with individual incidents of abuse, nor does it administer the legislation on safeguarding children.<sup>59</sup>

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<sup>56</sup> (para 64, HG)

<sup>57</sup> (para 164/165 HG - this stat makes no sense and may need to be clarified)

<sup>58</sup> (see paras 192 - 197 of HG)

<sup>59</sup> (para 10 and 11 of the CC w/s)

130. The main duties of trustees of charitable organisations are financial. The 2011 Charities Act placed relatively few duties in relation to safeguarding on the charity, with no explicit duty in statute concerning the welfare of children or vulnerable adults. All charities must obey orders from the Commission<sup>60</sup> and have regard to the operation of the public benefit requirement guidance as published by the Charity Commission.<sup>61</sup> This guidance provides that have regard to means to be aware of it, to have taken it into account and if it is not followed, to have good reasons for doing so .

### **Regulated activity- vetting and barring**

131. If an individual works with children- whether on a paid or voluntary basis and does more than 3 days in a 30 day period then they should be subject to a check under the Disclosure and Barring Scheme as they are engaged in what the law calls “regulated activity”.

132. We have heard a lot about regulated activity in other investigations, and in particular how it excludes supervised volunteers from such checks, such that many of those who run youth groups or after school activities do not fall under this umbrella. Religious leaders and others with positions of responsibility with religious organisations do not fall under the legislation, but will have considerable power over young people. They are not subject to checks. In other investigations we have had concerns raised that this position is anomalous and wrong by the religious organisations themselves: the same has been

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<sup>60</sup> (s336)

<sup>61</sup> (s17(5)) of the 2011 Act

said by many religious organisations in this inquiry. It is not a criminal offence not to seek a check – something which may wish to explore if it should be so. Moreover, although it is a criminal offence to have someone engaged in regulated activity who has been barred from working with children.<sup>62</sup>

### **Other relevant organisations**

133. We asked the Children's Commissioner what work she had undertaken about child protection in religious settings. The Children's Commissioner is a body independent of central government whose role is to promote or protect the rights of all children in England. The Commissioner can intervene and enter into any organisation to inspect it, and can undertake independent reports akin to a public inquiry. She is meant to be the eyes and ears of children in the system and to champion the rights of children.<sup>63</sup> She has done no work specifically on children in religious organisations.

134. There is an All Party Parliamentary Group on Safeguarding in Faith Settings, a cross bench organization of peers and MP's which is to work on the understanding of the unique safeguarding challenges of communities of faith. We will be hearing from Justin Humphreys, who organises the Secretariat about its work. They have recently published a paper about extending the criminal law to include clergy and religious figures in positions of trust.

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<sup>62</sup> (DBS000273 - w/s of Suzanne Smith 18/2/2020).

<sup>63</sup> (see CCE000001 , p1)

135. In the Anglican investigation, this Inquiry made a recommendation that the criminal law should be changed so that those in the Anglican church who were in positions of pastoral or spiritual authority should not be able to have sexual activity with those aged 16-18. The Panel considered that the law currently only criminalises sexual activity for those who work in schools, the health sector or the care sector, but not those working in religious or other voluntary organisations. This reflects the campaign run by the NSPCC which focused upon those who were in positions of responsibility in sports organizations called Close the Loophole. We have looked again at this issue in this investigation as to whether or not this is something which is required within other religious organisations.

136. We will be asking a representative from the Ministry of Justice why they have not yet decided to legislate in this area.

**Regulation amendments proposed to date**

137. As part of the government's counter extremism strategy, the DFE issued a consultation in 2015 about whether to create a statutory regulatory framework for out of school settings – not just those which were religious, but all of those who provided voluntary or paid for supplementary education. The consultation had an overwhelmingly negative response from religious organisations - the Evangelical Alliance urged parents and its churches to respond to the consultation negatively, and the Northern Council of Mosques, which represented over 400 mosques issued a statement which claimed that the measures would encroach on religious freedom, and that this regulation would lead to a form of state sanctioned religious expression.

138. The DFE decided not to act on the basis of the concerns expressed that such out of school settings would not be able to exercise religious and other freedoms by those who responded to the consultation. There were also concerns that the burden of regulation may push providers out of making such provision or making them too expensive. It is clear that the fact that it was focussed upon counter extremism and implied that all such settings would need to respect "fundamental British values" upon registration meant that potentially valuable measures about the protection of children from sexual abuse and other forms of physical abuse were rather lost in the hue and cry which followed.

139. OFSTED says that this consultation was a missed opportunity.

They say that the majority of negative responses concerned the aspect of the consultation which identified that there would be a prohibition on “undesirable teaching” – which is that which was seen to “promote extremist views” or be incompatible with fundamental British values. No definition was proposed: as OFSTED set out, it was this that caused the concern from religious organisations. The concerns raised by religious organisations in this consultation identified that without specific definitions, the scope of these terms could either prohibit teaching on some of the beliefs of mainstream religious groups, or lead to state regulation of religious instruction.

140. OFSTED considers that there should not be such a prohibition in any proposed further regulation of religious organisations, and that what should happen is that there should be improved access to appropriate safeguarding training and better model standards and curricula rather than an idea of prohibition.<sup>64</sup> OFSTED also propose a model of regulation for supplementary organisations requiring it to register with a sector association or umbrella body appropriate to the sorts of activities that it will provide, which would provide diversity of approach but also safeguarding guidance and training.<sup>65</sup>

141. We are going to re-examine and ask organisations why they objected to the proposed regulation and if they would object to

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<sup>64</sup> (para 56 of Amanda Spielman Jan 28<sup>th</sup>)

<sup>65</sup> (see paragraphs 89 – 92 of OFSTED)



oversight or the imposition of standards related to keeping children safe from sexual abuse.

142. The Government decided not to proceed with statutory regulation, but has issued a consultation on a voluntary code of practice for out of school settings. It has been collating responses to this consultation but its decision about whether it is to be implemented has not yet been issued, despite the consultation ending in March 2019. Many religious organisations have said that the voluntary code does not go far enough, and many want some form of regulation at the very least to ensure that all such settings vet staff adequately and to ensure training for those who work or volunteer in such organisations. The Muslim Council of Britain for example, have identified that supplementary schools who work with children should be regulated so that there are adequate checks and training in place with a register of those who provide organised classes being accessible to the public.

143. Our focus is not on religious extremism or radicalisation. In fact, it could be said that the focus upon such in the proposed statutory regulation was not right, as keeping children safe from sexual abuse is not a question of religious freedom. Every religious organisation has identified that it is wrong, immoral, sinful and against any religious belief for adults to abuse children.

144. Alongside the issue of the consultation on the voluntary out of school settings code – which applies to all voluntary organisations, not just those with a religious background. The DFE has also

identified a series of evidence gathering pilot schemes that are designed to seek to map and gather information about how any such organisations exist and what they do – we have had evidence in writing from Local Authorities who have participated in this scheme and have also asked the Department for Education about these pilots and what they tell us about the extent of provision in this sphere. They have told us that this pilot is designed to identify whether the current regulation of existing out of school settings works and the usefulness of current powers, and the results of this could be used to identify best practice. We have sought evidence from five of the participating local authorities.

145. Strengthening Faith Institutions, Faith Associates and other organisations which work with religious bodies have told us that mistrust of the government and statutory bodies by faith communities so that seeking to engage them voluntarily is a good way forward.

146. Even if the code is published as a helpful guidance document, it does not create any mandatory obligations upon religious organisations and could be ignored without any consequences.

#### Views of religious organisations

147. There is a division of view amongst those from whom we have gathered evidence about whether or not some form of registration scheme is desirable. However, most bodies agree that some form of

voluntary kitemark scheme would be useful by way of a certification and recognition scheme, a scheme which may act as an auditing mechanism for objective review in a faith sensitive context.

148. There is division as to whether this organisation should be run by the government or by faith bodies themselves.

149. Some of those who have provided evidence have said that an agency, independent of government but funded by it which would support good practice, and seek to provide training, certification and learning development and the development of minimum standards of conduct and policy implementation to develop best practice would be good.<sup>66</sup>

150. Other survivor groups support some form of culturally sensitive approach to regulation which is consultative and inclusive (see anbu para 12).

151. We will be exploring these opinions and suggestions with our witnesses in this hearing.

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<sup>66</sup> (see EDW000001-011)

**Non-governmental provision to help religious organisations**

152. There is a patchwork system of help and assistance that religious organisations can turn to if they wish to improve their safeguarding practice. Local authorities can and do offer training, but as we will hear, many religious organisations do not take it up or do not know that it is available.

- a. Madrassah.co.uk develops a programme for the safeguarding of children in supplementary schools and has a safeguarding training programme run by some local authorities.
- b. Faith Associates has provided safeguarding training to thousands of people, involving supplementary schools and other voluntary faith based youth work.
- c. The NRSCE provides a quality standards framework for supplementary schools- Their programme and work with supplementary schools revealed both that schools had a lack of policies but also found it difficult to come up with practical solutions to problems.
- d. Thirty One Eight, from whom we will hear in evidence provide training, auditing, advice, emergency cover and also internal reviews predominantly, but not exclusively with Christian denominations.
- e. The NSPCC has also worked with a number of religious organisations to run independent reviews, and to develop training materials and advice.

- f. Reshet, a network for Jewish Youth Provision who provide training and support for out of school settings, and provide a safeguarding network forum.

## **Themes of the investigation**

153. As I said at the outset, this investigation will look at what religious organisations and settings are doing in terms of child protection, and whether it works.

154. Asking religions to engage with issues around child protection, it is not around their religious teaching, but around basic processes and administrative practices.<sup>67</sup> So, for example, when we talk about standards, those expert in this area mean:

- a. Having a child protection policy which is implemented
- b. Having training for volunteers and staff about sexual abuse, how to spot the signs that it may be going on and what to do about it if a child tells you about it or if you have concerns.
- c. Having volunteers or staff who are aware of the issues surrounding abuse, can recognise its signs and symptoms and who can respond appropriately by referring matters, where the threshold is crossed, to the police or social services.
- d. Not employing people or using them as volunteers those who have criminal convictions for sexual offending or are a known risk to children - known as safer recruitment by having processes and policy in place to do this.
- e. Management and supervision of those employed by working for or volunteering in the organisation to have supervision and training in child protection.

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<sup>67</sup> (taken from Keith Brown: Latest version Christian faith draft attached to his w/s)

- f. That the policies of organisations should meet certain basic standards about keeping children safe, and to assessing risk.
- g. Identifying that the welfare of children is at the centre of any activities that a religion runs.
- h. Having people who are able to speak to children and young people and to ensure that communications with young people are such that they can understand and respond to.
- i. Providing spiritual, theological , practical and psychological support - often known as pastoral care for those who have been abused as children.
- j. Having processes in place to manage the risks associated with sex offenders or others who may pose a risk to children who may wish to join in with collective worship or be part of the faith and meet with others - by having appropriate risk assessments, and liaison with the police and probation and managing and creating safeguarding agreements.

### Structure

155. Amongst the religious organisations we have heard from, they are structured very differently, not only in how they manage child protection but in the organisation as a whole.

156. Some, like the Salvation Army or a Buddhist organisation, Triratna, have a hierarchical structure of safeguarding, with local safeguarding leads for each church, and then regional and then national safeguarding leads. Others do not have structures of management, so that each place of worship or religious setting within the network is

responsible for its own safeguarding with no oversight at any regional or national level, such as Liberal Judaism or the Green Lane Masjid.

157. Most religious organisations are a collection of individual places of worship or where communities gather which may have some loose ties with others, but which largely operate as independent self-sufficient and autonomous bodies, who govern themselves. Sometimes, the umbrella body - for example, in the case of the Quakers who are all independent “area meetings” have the imposition of safeguarding arrangements both at a local and at the level of the central committee.<sup>68</sup> Some religious bodies - to give an example the United Synagogue - require synagogues who wish to become members of the organisation to have safeguarding policies and guidance, but few require training before affiliation. Safeguarding is ultimately subject to the vagaries of the local organisation and its implementation, in particular its implementation without any oversight from any other body.

158. In Islam, there is no hierarchy at all, with the Imam being the worship leader but the Imam is a learned person but there are no hierarchy of Imams. There are a number of other individuals who have religious knowledge who have standing within the Muslim community such that they teach others, often called Sheikh's or Pirs. They may well not have any formal qualifications or training but are seen as teachers of the young in Qu'ranic recitation.

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<sup>68</sup> (para 12 of Quaker w/s)



159. Moreover, whilst some religious bodies have processes for ordination or some form of formal religious qualifications or theological standards for those that lead (and in many cases run or govern) the organisation, this is not the case in many religious bodies, where leadership is simply the recognition by the community of their importance rather than by any external body. Any network or affiliation can therefore be withdrawn from without any religious or even financial consequences.

160. We have circulated to all core participants a precis of the evidence we have received from religious organisations who have responded to our requests for information (**bring up on screen from emailed copy**). Part of what we have tried to do is to build a picture of what child protection practices are now in existence. We have asked them about various issues to do with their current policies and procedures. We will publish this now and it will be a useful aide memoire throughout the hearings.

a. Do they have child protection policies?

161. Of those who answered, nearly everyone had a policy of some sort about how members of a religious community should work with children. Some organisations have had policies since 2000: others have only developed policies in the past ten years, and some more recently than that. Some had only been put in place following correspondence from this investigation. The contents vary widely in scope and their implementation is not consistent.

162. An umbrella organisation, the Union of Hebrew Congregations has told us that it does not have a policy but it does no direct work with children, being an umbrella organisation for a number of different synagogues.

163. Other umbrella organisations, such as the Evangelical Alliance, which is a group of Christian churches of various denominations have produced their own safeguarding policy but do not provide any safeguarding policies to their member organisations.

164. The fact that in 2019, part of the work of the Edward Cadbury foundation on religious understanding in its work that it is doing funded by the Government is to explain to religious organisations that there should be policies and processes for dealing with child safeguarding procedures shows that there is still a need .

165. What seems to be acknowledged by the organisations which attend the Faith Leaders Initiative is that they recognise the need for proper safeguarding procedures and that this is unquestioning.<sup>69</sup> The policies are however not always embedded in organisational culture that they should be.<sup>70</sup>

(b)Examining if there is any training which the organisation undertakes, and if so, which people do so.

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<sup>69</sup> (paragraph 19)

<sup>70</sup> (paragraph 19)

166. Some organisations have training for those in senior roles in child protection, where they have a management structure which allocates a role for someone, paid or unpaid, to be responsible for child protection. Some organisations such as the Jehovah's witnesses say that all elders to be appointed to a branch committee should have safeguarding training.

167. Whilst employees have to attend training, it is often the case that volunteers do not have to do so. In many cases there is not systematic or compulsory training for all and the information we have demonstrates that it is relatively few organisations which have compulsory training modules. This does not mean that people are not committed to good practice, but that it is one priority amongst many against a group of a few volunteers who often have very many other commitments.

168. The evidence we have received does not necessarily lead to a correlation that larger organisations have more sophisticated child protection and smaller organisations have none. For example,

- a. Triratna , a small buddhist organisation has safeguarding training
- b. as do the Bahai, another small organisation in the UK.
- c. As do the Quakers.
- d. As do the Church of Latter Day Saints
- e. As do the Scientologists. They run a system of "bad indicators" and also require members of the Church to write

a report if any Scientologist is engaging in non-optimum conduct, and also has a “tone scale” to spot the emotional tone (display COS000001 – 006 and 007).

169. SFI, an organisation which had worked with many smaller places of worship identifies that access to training is a major obstacle to the creation of what they call a robust safeguarding “ecosystem”.<sup>71</sup> Whilst sometimes willing, the size or the language difficulties inherent in some organisations mean that they cannot provide a designated safeguarding lead<sup>72</sup> and the rigour of compliance with safeguarding standards is not robust.

(c) Whether they undertake DBS checks of those that they recruit or who volunteer.

170. There are a number of levels of DBS checks. A basic check can be carried out by any employer, which is a declaration of any unspent convictions or cautions. An enhanced check contains information both about convictions, but also police intelligence, and an enhanced check with the barred list confirms whether that individual features on the barred list. However, in order for that check to take place, an application can only be submitted for those who have frequent and unsupervised contact with children for education, care, counselling or whilst driving a minibus (don't ask me, I didn't draft it). This must happen at least three times a month, or overnight.

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<sup>71</sup> (para 38)

<sup>72</sup> (LBTH, para 40)

171. Some religious organisations do not undertake DBS checks as they say that any activity with children happens whilst supervised by parents or other family members - such as the Jehovah's witnesses. Others do not check their religious leaders even though they may have contact with children because this will not be unsupervised or because of the cost, including the Pagan Federation. Others, such as the United Synagogues check all rabbis because they may have unsupervised contact with children.

172. The relationships formed within the context of a religious organisation can involve a significant degree of influence or trust. Even if there is not significant unsupervised contact, that does not mean that grooming cannot take place.

173. Moreover, whilst this is changing, some organisations, such as the Baptists, have told us that there is still resistance to DBS checks from some churches as it is still seen by some people as doubting their integrity, or wanting to keep things in the old way.

174. There is certainly not a unanimity of view of who should be checked, and in what circumstances, and most organisations have identified a lack of clarity about both the nature of the checks and the administrative processes surrounding them.

175. Many religious organisations have told us that they have found it difficult to navigate who is a regulated activity. Some, particularly

those which are smaller and do not engage in communal activities for children other than occasionally, have not been able to obtain such checks - the Pagan Federation having told us that they have found it difficult to get checks.

(d) Whether they have dealt with child sexual abuse.

176. The vast majority of times when child sexual abuse will come to attention of religious organisations or settings are concerns about children attending their settings who may have been abused by family members, or when those who have been convicted of child sexual abuse wish to attend religious services or community activities where children will be present. There will be individuals who have perpetrated child sexual abuse, whether offences of viewing indecent images of children or having sexual activity with those under 18 in every religious community. As the case of the Bahai shows, there have been 15 of their members who have been convicted of child sexual abuse, one of them in a religious context. This is not a surprise given the statistics I have set out above.

177. Some organisations have formal child protection agreements for such congregants: others do not appear to have such, and rely upon the community knowing who these people are to either prevent them attending worship or to prevent them working with children. Some organisations have well-funded risk assessment schemes: others have none.

178. Most organisations, however, are reliant upon good communication with police and probation to know if sex offenders wished to worship in their setting. There is not always consistent or comprehensive information sharing in either direction – and as we have found, it can sometimes be difficult to identify who in the religious organisation one can and should make contact with to discuss these matters.

(e) Whether there are any auditing or inspection or oversight of the child protection practices

179. We asked if there was any external oversight or external auditing of their child protection policies. Some organisations have some internal oversight of policies, and have regional and national officers who provide a degree of advice, oversight or direction and management of safeguarding at a local level - for example the Methodists.

180. Some organisations have commissioned an external audit, either of current arrangements, or in some cases a review of personnel and other safeguarding files to identify if there are any non recent issues of abuse which were not dealt with appropriately. An example of this is the Salvation Army, or the Methodists.

181. Some bodies have sought or are beginning to seek external reviews for either one off cases, or on a more regular basis, but this is still the exception, rather than the rule. There is no routine external

oversight by safeguarding professionals of any religious organisation that we can find.

182. There is no routine monitoring and oversight by umbrella bodies in many cases of their individual affiliates. To give but one example, the Muslim Council of Britain, which is an umbrella body for over 500 muslim organisations identifies that they think that their affiliates have a good level of understanding of issues of child sexual abuse , but there is no review, survey or monitoring to provide empirical evidence to back this up.<sup>73</sup>

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<sup>73</sup> (paragraph 24 of the MCB w/s)



(f) Redress and reparation

183. There is limited information about redress and reparations by these religious organisations, as few cases have resulted in civil claims. Those who have brought complaints using the internal complaints procedures have told us that they have faced obfuscation, delays and hostility. Very few religious organisations have counselling or therapeutic services available easily.

(g) Reporting abuse

184. We have asked organisations about their policies for reporting abuse, and any whistleblowing practices. So far, the evidence indicates that practices vary widely across religious organisations as to whether or not they have such policies, and if so, whether they are implemented. Most religious organisations who have provided evidence have little, or no, actual experience of someone reporting abuse to them in the recent past, or only very small numbers (no more than a handful in most cases). It is not clear whether this is because abuse has not happened, or because individuals do not wish to report abuse to internal authorities. Witnesses who have reported abuse to authorities have identified concerns about treatment at the hands of faith organisations.

185. The role of the statutory agency is also important. Ms. Oakley, who has worked with many religious organisations has identified that there can be difficulties in religious organisations working with

statutory agencies. The research she has undertaken has demonstrated a lack of religious literacy in statutory agencies and some mutual distrust or little understanding of religious backgrounds, so that religions may feel wary of reporting matters for fear of ill-informed judgements being made.<sup>74</sup>

186. This is further reinforced by what the UOHC, which represents the Charedi organization feels about its engagement with some local authorities. They consider that local authorities can reach conclusions without intense scrutiny, and that there are often unrealistic expectations of the administrative capabilities of such settings – for example, expecting organisations to be able to carry out a safeguarding audit when they don't have any kind of procedures at present.

187. One of the issues which arises in respect of reporting is whether or not organisations and those within them should be obliged to report allegations of child sexual abuse to either social services or the police. There is no such legal duty in English law, and this Inquiry has held seminars and received evidence in all investigations about the benefits or disadvantages of what is often labelled as “mandatory reporting”. This investigation will continue with further evidence about this. One of the advantages of this investigation is that many of the religious bodies we approached are not solely based in the UK and have a worldwide presence, and so we are able to examine in what ways their policies may be different. Many religious organisations

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<sup>74</sup> (paragraphs 53 and 54)

believe that such a duty should be made compulsory<sup>75</sup> as do many victim and survivor groups. In particular, it is seen as a way of overcoming some of the cultural barriers identified above to ensure

#### (h) Resources

188. We have asked all religious organisations what sort of resources have been provided to them to manage child protection: again, answers have varied considerably.

189. Most of those working in this area have told us that they have resources, but they have often talked of the difficulties in managing what are largely volunteer led organisations. The Bradford Council of Mosques has identified that the main barriers to providing effective child protection training within the mosques affiliated to it and the supplementary schools which provide education in Islam are capacity and resources. Most organisations rely on volunteers to give up their time, and to fund these organisations. There is often a regular turnover of volunteers, making it difficult to retain those who have undergone training. They also identify that in their case, many volunteers can be first generation immigrants with poorer English language skills and levels of literacy , who may have difficulty accessing training.

190. Strengthening Faith Institutions also points out that the communities which it often operates within , which are not affiliated to

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<sup>75</sup> (see EDW000001 - 012 at [25])

large umbrella bodies, tend to be both Black or minority ethnic, and urban and that they are often located in socio-economically deprived part of England. This can lead to volunteers not having the leisure time to be able to attend courses, and the fees for DBS checks and other courses can be prohibitive.

### (i) Recruitment

191. What checks are made of staff or volunteers if they undertake such activity, and what checks are made of those wishing to become religious leaders, elders, or those who have spiritual or pastoral authority over others in the religious community, even if they do not undertake the youth work personally? Does promotion to more senior positions take adequate account of their responses to child protection issues and their ability to manage such issues?

### **Issues**

192. To conclude, from the evidence we have received, the following has emerged:

- a. There is a strong consensus that those working in religious organisations want to ensure that there are strong and robust child protection procedures in place.
- b. The number of volunteers, and the fact that many organisations are exclusively volunteer led causes practical

and logistical problems in ensuring that everyone has had training and that systems and processes work effectively.

- c. All would welcome some kind of guidance as to what good child protection looks like, and common training and/or materials or guidance which would be useful for all religious organisations has found broad favour. Most organisations would welcome some national safeguarding standards applicable in every place of worship, irrespective of any affiliation, with a set of model policies and procedures supported by clear basic guidance and a set of practical requirements, along with the provision of training. People in such organisations often have basic questions - can I hug a child if they are upset? For which answers would be welcome.<sup>76</sup>
  
- d. Most organisations would welcome auditing from any external body, provided that they understand the religious context.
  
- e. Some organisations consider that there should be a compulsory code for out of school settings; others that it should be voluntary.

193. We will spend time at the hearings looking at the following issues:

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<sup>76</sup> (taken from EDW000001 - 010 at 22)

- a. How far are the structures in place within the religious organisations a barrier to dealing with or managing child protection concerns effectively or efficiently? How do they impact upon responses to those who have been abused?
- b. Are there child protection policies? If so, what are they, how often are they reviewed, and how are they implemented and put into place?
- c. If the organisation is in more than one place, are there offices or agencies at a local, regional or national level to oversee child protection work? What do they do and how do they operate?
- d. How far do the elders, faith leaders or senior members of the organisation deal appropriately with issues of child protection, and initiate change to improve practices and processes in the culture of the organisation in respect of child protection? How far are they aware of the extent of child sexual abuse within their organisation, and have they taken steps to identify or remedy inadequacies they have found, and, if not, why not?
- e. Should there be a common set of basic standards applicable across religious organisations in relation to how they manage child protection issues?

- f. Should there be some form of registration scheme for bodies which run activities for children which would require the meeting of certain minimum standards about keeping children safe? If so, should that registration scheme be voluntary or compulsory?
- g. Should there be some form of inspection -- whether by a body commissioned by the religious organisation or an outside body -- of provision for children and young people?
- h. Could or should there be common sets of policies, training materials or common basic qualifications for faith leaders in respect of child protection?
- i. What does good look like in this context?

194. What has been interesting is that organisations have usefully used our requests to examine their own processes and some have told us that they have initiated action or changes to their policies in the light of our hearing. For example, the Quakers identified that a review they undertook about past cases was deficient and have decided to undertake it again: the Shree Temple has told us that it has engaged with safeguarding consultants and many others have told us that this has prompted them to re-examine what they do at present. We thank these organisations for doing so and acting in a proactive manner.

## **PROCEDURE**

195. I turn now to the conduct of this hearing. Each of the counsel for the core participants will now have an opportunity to make a short statement. The evidence will begin later this afternoon with a victim of sexual abuse within the Methodist Church and will be structured in as logical way as is possible given the time constraints and witness availability. We have published a timetable but to recap:

- (a) Tomorrow we will hear from the Jesus Fellowship Survivors Association, and the Baptist Union. In the afternoon, we will hear from two gurdwaras, Southall and Smethwick.
- (b) On Wednesday we will be hearing from a number of women's organisations who deal with the survivors of sexual violence against women and girls, and in the afternoon from the Evangelical Alliance.
- (c) On Thursday we will be hearing from those who used to be Jehovah's witnesses, a victim and survivor of abuse within the Jehovah's witnesses , and then from the Jehovah's witnesses themselves.
- (d) On Friday we will be hearing from the Salvation Army. We will then hear from the NSPCC, an organisation called Thirty One : Eight which provides consultancy and training services to a range of mainly Christian organisations and to Dr. Oakley. In the afternoon we will be hearing from the Mosques and Imams Advisory Board and also from Faith Associates, a training and consultancy organisation for Muslim religious settings.

## **WITNESSES - A REMINDER**



- (e) For everyone's understanding, may I explain how live witnesses who have not waived anonymity will appear in person. Live witnesses who are anonymous will have special measures in place to protect their identities. Before anonymous witnesses testify, the hearing room will need to be cleared of press and members of the public, who will be able to listen to audio of the witness in a separate room. I shall invite the Chair and the Panel to rise while these arrangements are being made, and, in the case of those who are to give their evidence by video-link, while the video-link is being set up for those witnesses.
- (f) We have anonymous witnesses giving evidence today and on Thursday of this week. We will also have video link on the Wednesday of Week 2 from a witness outside of the UK.
- (g) I would remind everyone that the Chair has previously made an order confirming that these proceedings will be livestreamed, subject to a three-minute delay. If something is said inadvertently in evidence during these proceedings which risks identifying someone whose identity has been protected by the Inquiry, we will invite the Chair to halt proceedings temporarily whilst the livestream is cut. Chair, you are invited to make a Restriction Order preventing the publication or onward disclosure of any details which may be capable of identifying anyone whose identity should be protected.

1. We will now hear from the following representatives:

- (a) Mr. Scorer on behalf of a range of core participants who will speak for 20 minutes:
- (b) Mr. Barker on behalf of the Ex JW Advocates Opposing Crimes Against Children for 10 minutes.
- (c) Mr. Cervenka on behalf of Kol v'Oz again for 10 minutes
- (d) Mr. Brady on behalf of the Christian Congregation of Jehovah's Witnesses
- (e) Ms. Jefferson on behalf of the Union of Orthodox Hebrew Congregations.
- (f) Ms. Woods on behalf of the Methodist Church.

We will then have a short break after which we will hear from

- (g) Mr. Athanasiou the Safeguarding Advisor for the United Reformed Church
- (h) Mr. Humphreys the Chief Executive (Safeguarding) of Thirty One Eight.

**Fiona Scolding QC**  
**Nikita McNeill**  
**Olinga Tahzib**