

<p>1 Tuesday, 28 November 2017                  2 (10.30 am)                  3 THE CHAIR: Good morning, everyone. Good morning,                  4 Ms Karmy-Jones. Would you like to proceed?                  5 MS KARMY-JONES: Chair, members of the panel, as I indicated                  6 yesterday, we are going to begin the evidence today with                  7 some reading to begin to set the English Benedictine                  8 Congregation and its position within the Roman                  9 Catholic Church into context.                  10 Accordingly, I am going to begin by reading some                  11 extracts from a statement of Father Luke Beckett. That                  12 statement, for those who have it, is available at                  13 Relativity reference AAT000958.                  14 Statement of FATHER LUKE BECKETT (read)                  15 MS KARMY-JONES: Some passages will be summarised. Those                  16 summarised passages have been given to core participants                  17 in advance of the hearing and agreed, and any requests                  18 for the inclusion of further passages have been                  19 considered and I think all have been accepted.                  20 So, to begin, Father Luke Beckett outlines his                  21 background and his role at Ampleforth. Father Luke                  22 Beckett says that he entered Ampleforth Abbey on                  23 27 August 1990 and was ordained as a priest on                  24 21 June 1998.                  25 Between 2001 and 2007, he was chaplain and later</p> <p style="text-align: center;">Page 1</p>	<p>1 paragraph 22 of his statement, where he says:                  2 "Firstly, I must point out, in the clearest terms,                  3 that canon law is not an alternative or replacement for                  4 English law. Canon law is a complementary system to                  5 English law and it has no role in the primary response                  6 to allegations of child sexual abuse.                  7 "Where an allegation of child sexual abuse is made                  8 against a member of the clergy, then the allegation is                  9 referred to the police and statutory authorities in the                  10 courts of England and Wales, and the courts of England                  11 and Wales have full and undisputed jurisdiction to deal                  12 and to try the allegation in accordance with the                  13 criminal law of England and Wales.                  14 "Equally, where civil proceedings are issued in                  15 connection with an allegation of child sexual abuse,                  16 then English law and the courts of England and Wales                  17 have full and undisputed jurisdiction to deal with such                  18 proceedings.                  19 "canon law, at least in England and Wales, and                  20 similarly sound jurisdictions, on the findings of                  21 the UK's statutory authorities and courts in its                  22 investigative function, is only supplementary to the                  23 findings of the court.                  24 "canon law's primary function in replying to                  25 allegations of child sexual abuse is to discipline those</p> <p style="text-align: center;">Page 3</p>
<p>1 deputy head of St Martin's Ampleforth. He moved to Rome                  2 to study canon law in 2007, returning to Ampleforth in                  3 2011.                  4 He is Ampleforth's canon lawyer. As a canon lawyer,                  5 he sits as a judge in the diocesan tribunals for the                  6 dioceses of Middlesbrough and Lancaster, as well as                  7 acting as an assessor, otherwise known as an adviser, to                  8 the president of the English Benedictine Congregation.                  9 He has been a trustee of the Ampleforth Abbey Trust                  10 since 2011. He was appointed to the Safeguarding                  11 Commission in December 2016 as Ampleforth's safeguarding                  12 trustee. In that role, he acts as a liaison between the                  13 trust and the Safeguarding Commission.                  14 Father Luke has provided a witness statement dated                  15 19 October 2017. Chair, you will see that in it he                  16 describes in detail his involvement in safeguarding at                  17 Ampleforth. That evidence will be returned to and read                  18 next week when we look at Ampleforth's institutional                  19 response to child protection and safeguarding concerns                  20 and allegations in more detail.                  21 For the purposes of today, I would like to draw your                  22 attention to Father Luke's evidence regarding those                  23 provisions of canon law that he considers to be relevant                  24 to child sexual abuse, and in doing so, for those who                  25 have it, I am going to turn to paragraph 13 through to</p> <p style="text-align: center;">Page 2</p>	<p>1 convicted, usually by laicization, or to regulate and                  2 provide rules by which any member of the clergy must                  3 live their lives where, for whatever reason, laicization                  4 is either not possible or undesirable.                  5 "It also seeks to provide structures which prevent                  6 future offending, learning from the wrongdoing of                  7 the past.                  8 "In this regard, a simple analogy might be that of                  9 a football player convicted of a criminal offence. He                  10 will, in the first instance, be punished by the English                  11 courts, but he then might have a further punishment                  12 imposed by his club if he is allowed to return at all.                  13 "The specific provisions of canon law which are                  14 relevant to responding to allegations of child sexual                  15 abuse are contained in <i>normae de gravioribus delictis</i>                  16 which translates roughly as 'the norms on grave crimes'.                  17 "The relevant provisions are as follows: article 6                  18 makes it an offence in canon law for a cleric to commit                  19 a sexual act against a minor. A minor is canonically                  20 defined as someone under the age of 18 or someone with                  21 a mental capacity equivalent to being under the age of                  22 18.                  23 "Article 6 also prohibits the making, acquiring,                  24 possessing or distributing of child pornography.                  25 "Article 16 provides that a religious superior must</p> <p style="text-align: center;">Page 4</p>

<p>1 pass any allegation with a semblance of truth to the 2 Congregation of the Doctrine of the Faith, the CDF. 3 "Article 21 provides the CDF with a streamlined 4 process to laicize any cleric convicted of child sexual 5 abuse. 6 "Additionally, the following provisions of general 7 canon law have relevance: canon 1395 and canon 695. The 8 former repeats that it is an offence to commit a sexual 9 act against a minor whilst the latter makes the same act 10 an offence for religious as well as clerics. In other 11 words, monks who have not been ordained. 12 "canon 601 is the canonical basis of the authority 13 of a religious superior to compel a member of his 14 community to act in a particular way. Should the member 15 fail to act in accordance with the superior's command, 16 then sanctions will follow. This provision acts as the 17 foundation for the preparation of safeguarding plans, 18 formerly known as covenants of care and disciplinary 19 decrees. 20 "canon 703 gives the power to a superior to expel 21 a member from the house where he is living in an 22 emergency following a serious offence. The exercise of 23 this power has to be followed up by a process to decide 24 on a permanent course of action, which could include 25 dismissal.</p> <p style="text-align: center;">Page 5</p>	<p>1 of child sexual abuse are concerned, and whether and, if 2 so, to what extent, that has changed over time. 3 He said this at paragraph 23 onwards: 4 "The seal of confession is absolute and unbreakable. 5 Nothing learned in confession can be used or repeated 6 outside of confession. Neither the penitent nor the sin 7 they have committed can be revealed, nor can any 8 ancillary details, such as the penance or whether 9 absolution was granted, deferred or refused. 10 "Confession is not, to me, something which one can 11 take a view on that can be subject to change over time. 12 Confession is one of the pillars of Catholicism that 13 depends upon an unbreakable vow of trust which has 14 remained unchanged for centuries, if not millennia. It 15 is a principle of Catholicism that confession is an act 16 between a penitent and God. The priest is merely the 17 conduit. With this in mind, it is simply not open to 18 a Catholic priest to betray the trust of confession." 19 He goes on to say that any penitent who sought 20 solution for an offence of child sexual abuse would 21 almost certainly be told that they would need to report 22 themselves to the police. 23 Then he continues to say that if the seal of 24 confession were not absolute, "then I have no doubt that 25 many people who might otherwise confess to the gravest</p> <p style="text-align: center;">Page 7</p>
<p>1 "Finally, the constitutions of the English Benedict 2 Congregation compel all English Benedictine ... 3 monasteries to follow state- and church-approved 4 safeguarding procedures as a minimum." 5 I should have said, "all English Benedictine 6 Congregation monasteries": 7 "This obligation follows a 2013 amendment to the 8 constitution over which I presided as chair of the EBC 9 constitution's revision commission. 10 "In conclusion, then, canon law is complementary to 11 English law, in the sense that it provides the church 12 with the means to further discipline and regulate the 13 conduct of clerics and religious beyond the limits 14 within which the statutory authorities might be able to 15 reach. Canonical provisions enable the church to set 16 down how a cleric religious life must be conducted and 17 this could be as detailed as setting out the specific 18 times when they must be in certain places on any given 19 day. 20 "The consequence of breaching such regulations would 21 usually lead to dismissal from the religious state or 22 clerical life which, for someone who has devoted their 23 life to a community, is an extremely serious sanction." 24 He was asked to describe his interpretation of 25 the seal of confession insofar as allegations or reports</p> <p style="text-align: center;">Page 6</p>	<p>1 of crimes would not do so and the opportunity to 2 encourage them to do the right thing would be lost". 3 Statement of REVEREND CHRISTOPHER THOMAS (read) 4 MS KARMY-JONES: We move then to the next statement, which 5 is one from Reverend Christopher Thomas, who is general 6 secretary of the Catholic Bishops' Conference of England 7 and Wales. 8 The first statement I am going to summarise is set 9 out on Relativity at CHC000582. It is in your bundles 10 at, I think, tab 5/J1 and J2. But in summary, 11 Reverend Thomas, as I have said, is the general 12 secretary of the Catholic Bishops' Conference of England 13 and Wales. He has provided two witness statements to 14 the inquiry. His first statement is dated 15 22 September 2016 and was provided as part of the case 16 study into child migrants. Insofar as it is relevant to 17 the scope of this case study, it outlines the structure 18 of the Catholic Church globally and in England and 19 Wales, including the role of the Pope, the Holy See, the 20 College of Bishops, canon law, archbishops and parishes. 21 His second statement, in it, he adopts his first 22 statement as well as the evidence that we will hear 23 shortly from Abbot Richard Yeo in respect of religious 24 orders and congregations. 25 His, in effect, first statement is at CHC000396. He</p> <p style="text-align: center;">Page 8</p>

<p>1 deals with the structures of the Catholic Church at                  2 paragraphs 5 to 6, where he says he has produced an                  3 organogram showing a simplified structure of                  4 the Catholic Church of England and Wales as it is today.                  5 I wonder if that is available to put up on the screen?                  6 If not, there is no difficulty with it, and we will                  7 bring it up later on.                  8 He says the Pope is the head of the universal                  9 church. The Pope enjoys the support of a number of                  10 organisations and bodies in the exercise of his                  11 universal role, including the Synod of Bishops, the                  12 College of Cardinals and the Rome Curia, which, together                  13 with the Pope, are known as the Holy See. The Holy See                  14 is the ecclesiastical jurisdiction and administrative                  15 apparatus of the Pope.                  16 At paragraph 9, in summary, he says that the Pope                  17 exercises his power in the universal church through                  18 departments of the Roman Curia. These departments                  19 include nine congregations, including the Congregation                  20 for the Doctrine of the Faith, which promotes the                  21 safeguarding of Catholic faith and morals, and the                  22 Congregation for the Clergy and for Bishops, each of                  23 which has a role in relation to parish priests and                  24 bishops respectively.                  25 These departments also include eight pontifical</p> <p style="text-align: center;">Page 9</p>	<p>1 the Catholic Church. Only the Pope has the authority to                  2 call a meeting, which is known as ecumenical council.                  3 The last time that a meeting of the College of Bishops                  4 occurred was in 1962 to 1965. Prior to this, there had                  5 not been a meeting since 1870.                  6 He describes canon law as the system of laws which                  7 governs the Catholic Church. Laws are articulated in                  8 a code known as the Code of Canon Law. The current code                  9 is the 1983 Code of Canon Law. It superseded the 1917                  10 Code of Canon Law, which was the first comprehensive                  11 codification of canon law in the Latin church.                  12 Summarising paragraphs 16 to 19 as follows,                  13 archbishops and bishops are appointed by the Pope to                  14 have Episcopal oversight over the faithful in the                  15 dioceses. The dioceses are local manifestations of                  16 the universal church as a matter of canon law. The                  17 bishop is responsible for being a teacher of doctrine,                  18 a priest of sacred worship, and a minister of governance                  19 within his own dioceses.                  20 Bishops must visit the Holy See every five years to                  21 provide the Pope with a state of the nation report on                  22 their dioceses. Dioceses are grouped into provinces                  23 each of which are presided over by an archbishop. The                  24 archbishop has very limited authority to intervene in                  25 the affairs of his province.</p> <p style="text-align: center;">Page 11</p>
<p>1 commissions, including the Pontifical Commission for the                  2 Protection of Minors.                  3 At paragraph 10, he says the Pope is also the head                  4 of the collective of all the bishops, the Conference of                  5 Bishops. The Pope's authority over the universal church                  6 is complemented by the authority of all the bishops                  7 taken together. Together, they exercise jurisdiction                  8 over the church. The Pope is not, therefore, able to                  9 dictate unilaterally what a bishop may or may not do.                  10 The College of Bishops does not extend to schismatic                  11 religious organisations that identify themselves as                  12 Catholic but which are not recognised by the                  13 Catholic Church and who are, therefore, not in communion                  14 with the Holy See.                  15 The individual members of the College of Bishops are                  16 each directly responsible for the pastoral care and                  17 governance of the Catholic Church within their own                  18 particular dioceses. The College of Bishops, acting as                  19 a whole, has juridical personality, meaning that it is                  20 recognised as a separate legal entity within canon law.                  21 The College of Bishops, acting as a whole, has                  22 supreme power over the entire Catholic Church, the Pope                  23 being the first amongst equals.                  24 The College of Bishops meets very rarely. There                  25 have only been 20 meetings in the entire history of</p> <p style="text-align: center;">Page 10</p>	<p>1 Also canon law stipulates otherwise, each bishop is                  2 the supreme authority within his own dioceses. This is,                  3 in effect, what I have summarised but I assume someone                  4 has asked for it to be read:                  5 "Archbishops and bishops must abide by canon law but                  6 are autonomous within their own dioceses. Each bishop                  7 is accountable to the Pope."                  8 If an archbishop or a bishop receives a complaint                  9 that an individual -- ie, a cleric, member of                  10 a religious order or a layperson -- within his dioceses                  11 is not abiding by canon law, then he has the power to                  12 direct the errant individual to comply.                  13 A complaint about a breach of canon law by a bishop                  14 would have to go to the metropolitan archbishop at first                  15 instance. If that did not lead to a resolution, the                  16 complaint would then go up to the Holy See depending on                  17 the type and substance of the complaint. If the                  18 complaint was about the procedure that was followed,                  19 this would be dealt with by the Apostolic Signatura.                  20 A complaint about the teaching of heresy would go to the                  21 Congregation of the Doctrine of the Faith. The                  22 Congregation for Bishops acts as a tribunal and hears                  23 all other types of complaint about individual                  24 archbishops or bishops. The Congregation for Bishops                  25 considers that an individual archbishop or bishop, if</p> <p style="text-align: center;">Page 12</p>

<p>1 they are in breach of canon law, then it may issue 2 a sanction. This happens very rarely. 3 At 25, he indicates that each dioceses contains 4 a number of parishes, each of which is governed by 5 a parish priest appointed by the archbishop or bishop. 6 A bishop may entrust a religious order with a parish to 7 carry out the apostolic work of the dioceses. 8 At 27, he says: 9 "Whilst priests are appointed by the diocesan bishop 10 and must abide by canon law, the responsibility for the 11 parish rests with the priest, who does not derive 12 delegated authority from the bishop but by virtue of his 13 being appointed the proper pastor of his parish. The 14 bishop exercises oversight over the parish by way of 15 visiting the parish at least once every five years. 16 However, the relationship is not one of control by 17 a superior, but of advice and collaboration. A bishop 18 may remove a parish priest from his parish, even without 19 grave fault, whenever his ministry suffers injury or is 20 rendered ineffective by reason of any of the causes 21 recognised in canon law or some other similar reason 22 according to the Code of Canon Law, but must follow the 23 procedure laid down in canon law which provides recourse 24 to the Congregation for the Clergy in Rome or to 25 Signatura if it is a matter of process for a parish</p> <p style="text-align: center;">Page 13</p>	<p>1 collectively known as the Catholic Bishops' Conference 2 for England and Wales. There is a separate Catholic 3 Bishops' Conference for Ireland and a separate Catholic 4 Bishops' Conference for Scotland. The three Catholic 5 Bishops' Conferences within the United Kingdom are not 6 connected and do not meet collectively. 7 "... 8 "There is no line of authority between the Pope and 9 the Catholic Bishops' Conference of England and Wales. 10 If the Pope wishes to issue a directive, he will issue 11 it directly to the individual archbishops or bishops 12 rather than through the Catholic Bishops' Conference ... 13 As a matter of convenience, any information might be 14 disseminated through the Bishops' Conference and I do 15 from time to time receive letters from the Holy See. 16 These letters will, however, always be addressed 'To 17 Bishops in their Sees' rather than the Bishops' 18 Conference." 19 In summary, he goes on to say at paragraph 36: 20 "The president of the conference is Vincent Nichols, 21 Cardinal Archbishop of Westminster. The conference 22 meets twice a year in plenary assembly. Smaller 23 meetings are also held throughout the year." 24 In terms of religious orders, he says: 25 "A religious order is a group of consecrated men</p> <p style="text-align: center;">Page 15</p>
<p>1 priest who wishes to challenge such a removal." 2 In summary, at paragraph 28, he says that there are 3 five provinces also known as archdioceses or 4 metropolitan dioceses in England and Wales. These are 5 Birmingham, Cardiff, Liverpool, Southwark and 6 Westminster. All of the archdioceses have juridical 7 personality. The diocese of Middlesbrough is within the 8 province of Liverpool. 9 He deals with the Catholic Bishops' Conference for 10 England and Wales saying that the Bishops' Conference 11 was brought into existence by the 1983 Code of Canon 12 Law. Prior to that, the equivalent organisation was the 13 Provincial Council which came about as a result of 14 the 1917 Code of Canon Law: 15 "Canon 447 states that: a Conference of Bishops, 16 a permanent institution, is a group of bishops of some 17 nation or certain territory who jointly expresses 18 pastoral functions for the Christian faithful of their 19 territory in order to promote the greater good which the 20 church offers to humanity, especially through forms and 21 programmes of the apostolic fittingly adapted to the 22 circumstances of time and place according to the norm of 23 law. 24 "... 25 "All of the bishops in England and Wales are</p> <p style="text-align: center;">Page 14</p>	<p>1 and/or women with a particular charism (or spiritual 2 focus) that is reflected in their apostolic work in the 3 church. For example, the Dominicans, who are also known 4 as the Order of Preachers. 5 "Before being recognised as a pontifical religious 6 order, a group must apply to the Holy See for approval 7 of their constitution. The constitution, once approved, 8 governs the daily lives of the members of the religious 9 order. 10 "Each religious order has its own superiors who are 11 responsible for the administration of the order. There 12 may be leadership at a local level. The House Superior 13 will be responsible for one house, ie, a house where 14 a religious community lives. A collective of those 15 would be a provincial who will have oversight of several 16 houses. The provinces of the religious orders do not 17 correspond with the provinces. In other words, the 18 metropolitan dioceses (as set out in paragraph 28) and 19 the geographical areas covered by the particular orders 20 will vary. Above that would be the generals. Generals 21 normally live in Rome and are responsible for the order 22 as a whole across the world. Superiors do not have the 23 same powers as archbishops or bishops. They are able to 24 pass particular law in a General chapter (in which 25 delegates from the whole Congregation and all of</p> <p style="text-align: center;">Page 16</p>

<p>1 the provincials will come together to elect a new                  2 Superior General and to look at other aspects of                  3 the charism and apostolic work).                  4 "All members of religious orders must abide by canon                  5 law. They are also bound to comply with the particular                  6 laws of the dioceses in which their community resides.                  7 In reality, there should be no conflict between canon                  8 law, Particular law and the constitution of a religious                  9 order.                  10 "The dynamic between the archbishop or bishop of                  11 the religious orders operating within his dioceses is                  12 not the same as that between the archbishop or bishop                  13 and the parish priests. A religious order cannot                  14 operate within a particular diocese without the                  15 permission of the archbishop or bishop. The archbishop                  16 or bishop can request the superior of a religious order                  17 to take a particular action. For example, to remove                  18 a member who is acting in breach of church teaching. In                  19 the case, say, of an errant superior, for example,                  20 a sister teaching heresy, the bishop would write to the                  21 provincial asking for a remedy who, if unable to resolve                  22 the matter, would then speak to the Superior General.                  23 If this did not bring about compliance, the matter would                  24 then be taken to the Holy See. Specifically in this                  25 case, the Congregation for the Doctrine of the Faith, or</p> <p style="text-align: center;">Page 17</p>	<p>1 direction, but is advisory and collaborative (although,                  2 as also stated above, the bishop has the right to                  3 appoint and remove parish priests).                  4 "The Catholic Church operates on the principle of                  5 subsidiarity, that is, the universal church must never                  6 substitute itself for the initiative or responsibility                  7 of individuals or intermediate communities at the level                  8 at which they can function, nor must they take away the                  9 room necessary for their freedom save by the teachings                  10 of the universal law. In practice, this means that                  11 decisions are taken at the lowest possible and sensible                  12 level rather than centralised level, allowing                  13 individuals to commit to and take responsibility for                  14 their community."                  15 The remainder of that statement deals with matters                  16 not relevant to this case study.                  17 We are then, in a moment, going to move on to some                  18 live evidence, but before we do so, may I suggest,                  19 chair, that you take your break a little early. There                  20 are one or two matters of administration that need to be                  21 dealt with very swiftly in the break, and if I could ask                  22 that you take it a little early, I would be very                  23 grateful.                  24 THE CHAIR: Thank you. We will return at 11.15 am.                  25 (11.06 am)</p> <p style="text-align: center;">Page 19</p>
<p>1 CDF. Other institutions within the Holy See who might                  2 receive complaints are the Congregation for the                  3 Institutes of Consecrated Life and Societies of                  4 Apostolic Life (CICLSAL - which plays an equivalent role                  5 for the Orders of the Congregation of Bishops for                  6 bishops) and the Apostolic Signatura. The ruling of                  7 the body within the Holy See would then be enacted and                  8 could, for example, lead to the removal of the faculty                  9 to teach, the removal of position or excommunication.                  10 However, the archbishop or bishop cannot interfere in                  11 the day-to-day running of the religious orders.                  12 "Hierarchy and the principle of subsidiarity.                  13 "The word 'hierarchy' when used in the                  14 Catholic Church refers to bishops. However, the                  15 hierarchy within the structures of the Catholic Church                  16 is not, as is sometimes assumed, linear. Authority is                  17 not delegated from the Pope to the cardinals to the                  18 bishops and then to the priests. Archbishops and                  19 bishops do not derive delegated authority from the Pope,                  20 but have full independent authority over their own                  21 dioceses within the bounds of canon law. The Pope is                  22 the Bishop of Rome and therefore sits alongside the                  23 other bishops, albeit that he is the first among equals.                  24 The relationship between bishops and parish priests is                  25 not that between a superior and a person following</p> <p style="text-align: center;">Page 18</p>	<p>1 (A short break)                  2 (11.23 am)                  3 MS KARMY-JONES: Thank you very much for accommodating that                  4 request for a short break at this stage. Unfortunately,                  5 we have not been able to resolve the administrative                  6 issue that we need to deal with, so I propose to carry                  7 on reading further statements that were to be read                  8 today, in any event, with my apologies for asking you,                  9 chair and panel, to leave shortly.                  10 Statement of FATHER PAUL SMYTH (read)                  11 MS KARMY-JONES: I am going to move on then to the statement                  12 of Father Paul Smyth, CEW000014, in the bundle,                  13 tab 5/D1.                  14 In summary, Father Smyth is the current president of                  15 the Conference of Religious, having been elected at the                  16 Conference of Religious annual meeting for a one-year                  17 term in May 2017.                  18 The Conference of Religious is an association formed                  19 by the major superiors of religious congregations who                  20 choose to join.                  21 In his statement, at 1.4, he says that he had sight                  22 of Dom Richard Yeo's witness statement to the inquiry,                  23 and he agrees with his overall description of                  24 the structure of religious congregations in England and                  25 Wales.</p> <p style="text-align: center;">Page 20</p>

<p>1 His witness statement has been prepared with a view 2 to assisting the inquiry in achieving a broad 3 understanding of the Conference of Religious and its 4 dealings with safeguarding matters and relationship with 5 the English Benedictine Congregation. 6 Paragraph 2.1. He is asked for an explanation of 7 the structure, role and responsibilities of 8 the Conference of Religious, including when and why it 9 was established and its membership, its role and its 10 responsibilities. He says: 11 "The Conference of Religious is an unincorporated 12 association of religious superiors from the major 13 Catholic religious orders in England and Wales. The 14 Conference of Religious of England and Wales, 15 Charity Commission number [he gives]. The purpose of 16 the Conference of Religious is twofold: namely, to 17 support leaders by encouraging collaboration between 18 them on major issues facing religious today and 19 promoting programmes for future formation and to speak 20 to civil society by addressing current societal issues 21 from a Roman Catholic perspective, acting as a prophetic 22 voice on behalf of religious." 23 Moving to paragraph 2.4: 24 "Not all leaders of religious congregations or 25 orders choose to join the Conference of Religious, which</p> <p style="text-align: center;">Page 21</p>	<p>1 constituted authorities, both ecclesiastical and civil. 2 At 3.3 he says: 3 "The work of the Conference. 4 "As article 3 of the statutes makes clear, the 5 Conference of Religious possesses powers sufficient to 6 regulate all that concerns its own organisation and the 7 administration of its affairs, but none in respect of 8 individual member institutes themselves." 9 Moving on to paragraph 4, where he is asked about 10 the specific role of the Conference of Religious in 11 relation to child protection and safeguarding matters 12 within religious orders in England and Wales, he says: 13 "As stated earlier, the Conference of Religious has 14 no power over any Congregation or its independent 15 leadership in any matter pertaining to their internal 16 governance. Pre 2001, the Conference of Religious had 17 no role in safeguarding matters, no specific 18 safeguarding policies or guidelines were required or 19 recommended by Conference of Religious to its 20 membership. Any safeguarding procedures or policies 21 being implemented prior to this time would have been at 22 the discretion of the individual orders or Congregation. 23 When the Conference of Religious began to focus on the 24 matter of safeguarding, members were encouraged to share 25 the policies and guidance that they had in place."</p> <p style="text-align: center;">Page 23</p>
<p>1 has no authority or power over its membership." 2 At paragraph 2.5, in summary, he says there are over 3 300 religious congregations in England and Wales, 238 of 4 which are members of the Conference of Religious. 5 At paragraph 2.6 he says: 6 "Superiors General resident in England or Wales are 7 also members by right. A Superior General is the leader 8 or head of a religious institute in the Catholic Church. 9 Linked to the Conference of Religious, there are 10 associations of religious which provide for and offer 11 membership to religious in different stages of formation 12 and in their apostolic work." 13 In 2.7 he says: 14 "Article 2 of the statutes of the conference of 15 religious state: "The general purpose of this conference 16 is to promote the welfare of religious institutes and 17 societies of apostolic life in England and Wales while 18 respecting the autonomy, nature and spirit of each." 19 He cites canon 708 and the statement of 20 Dom Richard Yeo. 21 Another purpose is to effect closer cooperation with 22 each other with the Bishops' Conference, with the 23 individual bishops and with other organisations whose 24 mission seeks to foster consecrated life in the church 25 and to provide a proper and official representation with</p> <p style="text-align: center;">Page 22</p>	<p>1 In respect of the Nolan Report in 2001 and the 2 Cumberlege review in 2006, he says: 3 "As stated above, the Conference of Religious does 4 not have regulatory powers over its membership. It 5 offers information and opportunities for collaboration. 6 This includes bringing together leaders to update them 7 on current civil legislation that may affect 8 congregational functioning -- schools, care homes, 9 education, trustee training, UKVI tier 2 and tier 5 10 training. The Conference of Religious has sought to 11 work in collaboration with the Catholic Bishops' 12 Conference with respect to child protection and 13 safeguarding matters since the publication of 14 the Nolan Report on child protection in the 15 Catholic Church in England and Wales in 2001. The 16 Conference of Religious's role has been to raise 17 awareness about safeguarding matters within the 18 Catholic Church in England and Wales and to inform the 19 member congregations about processes and protocols 20 developed by the Catholic Bishops' Conference in England 21 and Wales. 22 "Significant work was done between 2001 and 2006 by 23 the Conference of Religious to encourage religious 24 orders and congregations to implement the 25 recommendations of the Nolan Report and embrace the One</p> <p style="text-align: center;">Page 24</p>

<p>1 Church approach which was recommended in the 2 Nolan Report. 3 "The basis of this approach is that all dioceses, 4 religious congregations, including the Association of 5 British Contemplatives, the Union of Monastic Superiors, 6 adopt a unified and agreed set of procedures that would 7 regulate all activity with children and vulnerable 8 adults. 9 "As stated in the report as 'Whole Church' in 10 Nolan Report at paragraph 3.1.12: 11 ""However, we are confident that by acting together 12 in the best interests of children and of the church, 13 bishops and religious superiors can put in place 14 arrangements which are effective and can restore 15 confidence in the church's approach. The essence of 16 these arrangements is summarised in our third 17 recommendation: 18 ""Recommendation 3. The "Whole Church" in England 19 and Wales and the individual bishops and religious 20 superiors should commit themselves to: 21 ""- a single set of policies, principles and 22 practices based on the Paramountcy Principle, the 23 13 principles of Safe From Harm, and the revised Working 24 Together guidelines; 25 ""- effective and speedy implementation in parishes,</p> <p style="text-align: center;">Page 25</p>	<p>1 management committee of COPCA were appointed 2 independently of the Conference of Religious. Those 3 appointed had links to the Conference of Religious as 4 leaders." 5 Turning to Cumberlege 2006 to the present day, he 6 says: 7 "In 2006, the Conference of Religious, in 8 conjunction with the Catholic Bishops' Conference of 9 England and Wales, established the Cumberlege Commission 10 to review the progress which was being made with respect 11 to safeguarding matters in the Roman Catholic Church in 12 England and Wales. Religious were represented by 13 Dom Richard Yeo. At a joint meeting of the executive 14 board of the Conference of Religious and the Catholic 15 Bishops' Conference of England and Wales, in April 2008, 16 the recommendations of the Cumberlege Commission were 17 accepted. This included the establishment of two 18 distinct bodies: the National Catholic Safeguarding 19 Council (NCSC), the Catholic Safeguarding Advisory 20 Service (CSAS), the management of which will be placed 21 within the Bishops' Conference Department for Christian 22 Responsibility and Citizenship with effect from 23 1 July 2008. 24 "Following the recommendations of the Cumberlege 25 Commission and the creation of the National Catholic</p> <p style="text-align: center;">Page 27</p>
<p>1 dioceses and religious orders, including a comprehensive 2 programme to raise awareness and train those involved in 3 implementing child protection policies; 4 ""- an organisational structure in the parish, 5 supported by the child protection coordinator and 6 his/her teams at the diocese and in religious orders; 7 ""- a national capability (the National Child 8 Protection Unit) which will advise dioceses and orders, 9 coordinate where necessary, and monitor and report on 10 progress; and 11 ""- the provision of adequate resources to support 12 these arrangements.' 13 "This included extensive meetings between the 14 Conference of Religious and the Conference of Bishops of 15 England and Wales. These meetings were in direct 16 response to the recommendations of Lord Nolan. This 17 included the recommendations to encourage all religious 18 congregations to come under the remit of what came to be 19 known as Catholic Office for the Protection of Children 20 and Vulnerable Adults (COPCA). 21 "The Conference of Religious also became the organ 22 by which money was collected from religious for the 23 creation and implementation of COPCA which had 24 a management committee. Prior to 2006, members of 25 religious congregations and orders appointed to the</p> <p style="text-align: center;">Page 26</p>	<p>1 Safeguarding Commission in 2006, the Conference of 2 Religious was asked to nominate four senior religious 3 members to the management board of NCSC. 4 "As it encouraged religious congregations to 5 implement the recommendations of the Nolan Report, 6 especially recommendation 49 (every diocese and 7 religious order must have a properly composed child 8 protection management team to deal effectively with any 9 reports of child sexual abuse) the Conference of 10 Religious executives identified a need to establish four 11 regional Safeguarding Commissions, which was implemented 12 on 28 May 2008. It was proposed that each Congregation 13 would be aligned with one of these commissions, and that 14 each commission would comprise a section of independent 15 experts and professionals who could offer advice and 16 investigate any accusations and allegations which might 17 be made to the religious congregations and orders 18 aligned with that commission. This was in order to 19 encourage compliance with the Nolan Report. 20 "The establishment of these commissions was 21 facilitated by the Conference of Religious but the work 22 which they did was overseen by COPCA. Members of 23 the Conference of Religious were encouraged to indicate 24 which regional commission they wished to align 25 themselves with. The commissions were named North-east,</p> <p style="text-align: center;">Page 28</p>

<p>1 North-west, London Midlands and London South Coast. In                  2 establishing the commissions, the suggestion was made to                  3 have an independent chair, independent representatives                  4 from services such as the criminal justice, police and                  5 probation, specialist social workers, members of NSPC                  6 and a few representatives of religious congregations.                  7 I have attached a document that lists the members of                  8 each commission and the religious congregations that                  9 were aligned to them.                  10 "In addition to this, some congregations had already                  11 established their own Safeguarding Commissions and                  12 declined to align themselves with the commissions                  13 established by the COR (Conference of Religious). There                  14 was an ongoing concern, however, about how necessary                  15 safeguarding information would be sent to religious                  16 congregations which were not aligned with the                  17 conference. It was agreed that such communication would                  18 be disseminated through the diocesan bishops to all the                  19 religious in their dioceses, via the diocesan vicars for                  20 religious (who are delegated by the diocesan bishop to                  21 have care and oversight of the religious orders and                  22 congregations in a diocese).                  23 "Some abbeys of the English Benedictine Congregation                  24 made their own arrangements, creating their own                  25 commissions, whereas others aligned with their dioceses.</p> <p style="text-align: center;">Page 29</p>	<p>1 congregations encouraged to align themselves with local                  2 diocesan Safeguarding Commissions named 'aligned                  3 commissions'. This was in direct response to concerns                  4 from the Cumberlege Report that all religious                  5 congregations were not covered by the regional                  6 commissions. It was also recognised that congregations                  7 not members of the Conference of Religious or who are                  8 accountable to the diocesan bishop should be covered by                  9 national policies and procedures.                  10 "Those orders which had created their own                  11 independent commissions continued with their own                  12 arrangements (Jesuits; Institute of Lady of Mercy;                  13 Ampleforth; Salesian of Don Bosco).                  14 "A significant development in January 2012,                  15 a process was initiated by NCSC, with the support of the                  16 Conference of Religious, to encourage all religious                  17 congregations to align themselves with one of                  18 the diocesan commissions. Part of this process involved                  19 each religious Congregation signing a memorandum of                  20 understanding with the diocesan commission to which they                  21 were aligned, which indicated that from 1 April 2013 the                  22 common safeguarding policy was adopted by the                  23 Congregation. The understanding was that the diocesan                  24 commissions were guided and informed by the policies and                  25 were and would be developed by NCSC."</p> <p style="text-align: center;">Page 31</p>
<p>1 Ampleforth Abbey established its own commission for                  2 dealing with safeguarding matters while Downside Abbey                  3 chose to align itself with the diocese of Clifton.                  4 "In addition to helping facilitate the involvement                  5 of religious congregations in this One Church approach,                  6 and offering awareness-raising workshops, the                  7 secretariat of the Conference of Religious helped                  8 congregations by way of a voluntary administrative                  9 service (in conjunction with COPCA) to process CRB                  10 (Criminal Records Board) checks for their members and                  11 employees until 2012 when these checks began to be                  12 processed through the diocesan Safeguarding Commissions.                  13 During this early period, the Conference of Religious                  14 helped COPCA gather information from religious                  15 congregations to create the COPCA annual report. They                  16 also were part of the countersignatory office for                  17 congregations that were members of the Conference of                  18 Religious.                  19 "A significant consequence of this for the                  20 Conference of Religious and its members was that                  21 a review was initiated by the NCSC which developed                  22 a proposal in 2010 for the safeguarding organisational                  23 structure for religious which, after considering                  24 different models, resulted in the four regional                  25 commissions being discontinued and religious</p> <p style="text-align: center;">Page 30</p>	<p>1 He attaches a list which gives the present alignment                  2 of religious congregations to the different diocesan                  3 commissions.                  4 He is then asked about details of any group, bodies                  5 and/or commissions that advise the Conference of                  6 Religious in relation to safeguarding matters, and he                  7 says:                  8 "To my knowledge, the executive of the Conference of                  9 Religious has not had recourse to any independent                  10 advisers, although at different times the Conference of                  11 Religious has used various structures to take forward                  12 its decisions and work on its behalf, which would have                  13 incorporated independent professional people with                  14 experience of safeguarding matters who are not                  15 religious.                  16 "After Nolan, the Nolan Report, and the                  17 establishment of COPCA, much of the work done by the                  18 Conference of Religious with its members relating to                  19 safeguarding matters was guided by the recommendations                  20 of COPCA. Congregations often had their own internal                  21 procedures and Conference of Religious setup. However,                  22 the office assisted COPCA in organising safeguarding                  23 awareness days in different parts of the country. This                  24 included CRB training and national guidelines on current                  25 safeguarding initiatives and responding to allegations.</p> <p style="text-align: center;">Page 32</p>



<p>1 "Prior to 2010, a group called the Conference of                  2 Religious COPCA Liaison Group existed. It was                  3 authorised by the executive committee of the Conference                  4 of Religious to assess matters of importance, review and                  5 comment on policies as they were developed by COPCA and                  6 then to recommend to the Conference of Religious                  7 executive acceptance of these policies on behalf of                  8 the members. The group gave particular attention to how                  9 these policies could be best applied to the religious                  10 congregations which had such a different structure to                  11 dioceses. The group also advised the Conference of                  12 Religious executives about training, resource                  13 distribution and information sharing by meeting with the                  14 executive committee on a semi-regular basis. The                  15 executive also received the minutes of this group so as                  16 to respond to any suggestions. This group contributed                  17 to the assessment of progress being made in the                  18 implementation of the Nolan recommendations."                  19 Summarising paragraph 5.5, the Conference of                  20 Religious COPCA Liaison Group continued to function as                  21 the Conference of Religious Safeguarding Group until                  22 2010 when the Executive Advisory Safeguarding Group, the                  23 EASG, was established. The EASG consists of lay                  24 specialists and religious congregational members                  25 specialising in safeguarding.</p> <p style="text-align: center;">Page 33</p>	<p>1 orders. The Conference of Religious is a means by which                  2 current safeguarding policies and protocols from NCSC                  3 are communicated to its membership. Ultimately, the                  4 responsibility for implementation of these lies with the                  5 order of congregational leadership. All that the                  6 conference of religious can do is strongly recommend                  7 that member congregations and nonaffiliated                  8 congregations agree with the policies and proposals that                  9 are made."                  10 In terms of CSAS, he says it's "based at the offices                  11 of the Bishops' Conference of England and Wales. It is                  12 managed by the Bishops' Conference secretariat and all                  13 employees are employees of the Catholic Trust for                  14 England and Wales. The Catholic Trust for England and                  15 Wales is a registered charity incorporated on                  16 15 April 2003 and is the legal entity for the Catholic                  17 Bishops' Conference of England and Wales."                  18 He says that, as far as CSAS is concerned, the most                  19 that the congregations can do is contact CSAS and                  20 request clarification on matters of safeguarding policy                  21 and practice. This is a summary that has been agreed.                  22 As for the NCSC, the Conference of Religious is                  23 responsible for nominating three religious to be members                  24 of its board, one of whom is one of the two vice chairs,                  25 the other vice chair being a bishop.</p> <p style="text-align: center;">Page 35</p>
<p>1 That body is a consultative body -- at 5.6 --                  2 "established by the Conference of Religious to review                  3 how policies developed by NCSC affect and impact                  4 religious congregations. It makes recommendations and                  5 gives advice on safeguarding issues and courses of                  6 action that the conference of religious executives can                  7 recommend to its membership. It seeks to assist CSAS on                  8 understanding how NCSC policies might best be applied to                  9 religious congregations. The group also initiates                  10 safeguarding updates to safeguarding representatives at                  11 seminars every year. They are presently in the process                  12 of bringing together religious safeguarding                  13 representatives to update them and assist                  14 cross-pollination of ideas. They are also able to feed                  15 back to CSAS and NCSC any concerns from safeguarding                  16 representatives. It should, however, be noted that all                  17 of these representatives are aligned to commissions who                  18 have the ultimate responsibility for compliance."                  19 Turning to paragraph 6.1, he was asked to give an                  20 explanation of the relationships between the Conference                  21 of Religious and some of the relevant bodies in relation                  22 to child protection and safeguarding matters:                  23 "When considering these relationships, it must be                  24 remembered that the Conference of Religious has no                  25 regulatory authority over religious congregations and</p> <p style="text-align: center;">Page 34</p>	<p>1 At 6.4 he says:                  2 "The Catholic Bishops' Conference of England and                  3 Wales and the Conference of Religious are separate                  4 entities. They liaise formally via a commission called                  5 the Mixed Commission, which meets twice a year. This                  6 commission discusses a range of matters of mutual                  7 interest to church life, including safeguarding issues,                  8 but it is not a legislating body with respect to these                  9 matters. Since the Cumberlege Report, there is an                  10 expectation of equality between these two conferences in                  11 safeguarding matters. There is a deep desire on the                  12 members of both organisations to make the One Church                  13 approach work and we continue to develop the practice                  14 for safeguarding in England and Wales. A religious                  15 member of the Conference of Religious executive is                  16 a member of the Catholic Bishops' Conference committee                  17 for Christian responsibility and citizenship.                  18 "The Congregation for the Doctrine of the Faith                  19 and/or the Holy See, apart from links with the                  20 Congregation for Institutes of Consecrated Life and                  21 Societies of Apostolic Life through which the Conference                  22 of Religious statutes are approved, there is no ongoing                  23 relationship. Apart from the approval of statutes,                  24 there is no authority or jurisdiction exercised by any                  25 Vatican department, for example, with respect to the</p> <p style="text-align: center;">Page 36</p>

<p>1 appointment or approval of the leadership of 2 the Conference of Religious. 3 "Unlike other congregations, because of the specific 4 autonomous nature of English Benedictine abbeys, each 5 abbey relates to the Conference of Religious 6 independently." 7 In summary, dealing with canon law at 7.3, he says, 8 in terms of canon law: 9 "Within the code of the canon law, there are 10 specific sections on religious congregations and orders. 11 Within these sections, there is no individual provision 12 which applies specifically to child protection matters 13 in religious congregations and the code certainly makes 14 no connection between individual members of a religious 15 Congregation and the Conference of Religious of any 16 country. 17 "Each religious Congregation is responsible for 18 observing the national agreed policies and procedures 19 mandated by the NCSC and implemented by CSAS." 20 In terms of the extent of any changes in the 21 structure and/or arrangements for safeguarding in 22 respect of religious orders, including any changes in 23 the structure of Safeguarding Commissions, he was asked 24 about the reason for those changes, the extent of any 25 involvement of the Conference of Religious. He said:</p> <p style="text-align: center;">Page 37</p>	<p>1 any particular congregation. The Conference of 2 Religious would not involve itself in the details of any 3 allegation or the process of investigation, since this 4 would be the remit of, initially, the four regional 5 commissions and, latterly, the diocesan commission to 6 whom the order of congregations would be aligned. The 7 Conference of Religious had no direct access to 8 concerns. If those involved in safeguarding on behalf 9 of the Conference of Religious heard about concerns, it 10 would be via their role on, for example, NCSC or CSAS 11 reporting channels. If, by chance, the Conference of 12 Religious received concerns, they will pass these 13 directly on to CSAS or NCSC or what they were 14 previously, COPCA. 15 "When the person working as safeguarding adviser 16 retired in 2012, she was not replaced, as it seemed the 17 restructuring of the safeguarding needs of religious 18 congregations within the diocesan structure meant that 19 the Conference of Religious no longer needed to provide 20 this role." 21 He is then asked for details of the circumstances, 22 if any, in which the Conference of Religious had been 23 notified of any child protection and safeguarding 24 concerns or allegations of child sexual abuse concerning 25 the English Benedictine Congregation, including</p> <p style="text-align: center;">Page 39</p>
<p>1 "The changes and developments in the Conference of 2 Religious's involvement in safeguarding [as he had 3 described] had been driven by changes in safeguarding 4 protocols and procedures at a national level. Since 5 2001, the involvement of the Conference of Religious and 6 religious more generally has increased, although the 7 Conference of Religious has, as stated above, no power 8 to direct its members." 9 He continues to say, in summary, there is no 10 evidence of the Conference of Religious having any 11 specific involvement in the arrangements undertaken by 12 Ampleforth and Downside. That is at paragraph 9.1. 13 He was asked about the extent to which the 14 Conference of Religious is involved in any specific 15 child protection and safeguarding concerns about 16 a particular religious order, and at 10.1, he said: 17 "The Conference of Religious has not been involved 18 with any specific child protection and safeguarding 19 concerns about a particular religious order. From 2007, 20 the Conference of Religious employed a part-time 21 safeguarding adviser to support the creation and ongoing 22 work of the four regional religious commissions. The 23 adviser worked in a purely advisory capacity to respond 24 to queries from religious congregations and to assist in 25 training and so on, but not to manage cases on behalf of</p> <p style="text-align: center;">Page 38</p>	<p>1 Ampleforth and Downside. He was asked to include 2 details of any correspondence with either institution, 3 details of the response of each institution to the 4 involvement of the Conference of Religious and any steps 5 taken by the Conference of Religious in response, and he 6 said: 7 "The Conference of Religious has never played any 8 part in the process of receiving allegations. When 9 allegations have been made relating to member 10 organisations, they were dealt with through COPCA and 11 CSAS. 12 "As far as I can ascertain from our records, there 13 is no correspondence about specific allegations or 14 safeguarding concerns that may have been raised relating 15 to Ampleforth and Downside. This is because the 16 Conference of Religious has no authority in these 17 matters and thus would not be involved in the allegation 18 process unless someone made a disclosure directly to the 19 Conference of Religious, which has never happened, as 20 far as I can ascertain. 21 "There is no correspondence with Ampleforth and 22 Downside concerning any matters relating to specific 23 allegations, and therefore no information to provide 24 relating to steps taken by the Conference of Religious 25 in response. This would not be unusual, given the lack</p> <p style="text-align: center;">Page 40</p>

<p>1 of any authority or responsibility on the part of                  2 the Conference of Religious for allegations raised                  3 against members of a religious congregation. Any                  4 knowledge that the secretariat or executive of                  5 the Conference of Religious might have made about                  6 allegations made against a member of the congregation                  7 would have been received because the policies and                  8 procedures that the congregation had accepted were being                  9 followed. Information would have come through hearsay,                  10 news reports in the media, or through religious leaders                  11 dealing with such allegations choosing to informally                  12 share information when they are meeting other leaders                  13 for support. In the hypothetical occurrence of                  14 the Conference of Religious being the first point of                  15 contact from a concerned religious superior, the                  16 Conference of Religious representative would direct them                  17 to their commission or to CSAS for appropriate                  18 guidance."                  19 That concludes his statement.                  20 Statement of MR CHRISTOPHER PEARSON (read)                  21 MS KARMY-JONES: The next statement to be read, and I am                  22 conscious -- I just mention it now -- that one core                  23 participant has asked consideration to be given at                  24 a later stage for this witness to be called, so I just                  25 raise it now, but the next statement to be read is the</p> <p style="text-align: center;">Page 41</p>	<p>1 when and why it was established and its membership. He                  2 says:                  3 "In 2000, the Catholic Church of England and Wales                  4 invited Lord Nolan to carry out a review and set out                  5 a framework for best practice and prevention in child                  6 protection. His report 'A Programme for Action'                  7 provided this framework and the report's                  8 83 recommendations, including the final recommendation                  9 that there should be a further review in five years'                  10 time, were accepted by all 22 Catholic dioceses in                  11 England and Wales in their entirety. 'A Programme for                  12 Action' laid the foundations for new procedures and                  13 structures for prevention of abuse and arrangements for                  14 responding to allegation of abuse in the Catholic Church                  15 in England and Wales. The aspiration was to deliver                  16 a safeguarding culture of constant vigilance. COPCA was                  17 established as a result of the Nolan Review and was                  18 accountable to an independent management board which was                  19 chaired by the then most Reverend Vincent Nichols,                  20 Archbishop of Birmingham. The board's membership                  21 comprised both Catholics and non-Catholics, members of                  22 the clergy, religious congregations and lay experts.                  23 "The Cumberlege Commission Report entitled                  24 'Safeguarding with Confidence - Keeping Children and                  25 Vulnerable Adults Safe in the Catholic Church' was</p> <p style="text-align: center;">Page 43</p>
<p>1 statement of Christopher Pearson, NCS000010. The                  2 statement is dated 20 October 2017. He says:                  3 "My name is Christopher Pearson and I am the                  4 independent lay chair of the National Catholic                  5 Safeguarding Commission, NCSC. The role of the lay                  6 chair is a joint appointment by the president of                  7 the Catholic Bishops' Conference of England and Wales                  8 and the president of the Conference of Religious on                  9 recommendations from an interview panel."                  10 He says he was appointed in November 2015 having                  11 previously held the position of acting lay chair                  12 from July 2015 by the Catholic Bishops' Conference of                  13 England and Wales and the Conference of Religious for                  14 a three-year term.                  15 His evidence, in summary, deals with the role of                  16 the National Catholic Safeguarding Commission and its                  17 relationship with the Conference of Religious, the                  18 Catholic Bishops' Conference of England and Wales, the                  19 Congregation of the Doctrine of the Faith, the Holy See                  20 and the Catholic Safeguarding Advisory Service in                  21 respect of child protection and safeguarding matters.                  22 I am going to turn to page 3 of his statement, at                  23 paragraph 2, where he was asked to give an explanation                  24 of the structure, role and responsibility of                  25 the National Catholic Safeguarding Commission, including</p> <p style="text-align: center;">Page 42</p>	<p>1 published in July 2007. The report was accepted by                  2 CBCEW and the Conference of Religious in November 2007                  3 and an implementation group was established to take                  4 forward its recommendations. That group reported to the                  5 Catholic Bishops' Conference of England and Wales and                  6 the Conference of Religious in April 2008 and its report                  7 and timetable for implementation were accepted.                  8 "The Cumberlege Commission identified disadvantages                  9 in the structures recommended by the Nolan Report. In                  10 order to underline its independence from the church, it                  11 had been recommended by Nolan that COPCA should report                  12 straight to the Bishops' Conference. This had the                  13 consequence that for COPCA there was only one layer of                  14 scrutiny by the bishops and one less forum for debating                  15 the strategic development of safeguarding policy as part                  16 of the church's mainstream thinking and doing than was                  17 the case for all other Catholic agencies. While this                  18 allowed COPCA both to be and to be seen separate and                  19 independent, it was judged by the Cumberlege Review that                  20 the distance it created allowed child protection to be                  21 'less than fully owned by the church'. The Cumberlege                  22 Commission therefore recommended changes to the national                  23 structures for safeguarding with COPCA being replaced by                  24 the NCSC and CSAS. The former would set the strategic                  25 direction of the church's safeguarding policy and</p> <p style="text-align: center;">Page 44</p>

<p>1 monitor compliance while the latter would drive and                  2 support improvements in practice. The                  3 Cumberlege Commission report stated that the new                  4 structural arrangements would allow for 'independence                  5 that is credible' as well as providing a forum for full                  6 debate of strategy and policy which would invite greater                  7 'buy-in' through the church into national policies.                  8 Independence would be underlined by the appointment of                  9 a suitably qualified independent lay chair. Another                  10 perceived benefit of the new structural arrangements was                  11 that CSAS would be able to exercise greater influence                  12 over policies and practice in the church than was                  13 possible within the COPCA structure.                  14 "The Cumberlege Commission Report highlighted that                  15 the independence of the NCSC is not around how it                  16 performs its function, but, rather, about the means by                  17 which it puts in place the checks and balances to ensure                  18 that what is done in the name of children and vulnerable                  19 adults' safeguarding within the church, is open and                  20 transparent. Moreover, the existence of the commission                  21 allows for rigorous scrutiny of the church's                  22 safeguarding arrangements by those with relevant                  23 knowledge and expertise who are empowered to critically                  24 challenge the church where appropriate.                  25 "To enable this to happen, the COPCA management</p> <p style="text-align: center;">Page 45</p>	<p>1 representatives of the Catholic Bishops' Conference of                  2 England and Wales; and three representatives of                  3 the Conference of Religious. Their membership within                  4 the NCSC brings particular expertise and experience and                  5 ensures timely consultation in dealing with church                  6 safeguarding matters. In addition, there are three                  7 representatives drawn from the independent lay chairs of                  8 the diocesan and religious Safeguarding Commissions, one                  9 diocesan priest with expertise in canon law and four lay                  10 individuals recruited following open advertisement. The                  11 commission meets on a quarterly basis.                  12 In February 2016, the NCSC created a subgroup, the                  13 Survivor Advisory Panel, to ensure that the commission                  14 receives appropriate and timely information and advice                  15 from the survivor perspective and informs its work                  16 regarding safeguarding policies, practices and                  17 procedures within the church. The chair of the panel                  18 attends commission meetings.                  19 The independent lay chair attends the plenary                  20 meetings of the Bishops' Conference at least once                  21 a year, in addition to any other time Mr Pearson is                  22 asked to attend, and of the Conference of Religious                  23 Executive Advisory at least once a year, and any other                  24 times Mr Pearson is asked to attend, to present a report                  25 on safeguarding matters. Both bodies receive the NCSC</p> <p style="text-align: center;">Page 47</p>
<p>1 board was disbanded and the new NCSC was established                  2 in July 2008 by the bishops and congregational leaders."                  3 Turning to paragraph 2.9, he says:                  4 "From my involvement with the NCSC over the past                  5 three years, I judge that the commission is fulfilling                  6 the role envisaged in the Cumberlege Commission Report                  7 by ensuring that the church does all it can to respond                  8 to the safeguarding needs of the community, including                  9 those who have been victims of abuse. As well as                  10 setting the strategic direction of safeguarding policy                  11 across dioceses and religious congregations in England                  12 and Wales, the Commission is focusing on how it can best                  13 monitor the outcomes of policies and procedures. The                  14 NCSC [National Catholic Safeguarding Commission, by way                  15 of reminder] very much sees its function as about                  16 putting in place the checks and balances to ensure that                  17 what is done in the name of children and vulnerable                  18 adults' safeguarding is open and transparent and subject                  19 to rigorous scrutiny from those with knowledge and                  20 expertise to critically challenge where appropriate."                  21 The next passage I will summarise at 2.10 as                  22 follows. He says that the Cumberlege Commission                  23 considered it important that the membership of                  24 the National Catholic Safeguarding Commission be                  25 balanced. There are 14 members in total; three</p> <p style="text-align: center;">Page 46</p>	<p>1 annual report which is produced in collaboration with                  2 CSAS. The independent lay chair also corresponds with                  3 Conferences of Bishops and Religious, religious leaders,                  4 CSAS, chairs of Safeguarding Commissions and                  5 safeguarding coordinators on safeguarding matters that                  6 need to be communicated in a timely manner outside of                  7 the annual report. He also contributes with the                  8 director of CSAS to safeguarding learning and                  9 development opportunities for bishops and religious                  10 leaders on a three-year cycle.                  11 Summarising his passage 3.1, which deals with the                  12 relationship between the National Catholic Safeguarding                  13 Commission and the Conference of Religious and the                  14 Bishops' Conference of England and Wales, he says:                  15 "NCSC is mandated by the Catholic Bishops'                  16 Conference and the Conference of the Religious to                  17 provide strategic direction of safeguarding policy                  18 across dioceses and religious congregations and to                  19 ensure compliance with safeguarding policy and                  20 standards. It is tasked with ensuring that this process                  21 is transparent, open and subject to rigorous scrutiny                  22 from its members. The NCSC has recently developed                  23 a strategic business plan setting out its core strategic                  24 aims, strategic and operational objectives, and annual                  25 plan. The NCSC's strategic aims are to develop</p> <p style="text-align: center;">Page 48</p>

<p>1 a culture of safeguarding, to promote the One Church                  2 approach, to improve consistency in practice and ensure                  3 a sensitive and consistent response to victims and                  4 survivors. The NCSC's strategic objectives are to:                  5 "1. Set the standards for safeguarding arrangements                  6 for the Catholic Church.                  7 "2. To oversee the development and updating of                  8 national policies, monitor their compliance and report                  9 annually to the Bishops' Conference and Conference of                  10 Religious.                  11 "3. Have checks and balances in place to ensure                  12 that safeguarding policies, procedures and practices are                  13 transparent and open to scrutiny.                  14 "4. To develop a more appropriate response to                  15 victims and survivors.                  16 "5. To commission the CSAS to undertake thematic                  17 investigations to assist the NCSC in overseeing                  18 compliance with policy."                  19 At section 4 of his statement, he deals with the                  20 extent of any contact between the National Catholic                  21 Safeguarding Commission and the Congregation for the                  22 Doctrine of the Faith and/or the Holy See in relation to                  23 child protection and safeguarding matters in England and                  24 Wales. In summary, he says that in terms of that                  25 contact, the NCSC has no direct contact with either body</p> <p style="text-align: center;">Page 49</p>	<p>1 of the Bishops' Conference and the Safeguarding                  2 Executive Committee of the Conference of Religious are                  3 referred back to the NCSC for its ratification and the                  4 draft policy procedure is then presented to the director                  5 of CSAS and myself to the plenary conferences of bishops                  6 and religious for arrival;                  7 "- The NCSC then commissions CSAS to provide the                  8 necessary training and support to dioceses and religious                  9 congregations on implementing the policy or procedure;                  10 "- it is the role and responsibility of the NCSC to                  11 monitor compliance with the policy or procedure and to                  12 provide an annual report to the Bishops' Conference and                  13 the Conference of Religious on compliance;                  14 "- monitoring of compliance is undertaken by audits                  15 undertaken by CSAS;                  16 "- alongside the monitoring of compliance, members                  17 of the NCSC undertake link visits to Safeguarding                  18 Commissions. Visits are used as means of support to                  19 strengthen the link between local and national activity                  20 to raise the profile of NCSC with commissions and to                  21 observe and disseminate good practice. This facet of                  22 the NCSC activity is detailed further in section 6.4                  23 below.                  24 "There is ongoing discussion and liaison between the                  25 director of CSAS and NCSC about review and development</p> <p style="text-align: center;">Page 51</p>
<p>1 in relation to child protection and safeguarding in                  2 England and Wales since its inception in 2008.                  3 Section 5 deals with the relationship between NCSC                  4 and CSAS, including its oversight of the development of                  5 policies and procedures published by CSAS and over the                  6 response of CSAS to child protection allegations and                  7 concerns.                  8 At 5.1, he says:                  9 "In relation to new safeguarding policy and the                  10 revision of policy or procedures, the NCSC commissioned                  11 CSAS to draft the relevant policy or procedure document.                  12 The process for review and revision is as follows:                  13 "- the NCSC commissioned CSAS to draft the policy or                  14 procedure document;                  15 "- any redrafting of the relevant policy procedure                  16 document is then referred back to the director of CSAS,                  17 to the NCSC, for its consideration and scrutiny. The                  18 Survivor Advisory Panel is also provided with an                  19 opportunity to scrutinise the policy procedure document;                  20 "- a process is in place for CSAS to refer draft                  21 policy procedure documents to the Standing Committee of                  22 the Bishops' Conference and the Safeguarding Executive                  23 Committee of the Conference of Religious for their                  24 consideration;                  25 "- any amendments proposed by the Standing Committee</p> <p style="text-align: center;">Page 50</p>	<p>1 of procedures or strategic policy. This will also                  2 include consultation with the SAP, canon and civil                  3 lawyers and safeguarding officers, ie, the safeguarding                  4 coordinators. The CSAS director and I will then present                  5 relevant reports relating to policy and procedures to                  6 the Bishops' Conference and COR. If there are further                  7 issues of clarity that are needed, then that dialogue                  8 takes place within the conference meetings. Both                  9 Bishops' Conference and the Conference of Religious                  10 accept that NCSC and CSAS members are the experts in the                  11 strategic direction for safeguarding and reviewing                  12 policy and procedures and what needs to be in place and                  13 why.                  14 "In my time as lay chair, and as referred to above,                  15 I have not encountered a refusal to ratify                  16 implementation of a policy or procedure. In                  17 a hypothetical situation, my response to disagreement or                  18 refusal to implement an action would be to find                  19 a resolution. If there was an outright refusal to put                  20 in place recommended safeguards, I would have to point                  21 out the risk management consequences of not doing so.                  22 It is important to point out, however, that the Bishops'                  23 Conference and the Conference of Religious fully accept                  24 and support the mandate they gave to NCSC and CSAS,                  25 which is to inform, advise, promote and recommend</p> <p style="text-align: center;">Page 52</p>

<p>1 safeguarding best practice.                  2 "Allegations of sexual abuse of children made to                  3 a diocese or religious congregation are required to be                  4 reported to the safeguarding coordinator of the relevant                  5 Safeguarding Commission who is responsible for ensuring                  6 matters are referred to statutory authorities and for                  7 informing their Commission that this has happened. The                  8 NCSC has no involvement in an investigatory body with                  9 regard to any safeguarding case and neither can NCSC nor                  10 CSAS are mandated to investigate cases. Investigation                  11 is effected through a diocese or religious congregation                  12 which have a mandatory responsibility to report                  13 allegations to the statutory agencies in the public                  14 sector.                  15 "The NCSC is not entitled to receive any detailed                  16 information arising from any investigation. Its                  17 expectation is that all allegations of abuse in the                  18 Catholic Church of England and Wales which are reported                  19 to a diocese or religious congregation are reported to                  20 the police and safeguarding authorities. This is                  21 a mandatory requirement under national policies and                  22 procedures and has been so for some time.                  23 "On occasion, the NCSC will receive allegations                  24 directly when individuals may contact the NCSC with                  25 allegations, complaints or concerns. However, the NCSC</p> <p style="text-align: center;">Page 53</p>	<p>1 follow a particular safeguarding policy or procedure or                  2 where a matter is in the public domain, it will provide                  3 the NCSC with details. In addition, although there is                  4 no national requirement for CSAS to refer safeguarding                  5 allegations to the NCSC, Dr Colette Limbrick (the                  6 director of CSAS) may inform me of a case that has been                  7 referred to CSAS if she needs to advise me on                  8 a particular issue.                  9 "On receipt of such information, we consider whether                  10 there has been a breach of policy and procedures and                  11 assess the need for further action by the NCSC. We can                  12 provide a view about what should have happened and/or                  13 consider making changes to any specific policies to                  14 ensure that they are more robust. If we find there has                  15 been a breach, we liaise with the Bishops' Conference or                  16 the Conference of Religious to ensure that measures are                  17 put in place so that this does not happen again. We                  18 discuss matters with the relevant Bishops' Conference,                  19 dioceses or the Conference of Religious to consider the                  20 ways in which matters can be prevented. The NCSC will                  21 also provide strategic direction about any lessons to be                  22 learnt for the future from a national perspective.                  23 "The NCSC is not in a position to comment on                  24 specific individual cases until investigations and                  25 outcomes are concluded. We appreciate that doing so</p> <p style="text-align: center;">Page 55</p>
<p>1 does not have an investigatory role, as mentioned in                  2 paragraph 4.5 above. The complaint will either be to me                  3 directly or to the secretary through the website and                  4 then passed on to me. In such circumstances, and                  5 depending on the circumstances of the complaint,                  6 I either meet with the individual directly (for example,                  7 if they have asked to meet with me regarding a complaint                  8 concerning the way their case has been dealt with) refer                  9 the individual to CSAS who then liaise with the relevant                  10 Safeguarding Commission as appropriate, or occasionally                  11 I refer the individual to the Safeguarding Commission of                  12 the relevant diocese or religious congregation directly.                  13 I generally only become involved as lay chair where                  14 there is a specific complaint about the handling of                  15 a case or where the individual wishes to discuss matters                  16 with me personally. If so, I listen to the individual's                  17 story and, if necessary, refer on the relevant                  18 information. All communications are followed up in                  19 writing and, if I feel it is appropriate, I ask for                  20 follow-up information about how the complaint has been                  21 actioned. I have not personally ever been contacted by                  22 an individual making a complaint or sharing concerns                  23 about the English Benedictine Congregation.                  24 "Where CSAS becomes aware of a complaint or concern                  25 involving a bishop, religious leader, a failure to</p> <p style="text-align: center;">Page 54</p>	<p>1 could have an adverse outcome. For example, if a case                  2 is reported upon in the media, the NCSC has a specific                  3 media protocol to follow in the comments it is able to                  4 give. The relevant Safeguarding Commission would                  5 normally deal with the media in such circumstances.                  6 "As far as I am aware, the NCSC has never notified                  7 the Holy See in relation to Ampleforth, Downside or any                  8 other English Benedictine Congregation abbey.                  9 "During my time as lay chair of the NCSC, I have                  10 never had to raise any concerns with regard to                  11 Safeguarding Commissions. As far as I am aware, my                  12 predecessors have not had to do so in relation to                  13 allegations of child sexual abuse and/or the English                  14 Benedictine Congregation."                  15 Just to keep things in sequence, at 8.4, he says:                  16 "As chair of the NCSC, I have not overseen any                  17 response by CSAS to allegations of child sexual abuse                  18 regarding Downside and Ampleforth or any other abbeys                  19 affiliated with the EBC. As far as I'm aware, any                  20 issues raised were dealt with by CSAS and the relevant                  21 Safeguarding Commission. NCSC carries out its oversight                  22 role by liaising with CSAS and the outcomes of cases                  23 which are likely to have a wider national impact so that                  24 this can feed into the setting of strategic direction.                  25 In practice, I have regular conversations with</p> <p style="text-align: center;">Page 56</p>

<p>1 Dr Colette Limbrick and she provides me with                  2 a high-level update on a number of cases. In relation                  3 to Ampleforth, in August 2016, I was made aware about                  4 the allegations concerning RCF17 during a telephone                  5 conversation with Dr Colette Limbrick. She told me that                  6 the Ampleforth coordinator had made the referral to the                  7 statutory authorities when in fact an external                  8 Safeguarding Commission should have done so. However,                  9 the actions taken, ie, the referral, had been                  10 appropriate."                  11 Turning back to paragraph 6.3, he says:                  12 "There are no differences in the safeguarding                  13 procedures and standards that each commission is                  14 expected to adhere to - they are the same whether                  15 a diocesan commission, a religious congregation, a line                  16 to a diocese or an independent religious Safeguarding                  17 Commission. The principles and practicalities for                  18 reaching the expected standards on safeguarding were set                  19 out in a document called 'Towards a Culture of                  20 Safeguarding' or TaCoS, as the acronym reads, "approved                  21 by the NCSC and accepted by the Conferences of Bishops                  22 and Religious in early 2012. TaCoS applies equally to                  23 dioceses and religious congregations. I understand that                  24 a copy of this document has been provided to the                  25 inquiry.</p> <p style="text-align: center;">Page 57</p>	<p>1 which the NCSC could support progress;                  2 "- receiving a copy of the previous audit report and                  3 following up as necessary with safeguarding coordinator,                  4 commission chair, bishop/religious leader/provincial.                  5 "In order to improve communication by sharing                  6 application of best practice, I attend safeguarding                  7 coordinators and commission chair meetings on at least                  8 an annual basis. These meetings are managed by the                  9 director of CSAS, who also attends. My attendance at                  10 these meetings is to ensure that there is a two-way                  11 process of communication towards sharing best practice,                  12 as well as directly informing coordinators of the work                  13 of the NCSC.                  14 "Another example of how the NCSC have improved                  15 communication between safeguarding officers and the NCSC                  16 is by appointing a safeguarding coordinator as                  17 a co-opted member of the commission."                  18 He has exhibited the person specification for such                  19 a co-opted member. He says that Mick Walker is the                  20 current safeguarding coordinator for Ampleforth and,                  21 since January 2017, he's been the co-opted member of                  22 the commission. Mr Walker took over this role from the                  23 safeguarding coordinator responsible for Southwark                  24 diocese. Mr Walker's predecessor gave positive feedback                  25 in relation to the role and noted that during his time</p> <p style="text-align: center;">Page 59</p>
<p>1 "At the request of the Bishops' Conference in 2012,                  2 the NCSC introduced an arrangement whereby a member of                  3 the commission would have a link role with each                  4 Safeguarding Commission. This was designed to promote                  5 good communication and support networks between the NCSC                  6 and the bishops and congregation leaders, through the                  7 sharing and safeguarding of information, issues and                  8 concerns. The link member role was reviewed in 2016                  9 and, as a consequence, the arrangements for reporting                  10 visits to commissions have been altered so as to develop                  11 more focused and consistent reporting. These                  12 arrangements aim to strengthen the link between local                  13 and national level so that strategy is reflected in                  14 practice. This is promoted by NCSC members:                  15 "- meeting with the Safeguarding Commission                  16 personnel at least annually for a specific mutually                  17 agreed purpose;                  18 "- receiving copies of meeting papers for the                  19 relevant local commission;                  20 "- being invited to and, where possible, actively                  21 engaging in learning/development events with commission                  22 members (not just through observation);                  23 "- being invited to view the annual development plan                  24 or a summary of priorities for the year;                  25 "- considering and reflecting on any obstacles in</p> <p style="text-align: center;">Page 58</p>	<p>1 as a co-opted member -- her time as a co-opted member                  2 she gained a better understanding of the work the NCSC                  3 do, its strategic focus and how it contributed to robust                  4 safeguarding arrangements.                  5 As the co-opted member of the commission, Mr Walker,                  6 among other things, attends the NCSC quarterly meetings.                  7 He is also a member of various NCSC's task and                  8 subgroups. The decision to have a co-opted member of                  9 the NCSC gives the opportunity for Mr Walker to ensure                  10 views can be expressed which ensure strategy links to                  11 practice. The role of the safeguarding coordinator                  12 co-opted member is not to represent the safeguarding                  13 coordinators but instead give a voice at the very early                  14 stages of consultation of any practice issues that may                  15 impact on any strategic document:                  16 "In addition, Mr Walker's experience, knowledge and                  17 skills as a safeguarding coordinator has enabled him to                  18 contribute towards the development of the NCSC                  19 communication strategy and also assist in developing and                  20 designing the NCSC proposals, proposed new web page and                  21 leaflets."                  22 Turning to paragraph 9.2, he was asked about                  23 information held in relation to specific allegations or                  24 concerns at Downside and Ampleforth. He said:                  25 "I have considered documents held by NCSC since its</p> <p style="text-align: center;">Page 60</p>

<p>1 inception and the only cases that the NCSC has found                  2 relating to any allegations of sexual abuse against this                  3 order on information available to me at the time                  4 are ..."</p> <p>5 He refers to:                  6 "On 11 December 2012, the then director of CSAS,                  7 Mr Adrian Child, reported to the NCSC meeting chaired by                  8 Mr Danny Sullivan a case -- no detail is recorded --                  9 relating to Ampleforth Abbey. The names of                  10 the complainant and the alleged perpetrator were not                  11 shared with NCSC.                  12 "On 27 November 2013, email correspondence was sent                  13 by Father Cuthbert of Ampleforth Abbey to Adrian Child,                  14 the director of CSAS, to inform him of the death of                  15 Father Green. Father Green was convicted in 1995 of                  16 indecent assault of a young boy at the school. This was                  17 for information and was reported to the NCSC for                  18 information only and no action was required."                  19 He was asked for the view of the NCSC on the                  20 adequacy of the steps taken in respect of matters                  21 relating to child sexual abuse at Ampleforth and                  22 Downside. I read paragraph 10.1 and on:                  23 "I have been asked to give a view on those steps in                  24 connection with child sexual abuse at the two                  25 institutions, including whether its oversight of CSAS</p> <p style="text-align: center;">Page 61</p>	<p>1 discernment in selection, including psychological                  2 assessment; training including safeguarding modules;                  3 a greater awareness in the church of what is considered                  4 unacceptable behaviour; mandatory reporting of                  5 allegations are all focused on keeping children safe                  6 from harm. As already mentioned in this statement,                  7 there is in place a significant review of procedures                  8 that continues to ensure that they are relevant to the                  9 protection and safeguarding of children and focus upon                  10 prevention and awareness of keeping children safe from                  11 harm.                  12 "More generally, in the time since                  13 Dr Colette Limbrick was appointed as a director of CSAS,                  14 there has been a significant programme of review and                  15 improvement of policy and procedures to ensure that they                  16 are contemporary, relevant and comply with best                  17 practice. Any changes to policy or procedures are                  18 robustly scrutinised by the NCSC and the Survivors                  19 Advisory Panel before they are recommended for                  20 submission to the bishops and religious leaders. The                  21 process for scrutiny and review of the NCSC is set out                  22 above.                  23 "Moreover, the recently developed quality assurance                  24 framework aims to support Safeguarding Commissions to                  25 reflect and examine the quality, standards and delivery</p> <p style="text-align: center;">Page 63</p>
<p>1 and strategic direction was appropriate. I can only                  2 give a view on those matters referred to NCSC and the                  3 interface with CSAS during my term of office as this is                  4 the only direct experience I have. As set out above at                  5 paragraph 5.7, the NCSC does not review all of the cases                  6 referred to CSAS, but I do liaise closely with                  7 Dr Colette Limbrick. Therefore, I have not reviewed the                  8 handling of allegations of abuse connected to Ampleforth                  9 and Downside.                  10 "The NCSC role is to set and lead on strategy for                  11 safeguarding within the Catholic Church of England and                  12 Wales as referred to above. As an organisation, it is                  13 not responsible for investigating allegations of sexual                  14 abuse and will ensure that all allegations that are                  15 received directly are referred to the appropriate                  16 Safeguarding Commission for investigation. In turn, the                  17 relevant safeguarding coordinator refers any allegation                  18 directly to the relevant statutory agency.                  19 "Whilst I have not reviewed the handling of                  20 allegations concerning Ampleforth and Downside, embedded                  21 in NCSC and CSAS policy and procedures is a firm                  22 resolution and commitment to ensure there is no hiding                  23 place for those who abuse children. The NCSC and CSAS                  24 have worked together to ensure diocese and religious                  25 congregations have robust arrangements in place for</p> <p style="text-align: center;">Page 62</p>	<p>1 of all aspects of safeguarding. It will also be used as                  2 a structured approach for audit activity in the future,                  3 the outputs of which will then be systematically                  4 reported by CSAS to the NCSC.                  5 "As I mentioned above, I am the chair of the NCSC.                  6 I attend safeguarding coordinators' meetings on at least                  7 an annual basis. Through these meetings, I learn about                  8 issues and development needs in relation to the handling                  9 of allegations of abuse which the NCSC may need to                  10 respond to and set in train. For example, in                  11 consultation with safeguarding coordinators, we have                  12 developed a management and supervision policy for                  13 safeguarding coordinators which provides professional                  14 supervision as well as management. I attach this                  15 policy."                  16 He gives an exhibit reference:                  17 "After attending a meeting with commissions, the                  18 vice chair and I identified that whilst many commissions                  19 had good management and supervision arrangements, there                  20 was a need to ensure that all commissions had the same                  21 resources and we developed the policy to meet this need.                  22 "To further the NCSC intention to develop a more                  23 sensitive and pastoral response to victims and survivors                  24 of abuse as mentioned at paragraph 2.11 above, the NCSC                  25 is currently working towards setting up a telephone</p> <p style="text-align: center;">Page 64</p>



<p>1 helpline for victims and survivors to receive support.                  2 The NCSC have received initial funding for this project                  3 and are aiming for it to be up and running                  4 in April 2018.                  5 "As set out above, the NCSC welcomes this                  6 opportunity to assist the inquiry in its work. It is                  7 committed to the safeguarding of children and vulnerable                  8 adults within the Catholic Church of England and Wales.                  9 Overseas commissions and organisations have looked to us                  10 for information on our policies and procedures which we                  11 have provided. Along with CSAS, the NCSC is heavily                  12 involved in the review and improvement of                  13 the Catholic Church's safeguarding policies and                  14 procedures to ensure understanding and compliance within                  15 the wider church."                  16 The statement is declared to be true and signed by                  17 him.                  18 Statement of MS COLETTE LIMBRICK (read)                  19 MS KARMY-JONES: The next statement, the reference is                  20 CSA005625 and it is the statement of Colette Limbrick,                  21 whom the last witness referred to. If I can summarise                  22 what she says about her professional background, she                  23 says that she's the director of CSAS, a position that                  24 she has held since June 2015. The panel may be aware                  25 that CSAS was formerly, up until 2008, the Catholic</p> <p style="text-align: center;">Page 65</p>	<p>1 "(e) maintain a central confidential database of                  2 information;                  3 "(f) liaise with statutory agencies including the                  4 then Criminal Records Bureau at a national level;                  5 "(g) liaise with professional bodies and leading                  6 charities in the child and vulnerable adult protection                  7 fields and with other churches;                  8 "(h) collect data and monitor that effective                  9 arrangements are implemented in dioceses and religious                  10 congregations seeking to secure improvements where                  11 necessary;                  12 "(i) coordinate the development of a single set of                  13 national policies for child protection and for the                  14 protection of vulnerable adults;                  15 "(j) make regular reports to diocesan bishops and                  16 religious superiors on the effectiveness of arrangements                  17 in each diocese and religious congregation;                  18 "(k) make a public annual report to the Bishops'                  19 Conference and the Conference of Religious on the                  20 overall position in dioceses and in religious                  21 congregations regarding the protection of children and                  22 vulnerable adults.                  23 "COPCA was accountable to an independent management                  24 board which was chaired by the then most Reverend                  25 Vincent Nichols, Archbishop of Birmingham. Membership</p> <p style="text-align: center;">Page 67</p>
<p>1 Office for the Protection of Children and Vulnerable                  2 Adults, COPCA.                  3 Ms Limbrick's predecessors are Adrian Child, who was                  4 in the post from 2008 to 2015, and before that                  5 Eileen Shearer, both of whom are witnesses from whom we                  6 have statements.                  7 Ms Limbrick's evidence deals with the role and                  8 responsibility of CSAS in respect of child protection                  9 and safeguarding.                  10 At paragraphs 6 and 7, she deals with the                  11 circumstances in which COPCA and CSAS were established                  12 following the Nolan Commission and reviews respectively.                  13 You already heard the evidence of Mr Pearson on this                  14 issue, so we don't repeat that here.                  15 In terms of the functions of the then COPCA, at                  16 paragraph 8, she sets out the key tasks of COPCA as:                  17 "(a) advise the Catholic Bishops' Conference of                  18 England and Wales and the Conference of Religious on                  19 child and vulnerable adult protection policies and                  20 principles;                  21 "(b) give expert advice and moral support to                  22 dioceses and religious congregations;                  23 "(c) collect and disseminate good practice;                  24 "(d) hold databases of training facilities and other                  25 information;</p> <p style="text-align: center;">Page 66</p>	<p>1 of the management board comprised both Catholics and                  2 non-Catholics, members of the clergy, religious                  3 congregations and lay experts. Three of the original                  4 members of the Nolan Committee also sat on the board."                  5 Paragraph 11, she says:                  6 "In July 2007, the assistant director of COPCA,                  7 Mr Adrian Child, was appointed as the acting director of                  8 COPCA following the resignation of director                  9 Ms Eileen Shearer. On 1 July 2008, CSAS came into being                  10 under the permanent directorship of Mr Adrian Child.                  11 Several members of the COPCA team continued to work in                  12 the newly formed CSAS. As well as the name change from                  13 COPCA to CSAS, there was also a transfer of                  14 the information held by CSAS to COPCA, including case                  15 files. I did not conduct an audit of all these files                  16 when I came into the post, because they appeared to be                  17 in order. From my experience of reviewing case files in                  18 connection with the inquiry, it appears to me that                  19 continuity of record keeping remains, in part                  20 illustrated by case record logs and the files themselves                  21 - where, for example, the letterheads simply changed                  22 from 'COPCA' to 'CSAS' from 1 July 2008 onwards and it                  23 is often apparent that the same members of staff (having                  24 transferred from COPCA to CSAS) are continuing to work                  25 on the file. I have disclosed to the inquiry case files</p> <p style="text-align: center;">Page 68</p>

<p>1 held by CSAS in relation to allegations or concerns                  2 about child sexual abuse concerning Ampleforth and                  3 Downside which include any record made by COPCA.                  4 "The primary role of CSAS is one of coordination,                  5 advice and support to the Catholic Church in England and                  6 Wales in respect of safeguarding children, young people                  7 and adults at risk. The role and tasks in CSAS include,                  8 but are not limited to:                  9 "- providing advice to members of the church about                  10 safeguarding issues;                  11 "- providing advice to lay people about safeguarding                  12 issues;                  13 "- developing and supporting the delivery of                  14 safeguarding training within the church;                  15 "- ensuring that the national safeguarding policies                  16 and procedures are contemporary, relevant, comply with                  17 best practice and are published for implementation                  18 across the church in England and Wales.                  19 "- undertaking a role in quality assurance of                  20 safeguarding activity within dioceses and religious                  21 congregations;                  22 "- identifying and disseminating good safeguarding                  23 practice within the church;                  24 "- being the national safeguarding point of contact                  25 for national stakeholders, by example, other churches</p> <p style="text-align: center;">Page 69</p>	<p>1 supporting improvements in safeguarding practice within                  2 the Catholic Church in England and Wales, CSAS is not                  3 responsible for individual safeguarding cases. These                  4 day-to-day cases are the responsibility of the 'owning'                  5 diocese and the individual cases will be dealt with by                  6 the safeguarding office within that diocese. The advice                  7 CSAS provides is given in good faith that it will be                  8 followed."                  9 She below sets out any further details in relation                  10 to CSAS cases.                  11 Turning to paragraph 18, if I may:                  12 "As an organisation, CSAS is continually developing                  13 and seeking to improve the service it provides. It is                  14 fully committed to the safeguarding of children and                  15 works closely and collaboratively with other                  16 organisations to fulfil its aims. Steps we are taking                  17 to develop the safeguarding services throughout the                  18 Catholic Church of England and Wales include (and are                  19 not limited to):                  20 "(a) reviewing the national policies and procedures;                  21 "(b) developing the national communication materials                  22 to ensure consistency and transparency;                  23 "(c) introducing a more robust quality assurance                  24 programme through outcome-focused and thematic audits;                  25 "(d) introducing further consistency among the</p> <p style="text-align: center;">Page 71</p>
<p>1 and secular organisations;                  2 "- being the registered body for the Disclosure and                  3 Barring Service (DBS).                  4 "An example of how CSAS supports safeguarding                  5 providers and provides an opportunity to bring about                  6 improvements in practice is by organising the national                  7 safeguarding coordinators' meetings which are held three                  8 times a year. Amongst other things, these meetings may                  9 include learning and development opportunities through                  10 the provision of training or workshops and safeguarding                  11 coordinators also share with each other current issues                  12 on practice learning. In addition, safeguarding                  13 coordinators are updated on any changes to national                  14 policy or procedures. These meetings are also a very                  15 good opportunity for CSAS to discuss and consult with                  16 the safeguarding coordinators on areas they believe                  17 should be improved. An example of a development made to                  18 policy which arose from this meeting is the policy on                  19 pilgrims. In one of these meetings, safeguarding                  20 coordinators discussed how pilgrimages were being                  21 coordinated in their particular dioceses. Following                  22 this discussion, it became apparent that it was                  23 necessary to implement national guidance on the running                  24 of pilgrimages.                  25 "Although CSAS are responsible for driving and</p> <p style="text-align: center;">Page 70</p>	<p>1 provision of safeguarding services within the church;                  2 "(e) seeking to make sure victims and survivors know                  3 how to make contact with the appropriate support and                  4 know where to report matters and who to speak to;                  5 "(f) working with the NCSC to develop the pastoral                  6 support service."                  7 She mentions that CSAS is working on introducing                  8 further consistency among the provision of safeguarding                  9 services within the church:                  10 "CSAS recognises that this development is crucial to                  11 improving safeguarding practices throughout England and                  12 Wales and CSAS also recognises that this is ongoing.                  13 CSAS is seeking to ensure consistency through the                  14 provision of services summarised at 18(a) to (c) and (e)                  15 and (f) [those parts I have read out above]. In                  16 particular, the national quality assurance framework                  17 includes quality assurance exercises which should enable                  18 CSAS to identify if national policies and procedures are                  19 not being followed."                  20 She provides the framework as an exhibit. She says:                  21 "We continue to develop policy to seek and ensure                  22 consistency. A recent example concerns the policy                  23 called 'Testimonial of suitability'. This is                  24 a mandatory reference provided by a priest or religious                  25 from outside England and Wales by either the bishop or</p> <p style="text-align: center;">Page 72</p>

<p>1 superior confirming the individual's suitability for                  2 ministry. It became apparent to CSAS that there was no                  3 equivalent national policy governing the movement of                  4 priests or religious internally, within dioceses or                  5 orders within England and Wales, albeit dioceses had                  6 their own individual arrangements in place. CSAS and                  7 the NCSC identified the need for a national policy and                  8 we are currently working together to develop and                  9 implement it, to maintain a consistent national                  10 approach."                  11 At paragraph 22 she details how the NCSC oversees                  12 and directs the work of CSAS. She says:                  13 "CSAS is located within the department of Christian                  14 responsibility and citizenship, which is one of                  15 the departments of the Bishops' Conference and is                  16 accountable to the Bishops' Conference and the                  17 Conference of Religious through NCSC. CSAS does not                  18 routinely report safeguarding and child protection                  19 matters to the conferences of bishops or religious, but                  20 both are engaged in consultation on matters such as                  21 revision or development of national safeguarding                  22 policies and procedures. Both conferences receive the                  23 annual report of the NCSC, which includes a report from                  24 CSAS. As the director of CSAS, I attend the bishops'                  25 plenary meetings specifically in relation to</p> <p style="text-align: center;">Page 73</p>	<p>1 including the reasons it became involved and the nature                  2 of its involvement. If I can summarise what she says,                  3 she says CSAS may become involved in safeguarding and                  4 child protection in four ways: national safeguarding                  5 policy and procedures require allegations made against                  6 a bishop, archbishop, religious congregation leader,                  7 vice rector, seminary staff member, commission chair,                  8 safeguarding coordinator, safeguarding team member or                  9 a safeguarding representative to be referred to CSAS.                  10 CSAS will then record the referral, advise on the                  11 procedures and request progress updates as appropriate.                  12 CSAS may be asked to advise on the application of                  13 national safeguarding policy and procedure by diocese                  14 and/or safeguarding officers or religious congregations.                  15 The advice provided may also be broader and relate to                  16 the implementation of safer recruitment checks, DBS                  17 checks, risk management or liaising with the statutory                  18 authorities.                  19 CSAS may be contacted by professional bodies,                  20 statutory agencies or victims and survivors or members                  21 of the public. In such cases, it will refer the matter                  22 to the relevant diocese and safeguarding office and/or                  23 religious congregation. Professionals or members of                  24 the public occasionally contact CSAS to complain about                  25 the response of a diocese or religious congregation. If</p> <p style="text-align: center;">Page 75</p>
<p>1 safeguarding matters and also attend the Conference of                  2 Religious Executive Advisory Safeguarding Group on                  3 a regular basis. In collaboration with the chair of                  4 the NCSC, as director of CSAS I contribute to                  5 safeguarding learning and development opportunities for                  6 bishops and religious leaders on a three-yearly basis.                  7 Outside of these formal arrangements, as director of                  8 CSAS I am in contact with the general secretaries of the                  9 two conferences as the need arises. CSAS also works                  10 collaboratively with the Conference of Religious in                  11 relation to the maintenance of records in respect of                  12 the alignment of religious congregations with dioceses.                  13 "In addition, as director of CSAS, I chair meetings                  14 with the chairs of safeguarding commissioners biannually                  15 and during the intervening periods have contact with                  16 individual chairs in relation to specific cases or other                  17 matters such as quality assurance and the development of                  18 national policy and procedure. I have not had cause to                  19 have contact with either of the Congregation of                  20 the Doctrine of the Faith or the Holy See in relation to                  21 safeguarding and child protection matters."                  22 She is asked about the extent to which CSAS is                  23 involved in safeguarding and child protection matters                  24 and the response to allegations of child sexual abuse                  25 within the dioceses in England and Wales generally,</p> <p style="text-align: center;">Page 74</p>	<p>1 the complaint relates to the application of national                  2 safeguarding policy and procedure, CSAS will provide                  3 advice.                  4 Turning to paragraph 26 and on, on 26:                  5 "On receipt of an allegation, complaint or concern,                  6 CSAS will always open a case record, with the exception                  7 that if the query CSAS receives relates to an individual                  8 needing advice on the interpretation of a procedure,                  9 then a case record may not necessarily be opened (as                  10 there would be no ongoing work). This case record                  11 documents the question that has been asked and/or advice                  12 that has been sought along with the advice that has been                  13 given by CSAS. All documents that are generated and/or                  14 received in connection with each case will then be held                  15 on the case file. Some cases will be closed immediately                  16 where, for example, advice is given on a discrete                  17 procedural issue and no follow-up is required (and                  18 sometimes, as referred to above, a file may not be                  19 opened). Some cases will be kept open, where it is                  20 likely that further advice will be sought. In such                  21 cases, CSAS follows up periodically where further action                  22 is required or to check whether the file can now be                  23 closed. Generally, at the time of closing a file, CSAS                  24 checks that the matter has been dealt with and that no                  25 further work is required, and within the case file log</p> <p style="text-align: center;">Page 76</p>

<p>1 there will be a statement setting out the reasons why 2 the file can be closed." 3 Paragraph 28: 4 "Where CSAS is contacted for specific advice on 5 policies and procedures, for example, the agency does 6 not routinely follow up on case progress. Whilst we do 7 not have any specific authority to seek further 8 information, follow-up will generally take place if the 9 case file has remained open, because further advice is 10 likely to be sought and/or CSAS has advised a particular 11 course of action which requires follow-up. This will be 12 considered on a case-by-case basis and will depend on 13 the nature of the inquiry and advice. 14 "If, however, CSAS has made a recommendation either 15 through an audit or a referral we have received, then 16 CSAS would most definitely follow up with the individual 17 concerned to ensure the advice has been followed. In 18 addition, when the quality assurance framework is 19 implemented [which she discusses further on] and 20 a recommendation is made through this framework, we 21 would certainly follow up to ensure the advice has been 22 implemented correctly. 23 "Because CSAS is neither an investigatory nor a case 24 management service, our involvement is limited to the 25 provision of advice or support when requested and any</p> <p style="text-align: center;">Page 77</p>	<p>1 the standards set out in that document, 'Towards Culture 2 of Safeguarding'; secondly, compliance with the DBS 3 processing requirements; and, thirdly, compliance with 4 case records standards. 5 "As previously mentioned, CSAS and NCSC have a new 6 quality assurance framework [exhibited] to assist us in 7 our aims to ensure the safeguarding standards within the 8 church are met. As part of this new quality assurance 9 programme, we are moving towards more outcome-focused 10 thematic audits and there will be checks and balances 11 undertaken by CSAS against this new framework. 12 "Examples of the thematic topics include the 13 management of risk when an allegation is received. CSAS 14 will also report back to the NCSC. In addition, the 15 audit programme planning is under way and was signed off 16 in September 2017, which means it will be starting 17 shortly. It will apply to all safeguarding 18 commissioners. 19 "With this new quality assurance programme, we 20 envisage that if something is identified as lacking, 21 then the relevant body with direct responsibility should 22 have the opportunity to implement the necessary changes. 23 However, instead of CSAS requesting an update from them 24 on how the implementation is progressing, CSAS will need 25 to satisfy itself that positive changes have been made.</p> <p style="text-align: center;">Page 79</p>
<p>1 follow-up if appropriate. CSAS also communicates 2 directly with survivors and victims and will facilitate 3 access to support services where this is requested. 4 CSAS does not have a formal support role. Whilst we 5 will meet with victims and survivors and liaise with the 6 congregation and commission directly, we are not 7 a provider of support services and would instead put 8 them in touch with their local safeguarding office, 9 relevant religious congregation and/or the appropriate 10 external support services. 11 "In these cases, CSAS will liaise directly with the 12 relevant agencies, particularly if the survivor or 13 victim does not wish to access support via a diocesan 14 office or religious congregation." 15 Turning to paragraph 34, and I hope to be able to 16 finish this statement before we rise: 17 "Historically, CSAS has audited safeguarding 18 commissions in terms of their compliance with the 19 standards set out within 'Towards Culture of 20 Safeguarding' [a document she's already spoken of and 21 provided]. 22 "During my time with CSAS, I have been involved in 23 the audits of four religious commissions. The audits 24 would generally focus on three main areas to review. 25 Firstly, compliance of the Safeguarding Commission with</p> <p style="text-align: center;">Page 78</p>	<p>1 This new programme is not just about driving national 2 policy and procedure forward, but also about identifying 3 areas for improvements. 4 "CSAS works collaboratively with the relevant 5 Safeguarding Commissions. In the event that we had 6 concerns about the way in which cases were handled by 7 the relevant Safeguarding Commission, we would first 8 raise this with the commission chair to agree a way 9 forward. If we remained concerned following this, we 10 would then refer matters to the relevant bishop. The 11 Safeguarding Commissions are mandated by the bishop and 12 accountable to them or the provincial as appropriate. 13 "In my experience, the Safeguarding Commissions that 14 I have worked with share a real commitment to the 15 safeguarding of children and vulnerable adults within 16 the Catholic Church of England and Wales and to 17 providing the best possible service and I have never had 18 to refer matters about a Safeguarding Commission to the 19 relevant bishop." 20 At paragraph 37, she provides a schedule outlining 21 the cases in which CSAS has been involved relating to 22 Ampleforth and Downside. 23 She provides a summary of the process that should 24 generally be followed at paragraph 40, where she says: 25 "In response to an allegation of child sexual abuse</p> <p style="text-align: center;">Page 80</p>

<p>1 or concerns being raised about child sexual abuse CSAS                  2 adheres to the national safeguarding policy and                  3 procedure 'Responding to Allegations and Concerns'. In                  4 summary, CSAS will refer the matter to the relevant                  5 safeguarding coordinator within a diocese and/or                  6 religious congregation and confirm that they will take                  7 on management of the case. In the event the                  8 safeguarding offices cannot be contacted and immediate                  9 action is required, for example, referral to the                  10 statutory agencies, CSAS will make the referral as                  11 appropriate and forward the information to the relevant                  12 safeguarding coordinator. This process has been in                  13 place and set out in the national safeguarding policies                  14 and procedures since 2004."                  15 She provides further detail which we have already                  16 dealt with about the role of CSAS.                  17 Finally, if I may, she is asked the extent to which                  18 CSAS has a view on whether the response or action or                  19 lack thereof of CSAS in respect of matters relating to                  20 any child sexual abuse at Ampleforth and Downside was                  21 appropriate in all the circumstances, and I am turning                  22 to paragraph 43. She says:                  23 "Whilst I have had some involvement in the cases                  24 referred to [in her schedule] the majority of cases                  25 predate my role as director of CSAS and information</p> <p style="text-align: center;">Page 81</p>	<p>1 Catholic Church in England and Wales, CSAS is committed                  2 to the safeguarding of children and vulnerable adults                  3 and to driving and supporting improvements in                  4 safeguarding practice within the church in England and                  5 Wales. We welcome the work of the inquiry and the                  6 opportunity to assist ..."                  7 That may be a convenient moment.                  8 THE CHAIR: Thank you, Ms Karmy-Jones. We will now take                  9 a break for lunch until 2.00 pm.                  10 (1.00 pm)                  11 (The short adjournment)                  12 (2.20 pm)                  13 MS KARMY-JONES: Thank you very much for the time, chair and                  14 members of the panel.                  15 Chair, there is, I understand, one short matter that                  16 Mr Stein wishes to raise before we embark on this                  17 evidence. I have been told that it will be very short                  18 indeed, and then we will be able to move on.                  19 MR STEIN: Chair, it is more about timing. We have had an                  20 answer to our rule 10 application in relation to                  21 questioning Dom Yeo. We understand that. We got that                  22 I think at 1.49 pm. There are some issues that relate                  23 to that. It may be sensible to park those for the                  24 moment until the end of the day, or of course I could                  25 deal with it now.</p> <p style="text-align: center;">Page 83</p>
<p>1 regarding those matters has been taken from the files                  2 held by CSAS. My views, therefore, are based on matters                  3 on which I have direct experience. However, from                  4 a superficial review of some of the archived case                  5 records relating to Ampleforth/Downside, I believe that                  6 CSAS's past actions seem appropriate and reasonable.                  7 I do not recall reviewing a case record that caused me                  8 concern in the way that it was handled by CSAS.                  9 However, it is important to note that the case records                  10 are not a verbatim record of what was said or, more                  11 importantly, what was intended. For example, in                  12 relation to advice provided to a safeguarding                  13 coordinator managing a particular case, our files only                  14 represent a partial picture because all the relevant                  15 paperwork is in the possession of the responsible                  16 Safeguarding Commission.                  17 "In my view and experience, CSAS has and continues                  18 to provide advice and assistance in accordance with its                  19 mandate and the national safeguarding policies and                  20 procedures in place at the relevant times. It is                  21 committed to providing the best possible service. In my                  22 experience, in providing advice and/or responding to                  23 matters concerning Downside and Ampleforth, CSAS has                  24 acted in accordance with this.                  25 "As the safeguarding advisory service within the</p> <p style="text-align: center;">Page 82</p>	<p>1 THE CHAIR: Do you have any thoughts about this?                  2 MS KARMY-JONES: I would suggest that it may be appropriate                  3 to put it aside until the end of the day. It may indeed                  4 even be appropriate to deal with it on the next occasion                  5 that this witness is going to give evidence. I am going                  6 to try to incorporate some of the themes of                  7 the questions within my questions of the witness, and                  8 perhaps it is only if they are not properly dealt with                  9 in the course of that that we can return to it.                  10 MR STEIN: I'm happy with that. I think we do need to have                  11 a short discussion about that at the close of the day,                  12 but none of us, I think, would want to interrupt the                  13 flow of evidence that is about to be given.                  14 THE CHAIR: Thank you, Mr Stein.                  15 MS KARMY-JONES: Dom Richard Yeo should be sworn.                  16 DOM RICHARD YEO (sworn)                  17 Examination by MS KARMY-JONES                  18 MS KARMY-JONES: Is the correct way to address you                  19 "Dom Richard"?                  20 <b>A. Certainly, yes.</b>                  21 Q. You are being called today, Dom Richard, to deal with                  22 questions around the English Benedictine Congregation,                  23 its place within the Roman Catholic Church and its                  24 structures?                  25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 84</p>

<p>1 Q. You will be, as those on this side of the room know, 2 recalled at a later stage to deal in more detail with 3 your role and involvement with both Ampleforth and 4 Downside as abbot and as Abbot President, in the third 5 week of this hearing. 6 <b>A. Yes.</b> 7 Q. At that stage, further questions may also be asked of 8 you about the wider English Benedictine Congregation 9 role in respect of these two institutions -- 10 <b>A. Yes.</b> 11 Q. -- and anything that arises out of the evidence. So 12 I am going to today largely ask questions around the 13 contents of your first statement, dated 11 August this 14 year, together with some corrections to it that you made 15 in your second statement, dated 8 November of this year. 16 Some of it, there is no issue about. If I can first 17 very quickly ask you about your background, you have 18 been a monk since 1970 at Downside Abbey; is that 19 correct? 20 <b>A. Correct, yes.</b> 21 Q. What was your background before that, please? 22 <b>A. I was at school at Downside School. I was at</b> 23 <b>Oxford University. I studied law and I qualified as</b> 24 <b>a barrister.</b> 25 Q. Did you practise?</p> <p style="text-align: center;">Page 85</p>	<p>1 Q. Confederation. That's my misreading. Just help us, 2 what is the Abbot Primate? 3 <b>A. The Abbot Primate is the representative of all the</b> 4 <b>Benedictine Congregations, who lives in Rome, who</b> 5 <b>represents Benedictines, who is a focus of unity of</b> 6 <b>the whole Benedictine Order. He is also the head of our</b> 7 <b>central college in Rome, Sant'Anselmo, which includes</b> 8 <b>a pontifical university.</b> 9 Q. Would it be right to say he is a form of overarching 10 superior? 11 <b>A. Overarching, yes, but I wouldn't say superior, because</b> 12 <b>he doesn't exercise power over the individual</b> 13 <b>congregations.</b> 14 Q. How does he overarch, then? 15 <b>A. By being, as I said, a focus of unity, a reference</b> 16 <b>point, a person whom abbots and Abbot Presidents can</b> 17 <b>consult, our advocate with the Holy See, that sort of</b> 18 <b>thing.</b> 19 Q. Between 1985 and 1988, were you an adviser in canon law, 20 using your qualification, to the English Benedictine 21 Congregation? 22 <b>A. Between 1985 and 1998, I was Assessor of</b> 23 <b>the Congregation, which is canonical adviser to the</b> 24 <b>Congregation.</b> 25 Q. You served in one of the parishes entrusted to</p> <p style="text-align: center;">Page 87</p>
<p>1 <b>A. I never practised.</b> 2 Q. So you have a longstanding and close association with 3 Downside; is that right? 4 <b>A. Yes.</b> 5 Q. You taught, I believe, at Downside School? 6 <b>A. Briefly, yes.</b> 7 Q. And then went on to study canon law? 8 <b>A. Yes.</b> 9 Q. That was between 1976 and 1980; is that correct? 10 <b>A. Yes. I was in Rome until 1979 and studied back at</b> 11 <b>Downside until 1980.</b> 12 Q. As a result of those studies, did you obtain 13 a post-graduate degree in canon law? 14 <b>A. Yes.</b> 15 Q. Was that what's called a Juris Canonical Doctor? 16 <b>A. Iuris Canonici Doctor, yes.</b> 17 Q. What does that give you in terms of your post? What 18 does it allow you do in terms of your post? 19 <b>A. It would allow me to teach in a pontifical university.</b> 20 Q. Did you ever do that? 21 <b>A. Only very briefly.</b> 22 Q. In terms of your experience, then, you were secretary of 23 the Abbot Primate of the worldwide Benedictine 24 Congregation between 1980 and 1986? 25 <b>A. Confederation, not "Congregation", actually.</b></p> <p style="text-align: center;">Page 86</p>	<p>1 Downside Abbey after that -- 2 <b>A. Yes.</b> 3 Q. -- between 1986 and 1993, so actually overlapping with 4 that; is that right? 5 <b>A. Yes, the job of Assessor is a part-time job.</b> 6 Q. Between 1993 and 1998, you worked in the Congregation 7 for the Institutes of Consecrated Life and Societies of 8 Apostolic Life? 9 <b>A. I did, yes.</b> 10 Q. That's the department that looks after the religious 11 life; is that right? 12 <b>A. Yes.</b> 13 Q. You were elected Abbot of Downside Abbey in 1998? 14 <b>A. Yes.</b> 15 Q. And served for eight years, until 2006; correct? 16 <b>A. Yes.</b> 17 Q. During this period, you were also elected as 18 Abbot President of the English Benedictine Congregation? 19 <b>A. Yes.</b> 20 Q. That lasted until 1 August of this year; is that right? 21 <b>A. Yes.</b> 22 Q. When Abbot Christopher Jamison was elected as the new 23 Abbot President? 24 <b>A. Yes.</b> 25 Q. You were also superior of Buckfast Abbey during this</p> <p style="text-align: center;">Page 88</p>

1 period, until 2009?  
 2 **A. 2007 to 2009, yes.**  
 3 Q. A member of the council of the Abbot Primate?  
 4 **A. Yes.**  
 5 Q. And you were also Vicar of the Abbot Primate; is that  
 6 right?  
 7 **A. Yes.**  
 8 Q. What does the Vicar of the Abbot Primate do? Could you  
 9 explain?  
 10 **A. He is one member of the council who, in the event of**  
 11 **the Abbot Primate for any reason being impeded from**  
 12 **acting or ceasing to be Abbot Primate for any reason, he**  
 13 **would take over on a temporary basis.**  
 14 Q. So it was open to you potentially to step into the role  
 15 of Abbot Primate?  
 16 **A. On a temporary basis.**  
 17 Q. On a temporary basis. As a result of this experience,  
 18 you have dealt with many different groups of Benedictine  
 19 monks and nuns in many countries of the world; is that  
 20 right?  
 21 **A. Yes.**  
 22 Q. You have advised them on their legal arrangements?  
 23 **A. Canonical arrangements, principally, yes.**  
 24 Q. I'm just taking that from your statement, the reference  
 25 to --

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1 **A. Sorry, what I mean is, I wouldn't claim to advise people**  
 2 **on civil law arrangements.**  
 3 Q. You have also advised the Abbot Primate and the Vatican;  
 4 is that right?  
 5 **A. I beg your pardon?**  
 6 Q. Have you also advised the Abbot Primate?  
 7 **A. Oh, yes.**  
 8 Q. Have you also assisted the Vatican on various occasions?  
 9 **A. Yes.**  
 10 Q. And different Congregations of Religious?  
 11 **A. Yes. Mainly Benedictines, but not exclusively.**  
 12 Q. You were appointed a member of the Cumberlege Commission  
 13 in 2006, and we will come back to that a little later.  
 14 **A. Yes.**  
 15 Q. But you were involved in advising around the drafting of  
 16 the review?  
 17 **A. Yes.**  
 18 Q. For the past seven years, is it right that you have been  
 19 a member of a group that advises the Conference of  
 20 Religious in England and Wales?  
 21 **A. Yes.**  
 22 Q. You are also a member of the Catholic Council for this  
 23 inquiry, IICSA?  
 24 **A. Yes.**  
 25 Q. You have provided a helpful glossary of terms, your

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1 exhibit RY1, that may be published, but it is here for  
 2 anyone's reference.  
 3 I am going to turn now to the English Benedictine  
 4 Congregation's origins in canon law and its association  
 5 with the wider Catholic Church and the Conference of  
 6 Bishops.  
 7 **A. Yes.**  
 8 Q. In your statement at paragraph 10, you describe the  
 9 English Benedictine Congregation as a monastic  
 10 congregation of Benedictine monks. Is that right?  
 11 **A. Monks and nuns.**  
 12 Q. And nuns. How did the English Benedictine Congregation  
 13 come to be established, briefly?  
 14 **A. By the 13th century, it was clear that a system whereby**  
 15 **all Benedictine monasteries were very isolated was not**  
 16 **good for the monasteries and that some sort of linking**  
 17 **was desirable in order to promote good observance within**  
 18 **the monasteries.**  
 19 **Following the example of the Cistercians, the**  
 20 **Holy See required Benedictines to have general chapters**  
 21 **and to elect visitors to conduct visitations, and this**  
 22 **was the origin of our congregation.**  
 23 Q. So as far back as the 13th century, there were efforts  
 24 made to link the monasteries; is that right?  
 25 **A. Yes.**

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1 Q. You agree with what has been read to the chair and the  
 2 panel and those present of what Father Thomas says about  
 3 religious orders and congregations within the church,  
 4 but in your statement at paragraph 14 you stress that  
 5 Benedictine monasteries are different and see themselves  
 6 operating as an autonomous unit; is that right?  
 7 **A. Yes.**  
 8 Q. Could you help us with that?  
 9 **A. Father Thomas in his statement describes the structure**  
 10 **which most religious congregations within the church**  
 11 **follow, that is to say, most congregations are fairly**  
 12 **centralised with a Superior General who exercises power**  
 13 **over the whole of the order, and the order will be**  
 14 **divided usually into provinces and, for example, England**  
 15 **might be one province of a worldwide order.**  
 16 **Among the Benedictines, the basic unit is not the**  
 17 **order as a whole. The basic unit is the individual**  
 18 **monastery, and rather than having an order divided into**  
 19 **provinces, you have monasteries which group together**  
 20 **into congregations.**  
 21 Q. But all of those operate under the Abbot President or  
 22 the Superior General of the whole congregation; is that  
 23 right?  
 24 **A. I wouldn't say they operate under the Abbot President.**  
 25 **They operate and the Abbot President attempts to assist**

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1 **those monasteries where appropriate and where possible.**  
 2 Q. Do you suggest that he had a more limited jurisdiction?  
 3 **A. Yes, indeed, and canon law says that very specifically.**  
 4 Q. I think you have said in your statement that there are  
 5 10 monasteries in England and Wales?  
 6 **A. Yes.**  
 7 Q. Seven of monks, including Downside, Ampleforth, Ealing,  
 8 Belmont, Buckfast, Douai and Worth?  
 9 **A. Yes.**  
 10 Q. And then three of nuns; is that right?  
 11 **A. Yes.**  
 12 Q. And elsewhere, including Scotland?  
 13 **A. There used to be one monastery of monks and one**  
 14 **monastery of nuns in Scotland -- sorry, one monastery of**  
 15 **monks in Scotland. Now there are none.**  
 16 Q. What was the name of the monastery of monks in Scotland?  
 17 **A. Fort Augustus.**  
 18 Q. What was the relationship of the English Benedictine  
 19 Congregation to the monasteries in Scotland?  
 20 **A. They were members of our congregation, just like any**  
 21 **other.**  
 22 Q. So what role did the Abbot President have in respect of  
 23 those monasteries, or that monastery, in Scotland?  
 24 **A. He had the same role in respect of that monastery as he**  
 25 **has in respect of the monasteries in England and our**

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1 **monasteries in the United States, which is to say his**  
 2 **formal duties are to conduct a visitation of**  
 3 **the monastery when needed and to preside at the election**  
 4 **of an abbot or abbess.**  
 5 Q. Can you give us an explanation, please, of the Rule of  
 6 St Benedict's?  
 7 **A. The monastic movement, which flourished in the east**  
 8 **from, let's say, the 3rd century onwards, came to the**  
 9 **west about the 4th/5th century, and there were a number**  
 10 **of rules written, and the Rule of St Benedict was**  
 11 **written in the early 6th century, and it summarises**  
 12 **a lot of the wisdom of the earlier monastic rules. So**  
 13 **I would describe it as a fairly authoritative statement**  
 14 **of the monastic wisdom -- of the wisdom of the monastic**  
 15 **movement.**  
 16 Q. It is, in fact, more of a book than a rule, isn't it, in  
 17 hard terms?  
 18 **A. Well, it's 73 chapters with a prologue, so fairly**  
 19 **substantial. On the other hand, a good deal shorter**  
 20 **than a lot of the earlier rules.**  
 21 Q. It contains a number of different rules and  
 22 regulations --  
 23 **A. Yes.**  
 24 Q. -- around which monastic communities are run; would  
 25 that be correct?

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1 **A. Yes.**  
 2 Q. Can you help us, please, with the General chapter and  
 3 what that is?  
 4 **A. Ms Karmy-Jones, should I speak about the General chapter**  
 5 **of the monastic congregation or General chapters in**  
 6 **general?**  
 7 Q. Can you speak about them in general, please, first?  
 8 **A. All religious institutes will have a General chapter**  
 9 **which exercises supreme authority, it writes the**  
 10 **constitutions of the order, it deals with the major**  
 11 **topics affecting the order, and it elects the**  
 12 **General Superior. That's a summary of what's in canon**  
 13 **law. The General chapter of each individual order or**  
 14 **congregation will be described more fully in its**  
 15 **constitutions.**  
 16 Q. And in terms of the whole congregation?  
 17 **A. Of the English Benedictine Congregation?**  
 18 Q. Yes.  
 19 **A. Right. The English Benedictine Congregation, as**  
 20 **a congregation within the Catholic Church, will have its**  
 21 **own General chapter. Because the monasteries are**  
 22 **autonomous, the General chapter has less authority than**  
 23 **would be expected in the General chapter of**  
 24 **a centralised order. Normally speaking, the**  
 25 **General chapter of the Benedictine Congregation would**

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1 **not seek to enter into the detailed regulation of each**  
 2 **individual monastery.**  
 3 Q. But the General chapter is the governing body of  
 4 the whole congregation, is it not?  
 5 **A. It is, yes.**  
 6 Q. It consists of the Abbot President of the English  
 7 Benedictine Congregation --  
 8 **A. Yes.**  
 9 Q. -- until recently, you -- and an abbot or abbess from  
 10 each monastery?  
 11 **A. Yes.**  
 12 Q. So of the ten -- there would have been ten others; is  
 13 that right?  
 14 **A. Yes.**  
 15 Q. And a delegate elected by the monastery's own chapter?  
 16 **A. Yes.**  
 17 Q. And four officials of the English Benedictine  
 18 Congregation?  
 19 **A. Yes.**  
 20 Q. How often are meetings held?  
 21 **A. Ordinary General chapters are held once every four**  
 22 **years.**  
 23 Q. And extraordinary?  
 24 **A. If and when needed.**  
 25 Q. How often have extraordinary chapter meetings been held?

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1 **A. We had one in 2015. The last one before that was,**  
2 **I think, 1967.**  
3 Q. What role exactly does the Abbot President play in  
4 respect of the General chapter?  
5 **A. He presides -- he is a member of the General chapter, so**  
6 **he is a voting member. He presides over it and he,**  
7 **together with his council, prepares it.**  
8 Q. Would it be fair to say runs it, effectively?  
9 **A. Yes.**  
10 Q. The most senior figure there?  
11 **A. With his council, yes.**  
12 Q. What power does the General chapter have in the English  
13 Benedictine Congregation?  
14 **A. It writes the constitutions, it can write subsidiary**  
15 **laws for the congregation, it elects the General chapter**  
16 **and deals with other matters of interest and concern to**  
17 **the whole congregation which are put before it. For**  
18 **example, we have spent quite a bit of time recently on**  
19 **the promotion of vocations to the monasteries of**  
20 **the congregation. That was discussed at General**  
21 **chapters.**  
22 Q. You describe it in your statement as having supreme  
23 legislative power?  
24 **A. Yes.**  
25 Q. Is that an accurate way of putting it?

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1 **A. Yes, there is also a qualification: subject to the right**  
2 **of the Holy See to approve constitutions, which is to**  
3 **say, it can legislate, but it can't change the**  
4 **constitutions unless it has the approval of**  
5 **the Holy See.**  
6 Q. Does the General chapter make laws that would apply to  
7 monasteries individually or as a whole?  
8 **A. It would be rare for the General chapter to make a law**  
9 **applying just to one individual monastery. That would**  
10 **only happen, I think, if that monastery was causing**  
11 **serious concern.**  
12 Q. But it can happen?  
13 **A. It could happen.**  
14 Q. Help us with what the role of the Abbot President's  
15 council is?  
16 **A. Above all, to advise the Abbot President. Furthermore,**  
17 **the canon law of the church gives certain powers to the**  
18 **Abbot President which can only be exercised if he has**  
19 **the consent of his council.**  
20 Q. What kind of powers, please?  
21 **A. For example, to grant a dispensation from temporary**  
22 **vows. It has to consider applications for dispensations**  
23 **from perpetual vows before they are forwarded to the**  
24 **Holy See.**  
25 Q. If the Abbot President's council does not agree with an

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1 application for dispensation, does the abbot have any  
2 power to overrule them?  
3 **A. To distinguish the two cases which I mentioned,**  
4 **dispensation from temporary vows can only be done with**  
5 **the consent of the council, so he can't overrule them.**  
6 **The application for dispensation from perpetual vows,**  
7 **the Abbot President has to have the advice of**  
8 **the council before he submits the request to Rome. So**  
9 **what he has to do in that case, he submits the request**  
10 **to Rome, but he says, "But my council is opposed to it".**  
11 Q. So would it be right to say that, in that regard, the  
12 Abbot President can take the final decision then as to  
13 whether or not to submit the application to Rome?  
14 **A. He could. I think he would be more likely to go back to**  
15 **the abbot who had asked him to process the case, put the**  
16 **objections of the council and invite the abbot to**  
17 **reconsider the matter.**  
18 Q. Have you ever disagreed with the advice of your council?  
19 **A. I can't think of an occasion when I have. I have been**  
20 **surprised occasionally by the advice that I have**  
21 **received, but pleasantly surprised.**  
22 Q. Have they ever disagreed with you?  
23 **A. I put it like this: in the course of discussions, all of**  
24 **us have put forward ideas and we have changed ideas in**  
25 **the course of the discussion.**

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1 Q. Can you tell us what the relationship and the contact is  
2 between the Abbot President and the Abbot Primate  
3 outside of the Congress of Abbots?  
4 **A. I can tell you what my -- my links are possibly a little**  
5 **unusual, inasmuch as I have been a member of the council**  
6 **of the Abbot Primate, which means that I would have seen**  
7 **him probably ten times a year, and gave him advice.**  
8 **Most Abbot Presidents would see the Abbot Primate a good**  
9 **deal less. They would see him once a year, because once**  
10 **a year all the Abbot Presidents meet with the**  
11 **Abbot Primate to give him advice.**  
12 **The Abbot Primate will give advice if asked, but**  
13 **doesn't often give advice without being asked. He**  
14 **wouldn't intervene without a request from an**  
15 **Abbot President in normal circumstances.**  
16 Q. Moving on to the question of how a Benedictine monastery  
17 is run and how it operates within the wider English  
18 Benedictine community, how does it operate? How is  
19 a Benedictine monastery governed within the wider  
20 English Benedictine community?  
21 **A. That's where you need to look, above all, at the Rule of**  
22 **St Benedict but also at the constitutions of the English**  
23 **Benedictine Congregation. The Rule of St Benedict makes**  
24 **it clear that normally the abbot has the general charge**  
25 **of everything that goes on in the monastery. It**

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<p>1 <b>instructs him to appoint certain officials -- one</b>                  2 <b>official, for example, to look after the material goods</b>                  3 <b>of the monastery, a Prior, an infirmarian,</b>                  4 <b>a Guest Master, it also tells him to consult the</b>                  5 <b>brethren, to consult the members of his community, the</b>                  6 <b>monks or nuns, both the whole community and also</b>                  7 <b>a smaller group of closer advisers. And it strongly</b>                  8 <b>urges him not to do anything without taking advice.</b>                  9 Q. Does the Superior of the Congregation have any remit to                  10 authorise or control the activities in a monastery?                  11 <b>A. Can I just ask for clarification, when you say "the</b>                  12 <b>Superior of the Congregation", do you mean the</b>                  13 <b>Abbot President of the congregation or the abbot of</b>                  14 <b>the monastery?</b>                  15 Q. The Abbot President. Forgive me. Does the                  16 Abbot President have any remit to authorise or control                  17 the activities undertaken in any monastery?                  18 <b>A. The way I usually state it is that the Abbot President</b>                  19 <b>cannot run a monastery. The Abbot President has to</b>                  20 <b>ensure that the monastery is well run, which is to say,</b>                  21 <b>he cannot intervene and control things himself. What he</b>                  22 <b>can do, if he thinks things are being badly mismanaged,</b>                  23 <b>is to conduct a visitation to try to put things right.</b>                  24 Q. I will come on to visitations in a moment. But with                  25 that in mind, to whom, then, is a Benedictine monastery</p> <p style="text-align: center;">Page 101</p>	<p>1 <b>constitutions have the same structure. Ours have two</b>                  2 <b>parts.</b>                  3 Q. Just looking at your statement at paragraph 31, you                  4 said:                  5 "Each Benedictine monastic congregation [forgive me]                  6 has its constitutions ..."                  7 <b>A. Indeed. But then I say:</b>                  8 <b>"The constitutions of the EBC consist of two parts."</b>                  9 <b>Ours do, but some others have a single continuous</b>                  10 <b>text.</b>                  11 Q. Can you explain the first part, please?                  12 <b>A. The first part is called the declarations on the rule,</b>                  13 <b>and that is complementary to the rule. The rule</b>                  14 <b>inevitably, as a 6th century document, lacks quite a lot</b>                  15 <b>of the elements which are necessary for living in the</b>                  16 <b>21st century. It also lacks a lot of the juridical</b>                  17 <b>precisions which are necessary for modern living and the</b>                  18 <b>constitutions supply that.</b>                  19 <b>The second part is what we call the statutes, and</b>                  20 <b>that deals with the structure and government of</b>                  21 <b>the congregation as a whole.</b>                  22 Q. What's the Abbot President's role in the individual                  23 constitutions of individual monasteries?                  24 <b>A. Individual monasteries won't have constitutions. The</b>                  25 <b>constitutions of the EBC govern the whole of</b></p> <p style="text-align: center;">Page 103</p>
<p>1 ultimately accountable?                  2 <b>A. The monastery or the abbot?</b>                  3 Q. Let's deal with the monastery first.                  4 <b>A. Accountable to the church.</b>                  5 Q. The wider Roman Catholic Church?                  6 <b>A. And it will have to answer, if necessary -- if</b>                  7 <b>necessary, to the Abbot President; also to the Holy See.</b>                  8 Q. And the Abbot Primate?                  9 <b>A. Not to the Abbot Primate, no, but to the Holy See.</b>                  10 Q. To whom is the abbot of the monastery ultimately                  11 accountable?                  12 <b>A. Again, at a visitation, the Abbot President may call him</b>                  13 <b>to account, but ultimately, he is accountable to the</b>                  14 <b>Holy See.</b>                  15 Q. What about the English Benedictine Congregation? Where                  16 do they fit in? You have mentioned the wider Roman                  17 Catholic Church, but where do they fit in, in the layer                  18 of accountability?                  19 <b>A. Again, I would say that the congregation is accountable</b>                  20 <b>to the Holy See.</b>                  21 Q. In terms of monastic constitutions, in your statement                  22 you set out that each Benedictine monastic constitution                  23 has its constitution in two parts. Is that right?                  24 <b>A. I think I said that the constitutions of the English</b>                  25 <b>Benedictine Congregation are in two parts; not all</b></p> <p style="text-align: center;">Page 102</p>	<p>1 <b>the congregation, including all its monasteries.</b>                  2 Q. In terms of the EBC's responsibility for the                  3 constitutions, what role do they play in the management                  4 and the operation of the individual institutions?                  5 <b>A. Above all, they give greater precision than the rule</b>                  6 <b>does about what the abbot can do by himself, where he</b>                  7 <b>needs to have the advice or the consent of his council,</b>                  8 <b>and where he needs to have the advice or the consent of</b>                  9 <b>the whole community. I would describe that as the</b>                  10 <b>principal area. It also gives much greater precision</b>                  11 <b>than the rule does about the way in which candidates are</b>                  12 <b>received into the monastery.</b>                  13 Q. Would it be right that what you have said would also                  14 apply to the institutions in Scotland?                  15 <b>A. Exactly the same.</b>                  16 Q. Including, then, Fort Augustus?                  17 <b>A. Indeed. Ms Karmy-Jones, may I just qualify this by</b>                  18 <b>saying that the nuns of our congregation have</b>                  19 <b>a different set of constitutions to the monks.</b>                  20 Q. What's the Holy See's role in the constitutions?                  21 <b>A. The Holy See has the right to approve the constitutions</b>                  22 <b>and, therefore, also the right to demand -- not to</b>                  23 <b>approve the constitutions. They can demand that we make</b>                  24 <b>changes.</b>                  25 Q. Does the English Benedictine Congregation have any other</p> <p style="text-align: center;">Page 104</p>

1 involvement in any subsidiary matters affecting the  
 2 individual monasteries, any subsidiary areas of  
 3 legislation?  
 4 **A. Well, we have subsidiary legislation, but I think I can**  
 5 **best answer that by saying that the English**  
 6 **Congregation's involvement in the affairs of**  
 7 **the monastery are, above all, through a visitation, when**  
 8 **the visitor can ask about anything which goes on in the**  
 9 **monastery and, if necessary, can give directions about**  
 10 **what needs to be done.**  
 11 Q. That brings me on to the next topic, really, which is  
 12 the responsibilities of the Abbot President to the  
 13 monasteries. Indeed, is there any responsibility for  
 14 the monasteries?  
 15 You mentioned already that the Abbot President would  
 16 preside over the election of abbots and abbesses.  
 17 Again, would that apply to Scotland?  
 18 **A. Oh, yes, and the United States as well.**  
 19 Q. In fact, the Abbot Primate is currently in the  
 20 United States, is he not? He is based in the States?  
 21 **A. He comes -- well, he is based in Rome, but he comes from**  
 22 **a monastery in the United States, yes. Sorry, when**  
 23 **I say the United States, I mean the three monasteries of**  
 24 **our congregation which are located there.**  
 25 Q. What is the role of Abbot President in respect of

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1 the individual monasteries?  
 2 **A. When I mentioned earlier on the role of conducting**  
 3 **visitations and presiding at elections, I said those are**  
 4 **his formal roles. Those are the roles which are given**  
 5 **him by the constitutions.**  
 6 **In addition, the Abbot President will advise, will**  
 7 **be available to -- above all, to abbots who wish to**  
 8 **consult him.**  
 9 Q. Is there any overseeing of procedure that the  
 10 Abbot President will do?  
 11 **A. I would say that that is only done at the time of**  
 12 **visitation. If there's been some sort of failure in**  
 13 **procedures in the monastery, that is an occasion to pick**  
 14 **it up.**  
 15 Q. How will the Abbot President become aware of a failure?  
 16 Is it only through the visitation or is there another  
 17 way?  
 18 **A. Well, he might receive a letter from somebody saying**  
 19 **that there's been a problem, and he might be asked for**  
 20 **advice by the abbot if the abbot foresees the problem.**  
 21 **That certainly has happened.**  
 22 Q. Is he then wholly reliant on what he is told?  
 23 **A. Yes.**  
 24 Q. What involvement does the Abbot President have in the  
 25 schools affiliated to individual monasteries?

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1 **A. I would say the Abbot President has no formal role. In**  
 2 **England, the schools today are all governed by boards of**  
 3 **governors of one sort or another. The Abbot President**  
 4 **can encourage. I try to encourage.**  
 5 Q. You have mentioned visitations. Explain for us, then,  
 6 exactly what a visitation is and what its purpose is?  
 7 **A. Maybe I could start with the purpose. The formal**  
 8 **purpose of the visitation, again, is to pick up any**  
 9 **failure to follow the Rule of St Benedict, the**  
 10 **constitutions of the congregation or the law of**  
 11 **the church, but that is a very restrictive reading and**  
 12 **today the Abbot President -- well, the visitor would be**  
 13 **looking to see how the monastery is working, to advise,**  
 14 **to encourage and to warn.**  
 15 **How he does it? Normally, the visitation is done by**  
 16 **the president of the congregation. Normally, he will**  
 17 **have one other person accompanying him as assistant. He**  
 18 **will usually give a talk to the community at the**  
 19 **beginning in which he reminds them of the purpose of**  
 20 **the visitation, he might remind them of things which had**  
 21 **happened at the previous visitation, he will lay out the**  
 22 **procedures of the visitation.**  
 23 Q. How long does a visitation usually take?  
 24 **A. It depends on the size of the monastery.**  
 25 Q. Let's think for a moment about the two we are dealing

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1 with, Ampleforth and Downside. How long would  
 2 a visitation take at Ampleforth?  
 3 **A. I think the last visitation probably took three weeks.**  
 4 Q. What does that actually involve?  
 5 **A. After an initial talk to the community, which**  
 6 **I mentioned, it would then involve an interview with all**  
 7 **members of the community. It would probably involve**  
 8 **interviews with some of the lay people who fill major**  
 9 **roles at Ampleforth. For example, the procurator, in**  
 10 **the days when they had a layman as procurator, the**  
 11 **headmaster.**  
 12 Q. So there would be an interview with the headmaster?  
 13 **A. Yes -- not necessarily, but I think usually. Then there**  
 14 **will be an interview with the abbot, and then the**  
 15 **visitors would confer together, they would then feed**  
 16 **back to the abbot, to the abbot's council, and then**  
 17 **probably take some time and usually go away in order to**  
 18 **reflect and to prepare a report, coming back to give**  
 19 **a report to the whole community.**  
 20 Q. How long passes before the return to give the report to  
 21 the community?  
 22 **A. As I said, I think the last visitation to Ampleforth was**  
 23 **something of the order of three weeks, and that meant**  
 24 **something like two weeks of actual visitation. I can't**  
 25 **remember exactly, but I would say three days, something**

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1 like that.

2 Q. So two weeks of actual visitation and then three days of

3 preparing the report and then a return? Is that right?

4 A. **Something like that. It might have been a bit more.**

5 Q. How long is there between each visitation?

6 A. **Normally, four years.**

7 Q. You mentioned reporting back to the monastery about the

8 past visitation as part of your introductory talk when

9 you arrive?

10 A. **That might be a subject which would come up at the**

11 **introductory talk. It all depends what's happened at**

12 **the previous visitation.**

13 Q. What happens in between in the four years?

14 A. **I can only say what my practice was, which was to pay**

15 **periodic visits to the monastery, to talk to the abbots**

16 **on a fairly frequent basis, to make myself available if**

17 **the abbots wanted to talk to me.**

18 Q. What would you do if you became aware of an allegation

19 of abuse?

20 A. **During a visitation, you mean?**

21 Q. Let's start with a visitation.

22 A. **It is something which needed to be reported to the**

23 **police.**

24 Q. In every instance? Is that right?

25 A. **I think you will find that the policies which the**

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1 **Catholic Church follows require that -- reported to**

2 **statutory authorities. The way we would normally do it,**

3 **I think, is go through the safeguarding officers.**

4 Q. How long has that been the position, or has it always

5 been the case?

6 A. **No. I would say since about 2010, something like that.**

7 Q. So before 2010, if you became aware of an allegation of

8 abuse, what action would you take?

9 A. **I became Abbot President in 2001. By 2003/4, we had**

10 **Safeguarding Commissions set up and we would probably go**

11 **to a Safeguarding Commission.**

12 Q. And --

13 A. **Excuse me, Ms Karmy-Jones, I think probably I was wrong**

14 **in saying from 2010. I think probably earlier than that**

15 **we would have gone to safeguarding -- either the**

16 **safeguarding representative in the monastery or the**

17 **Safeguarding Commission.**

18 **The other thing I would say is that I have never had**

19 **an allegation made to me at the course of a visitation.**

20 **I wouldn't expect that, because a visitation only**

21 **happens every four years.**

22 Q. So since about 2003, I think you said, the safeguarding

23 bodies, you would have gone to them in every instance;

24 is that your evidence?

25 A. **You're asking me a theoretical question because, as**

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1 **I say, no-one has ever come at a time of visitation and**

2 **made an allegation.**

3 Q. What would the right thing to do be?

4 A. **I think that would have been the right thing to do.**

5 Q. Before 2001, what would the right thing to do be?

6 A. **I suspect that the Abbot President would probably have**

7 **gone to the abbot.**

8 Q. Would that have been the right thing?

9 A. **In those days, possibly. But we didn't have the**

10 **structures that we have today which enable us to do**

11 **things a bit more effectively.**

12 Q. After a visitation, what steps does the Abbot President

13 take to ensure that any requirements resulting from his

14 visitation have been implemented or are being

15 implemented?

16 A. **Normally at a visitation, the Abbot President makes**

17 **recommendations. It is only seldom that you have what**

18 **we call Acts of Visitation, which are decrees, so to**

19 **speak, of the Abbot President requiring something to be**

20 **done.**

21 **Recently, we have instituted a system whereby the**

22 **visitor returns to the monastery six months after the**

23 **visitation.**

24 Q. Does that happen consistently?

25 A. **As I say, that's something which has only been**

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1 **introduced in the last four years.**

2 Q. Before that, were any steps taken to ensure that

3 requirements resulting from the visitations were

4 implemented?

5 A. **Again, you are talking now about a formal decree of**

6 **the Abbot President on what we call an Act of**

7 **Visitation. It would depend on him to do it in the way**

8 **he felt appropriate.**

9 Q. And you, as Abbot President between 2001 and this year,

10 what did you do?

11 A. **I asked the abbot whether things had been done as**

12 **ordered.**

13 Q. How soon after did you ask?

14 A. **When I was next in contact.**

15 Q. Are any documents generated as a consequence of any

16 requirements being imposed as a result of a visitation?

17 A. **Again, if an Act of Visitation is made, a decree, that**

18 **will be done in writing.**

19 Q. Is that the only document that results from

20 a visitation?

21 A. **I normally do a written -- what I have normally done is**

22 **a written report to the whole community at the end of**

23 **the visitation giving my recommendations.**

24 Q. Have all those documents been provided to the inquiry?

25 A. **Yes -- well, those where there was something relating to**

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1 **safeguarding.**  
 2 Q. During the interviews that you have with the abbots and  
 3 the monks and the other members of the congregation, are  
 4 notes taken?  
 5 **A. I always take notes.**  
 6 Q. Have those documents been provided to the inquiry?  
 7 **A. No, because I always destroy them.**  
 8 Q. Why do you do that?  
 9 **A. Because they are simply my private notes and they are**  
 10 **what – what needs to be retained is put in the report**  
 11 **at the end.**  
 12 Q. Do you not need to have some form of memory-refreshing  
 13 document in case matters arise later on?  
 14 **A. No, because if I haven't made an Act of Visitation, that**  
 15 **means I reckon there is nothing where – sorry, if**  
 16 **I have made an Act of Visitation, it is there in**  
 17 **writing. If I think that there isn't a need for an Act**  
 18 **of Visitation, I can't see a need to keep written notes.**  
 19 **I would qualify that, there are one or two visitations**  
 20 **where I have kept handwritten notes.**  
 21 Q. What circumstances have you kept those in?  
 22 **A. The visitation which was made at Ealing in 2010.**  
 23 **I can't, offhand, think of any other. But I kept those**  
 24 **notes.**  
 25 Q. How quickly after you take the notes do you destroy

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1 them?  
 2 **A. Within a year.**  
 3 Q. How can you be confident that there is no need for what  
 4 you have written in the notes?  
 5 **A. Because I decided not to make a special Act of**  
 6 **Visitation. Therefore, I came to the conclusion that**  
 7 **the monastery was fundamentally in good shape.**  
 8 Q. There are ten different monasteries?  
 9 **A. In England and Wales, yes.**  
 10 Q. In England and Wales.  
 11 **A. Yes.**  
 12 Q. There would have been a visitation to each of those,  
 13 every four years?  
 14 **A. Yes.**  
 15 Q. With approximately how many monks in each monastery?  
 16 **A. The smallest monastery in England, probably in the**  
 17 **teens; the largest one is Ampleforth, which I think has**  
 18 **about 60 monks.**  
 19 Q. How well do you recall each individual monk over the  
 20 years?  
 21 **A. I reckon that within a short time of becoming**  
 22 **Abbot President, I knew each monk individually.**  
 23 Q. Do you recall each conversation you have had with  
 24 each --  
 25 **A. No:**

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1 Q. In your statement at paragraph 10, you say that members  
 2 of the Benedictine Congregation, the community, are not  
 3 normally transferred from one monastery to another. Is  
 4 that right?  
 5 **A. Correct, yes.**  
 6 Q. You also say that it would be unusual and generally  
 7 undesirable for a monk or a nun to transfer membership  
 8 to another monastery?  
 9 **A. Yes.**  
 10 Q. You have been at downside for a very long time, so it is  
 11 exceptional, is it, for a monk to go to another  
 12 community?  
 13 **A. It is exceptional for a monk to transfer, which is to**  
 14 **say to cease being a monk of one monastery and become**  
 15 **a monk of another monastery. For a monk to make a visit**  
 16 **to a monastery would not be that exceptional. For**  
 17 **a monk to be loaned to another monastery for a short**  
 18 **time would be possible. But, as I think I say, that is**  
 19 **fairly exceptional as well.**  
 20 Q. In what circumstances will that happen?  
 21 **A. It might be if that monk has some special skills that**  
 22 **are needed; it might be if the monastery needs extra**  
 23 **manpower for some reason.**  
 24 Q. Are those the only two examples?  
 25 **A. Those are the ones which come to mind. I think you are**

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1 **concerned about people being moved for safeguarding**  
 2 **reasons. That might be the case.**  
 3 Q. Who would decide or manage the movement between  
 4 different monasteries?  
 5 **A. The abbot. The abbots of the two monasteries.**  
 6 Q. What say would the individual monk have?  
 7 **A. A monk cannot be moved from one monastery to another**  
 8 **without his consent.**  
 9 Q. What would occur if, for safeguarding reasons, a monk  
 10 had to be moved but would not consent?  
 11 **A. I suspect, in those circumstances, the monk would be**  
 12 **told that he hadn't got much option.**  
 13 Q. What if he did not consent?  
 14 **A. He might be told that he had no future in the monastic**  
 15 **life.**  
 16 Q. Bearing in mind the unusualness and the undesirability  
 17 for a monk to transfer membership to another monastery,  
 18 would the movement of large numbers of monks within and  
 19 outside the English Benedictine Congregation, for  
 20 example, to Scotland or overseas, have been any  
 21 indication of concern?  
 22 **A. It might have been, but it might also have been an**  
 23 **indication that the monastery was particularly**  
 24 **flourishing and was making a foundation, something like**  
 25 **that: so it wouldn't be an unequivocal sign.**

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1 Q. When that happens, should there have been any  
 2 investigation at a higher level in the English  
 3 Benedictine Congregation?  
 4 **A. If a significant number of monks was being moved, the**  
 5 **abbot would probably let the Abbot President know what**  
 6 **was going on.**  
 7 Q. If that didn't happen, should there have been an  
 8 investigation at a higher level of the English  
 9 Benedictine Congregation?  
 10 **A. You mean if the Abbot President discovered by accident?**  
 11 **I think he would want to ask the abbot what was going**  
 12 **on.**  
 13 Q. He might want to ask. But should there be an  
 14 investigation at a higher level?  
 15 **A. I think he would want to know what the reason was.**  
 16 Q. But there is a distinction -- do you see the  
 17 distinction --  
 18 **A. I do.**  
 19 Q. -- between wanting to know and whether he should ask?  
 20 **A. What I think I'm saying is that there might be**  
 21 **a perfectly reasonable explanation which doesn't call**  
 22 **for any further investigation.**  
 23 Q. But should he establish what that reason is?  
 24 **A. I think the way he would do it would be by going to the**  
 25 **abbot and asking what was happening.**

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1 Q. Just perhaps before we have a short break, you have  
 2 mentioned that where there is movement between the  
 3 monasteries, both abbots have to agree. How would that  
 4 agreement be reached?  
 5 **A. By contact between the two abbots concerned.**  
 6 Q. What information would or should be given from one abbot  
 7 to another about the reason for the movement?  
 8 **A. What St Benedict says is, do not do to another what you**  
 9 **would not want done to yourself, in that context. In**  
 10 **other words, you should give such information to another**  
 11 **abbot as you would expect to receive yourself.**  
 12 Q. So where the movement may have related to an abusive  
 13 monk, in your view, what information should have passed  
 14 between one abbot and another?  
 15 **A. That you were dealing with an abusive monk.**  
 16 **MS KARMY-JONES: Thank you. Madam chair, you may wish to**  
 17 **take a short break now. If not, of course, I can carry**  
 18 **on.**  
 19 **THE CHAIR: We will take a break and return just after**  
 20 **3.30 pm. Thank you.**  
 21 (3.17 pm)  
 22 (A short break)  
 23 (3.35 pm)  
 24 **MS KARMY-JONES: I had been asking you what information**  
 25 **should have been given in respect of an abusive monk**

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1 moving from one abbey to another by the abbot. Were any  
 2 central records kept?  
 3 **A. No.**  
 4 Q. Why not?  
 5 **A. I wouldn't have thought it would have been of any value,**  
 6 **because the responsibility for who is accepted into**  
 7 **a monastery belongs to the abbot of that monastery, and**  
 8 **central records wouldn't have had any value.**  
 9 Q. If the abbot, for whatever reason, had failed in his  
 10 responsibility, what safeguarding was in place to ensure  
 11 that anyone receiving a monk would know of  
 12 the difficulties?  
 13 **A. Sorry, if the abbot ...?**  
 14 Q. If an abbot failed in his responsibility?  
 15 **A. An abbot who was sending a monk?**  
 16 Q. Yes. What safeguarding would then be in place?  
 17 **A. There wouldn't be a safeguard, by definition.**  
 18 Q. Do you think there should be a safeguard?  
 19 **A. What we have today in the transfers of clerics is**  
 20 **testimonials of suitability, and they will include**  
 21 **a question of whether there are safeguarding issues.**  
 22 **You could argue that there should be a similar provision**  
 23 **among monasteries. The argument against, I suppose, is**  
 24 **that among abbots there is a degree of personal**  
 25 **knowledge of each other which would lead you to think,**

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1 **lead you to expect, abbots to be honest.**  
 2 Q. And if they are not, what is the result?  
 3 **A. It would suggest a grave deficiency on the part of**  
 4 **the abbot. But I find it difficult to imagine**  
 5 **a circumstance where an abbot wouldn't be honest if he**  
 6 **was asking another abbot to receive one of his monks.**  
 7 Q. What if they are mistaken about severity or they  
 8 misjudge the severity of an allegation?  
 9 **A. That's one of the hazards of anyone who judges**  
 10 **allegations, isn't it, that they have to make**  
 11 **a judgment?**  
 12 Q. Should they be put in a position or allowed to make such  
 13 a judgment?  
 14 **A. Somebody has got to make a judgment.**  
 15 Q. Should records be kept and kept centrally and disclosed?  
 16 **A. Again, I cannot see the value of having central records.**  
 17 **The records ought to be kept by the individual**  
 18 **monastery. Because it is the monastery -- the**  
 19 **individual monastery which has responsibility in this**  
 20 **case.**  
 21 Q. Should all records of disclosure of allegations of abuse  
 22 be kept, even within the monastery, and disclosed when  
 23 a monk is moved?  
 24 **A. I think what would happen in practice today, if you are**  
 25 **talking about a person around whom there are**

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<p>1 <b>safeguarding concerns, the probability at least is that</b>                  2 <b>the safeguarding office of the commission to which the</b>                  3 <b>monastery is aligned will know about that.</b>                  4 Q. I'm not talking about particularly what happens today.                  5 In your view, what would be the right thing to do?                  6 <b>A. The right thing to do is for the abbot who is asking</b>                  7 <b>a monk to receive -- sorry. The right thing to do is</b>                  8 <b>for an abbot who is asking another abbot to receive one</b>                  9 <b>of his monks to be quite frank with him about any</b>                  10 <b>issues.</b>                  11 Q. In terms of keeping records, what would the right thing                  12 be to do about keeping full records of allegations?                  13 <b>A. I'm sure the individual monastery ought to keep full</b>                  14 <b>records and -- sorry, the monastery to which the monk</b>                  15 <b>belongs ought to keep records and it ought, presumably,</b>                  16 <b>to have liaison with the Safeguarding Commission. If</b>                  17 <b>the abbot is asking another abbot to receive one of his</b>                  18 <b>monks, he ought to communicate this to him.</b>                  19 Q. What about a head of a school, the head of a school?                  20 <b>A. If we are talking about a monk, the transfer of a monk</b>                  21 <b>about whom there are concerns, I think the</b>                  22 <b>responsibility lies with the abbot rather than with the</b>                  23 <b>headmaster.</b>                  24 Q. So an abbot who is transferring a monk, who knows of                  25 a concern, what communication should he have with the</p> <p style="text-align: center;">Page 121</p>	<p>1 whether to alert the police in respect of any activities                  2 of an individual monk?                  3 <b>A. I think the primary responsibility would lie with the</b>                  4 <b>abbot.</b>                  5 Q. What about anyone else within the community who was                  6 aware of the allegations?                  7 <b>A. It's perfectly proper for that person to make contact</b>                  8 <b>directly with safeguarding authorities or the police.</b>                  9 <b>But I think he would normally do it through the abbot.</b>                  10 Q. Was any direction or advice given to abbots in the early                  11 days of your abbot presidency, for example? Was any                  12 direction or advice given to abbots regarding what                  13 information should be given by the English                  14 Benedictine -- should be given by the English                  15 Benedictine Congregation?                  16 <b>A. To whom?</b>                  17 Q. Was any direction or advice given to abbots about what                  18 information should be disclosed between abbeys?                  19 <b>A. No.</b>                  20 Q. Was any direction or advice given to abbots about                  21 whether and when to alert the police to an allegation by                  22 the English Benedictine Congregation?                  23 <b>A. No, because that would be dealt with by national</b>                  24 <b>policies.</b>                  25 Q. Are you aware of any monks who, because of safeguarding</p> <p style="text-align: center;">Page 123</p>
<p>1 head of the school within a monastery that the monk may                  2 be transferred to?                  3 <b>A. That communication should be had between the abbot of</b>                  4 <b>the monastery to which he is being sent and --</b>                  5 Q. So the communication should be between the abbots?                  6 <b>A. Yes.</b>                  7 Q. And you're saying, in effect, that you would expect the                  8 abbot of the receiving monastery to pass that                  9 communication on to the head?                  10 <b>A. Yes, that would be the way I would expect it to work.</b>                  11 <b>If I could just add to that, I think, in practice,</b>                  12 <b>today, it is very difficult to imagine that a monk about</b>                  13 <b>whom there are safeguarding concerns could go for any</b>                  14 <b>period of time to a monastery which ran a school.</b>                  15 Q. You will appreciate we aren't dealing simply with today.                  16 Does your answer change if we are looking back 20 years                  17 ago?                  18 <b>A. That would be the way I would have expected it to be</b>                  19 <b>done.</b>                  20 Q. So it would not have changed? It would still be the                  21 same?                  22 <b>A. Yes, the communication that should be between abbots and</b>                  23 <b>the abbot of a monastery should liaise with the head of</b>                  24 <b>the school run by his monastery.</b>                  25 Q. Who would be responsible for making a decision as to</p> <p style="text-align: center;">Page 122</p>	<p>1 reasons, were moved by their abbots to another location?                  2 <b>A. Yes, I am.</b>                  3 Q. Are you aware of monks being moved to a location other                  4 than a monastery with some form of formal involvement of                  5 the Abbot President?                  6 <b>A. Yes.</b>                  7 Q. I think it is right to say that you were involved in the                  8 movement of one monk, RCF18?                  9 <b>A. Yes.</b>                  10 Q. Who was accused of sexual offences in respect of                  11 children; is that right?                  12 <b>A. Yes.</b>                  13 Q. We will come back to that, because, of course, you are                  14 coming back to deal with your precise involvement at                  15 a later stage.                  16 <b>A. Yes.</b>                  17 Q. But, I think, was there another?                  18 <b>A. There was, yes.</b>                  19 Q. Who was that? Are you able to say?                  20 <b>A. William Manahan was moved to Oulton, which is</b>                  21 <b>a Benedictine monastery of nuns in Staffordshire, but</b>                  22 <b>not part of the EBC. That was about the end of 2005.</b>                  23 Q. That was with the involvement of the Abbot President?                  24 <b>A. Yes.</b>                  25 Q. You?</p> <p style="text-align: center;">Page 124</p>

<p>1 <b>A. Yes.</b>                  2 Q. In your statement, you indicated that you were aware of                  3 three monks moved for safeguarding reasons without such                  4 formal involvement. Are you aware of any others who,                  5 because of safeguarding reasons, were moved to other                  6 monasteries?                  7 <b>A. Yes, I am. Brother John Bolton, who is now deceased,</b>                  8 <b>from Worth Abbey, was moved to Douai at some point, but</b>                  9 <b>I cannot be certain when. It may have been before</b>                  10 <b>I became Abbot President.</b>                  11 Q. Another that you mention is Nicholas White, who was                  12 moved from Downside to Fort Augustus in 1993?                  13 <b>A. Yes.</b>                  14 Q. So before you became Abbot President?                  15 <b>A. Yes.</b>                  16 Q. And another was Father Gregory Carroll, who was moved                  17 from Ampleforth to Pluscarden Abbey in Scotland in 2011?                  18 <b>A. Yes.</b>                  19 Q. So during your currency?                  20 <b>A. Yes. And -- shall I go on?</b>                  21 Q. If you have something to add, yes.                  22 <b>A. There is also a monk from Worth who was moved to</b>                  23 <b>Quarr Abbey, which is a Solesmes Congregation monastery</b>                  24 <b>on the Isle of Wight. Again, he was moved at some</b>                  25 <b>point, but I don't know when.</b></p> <p style="text-align: center;">Page 125</p>	<p>1 Benedictine Congregation to monitor and track monks                  2 being moved for safeguarding reasons?                  3 <b>A. I think that exaggerates the role of the congregation as</b>                  4 <b>such. The abbot of the individual monastery is the</b>                  5 <b>person who is responsible and, therefore, it makes sense</b>                  6 <b>for him to be the person who keeps any records.</b>                  7 Q. In your statement, you describe the English Benedictine                  8 Congregation as an independent check on how individual                  9 monasteries are developing. Was that role adequately                  10 performed when it came to addressing the issue of                  11 safeguarding?                  12 <b>A. I think that all the monasteries of the congregation, in</b>                  13 <b>the years after the Nolan Report, improved their</b>                  14 <b>safeguarding record. I'm not saying that it happened</b>                  15 <b>instantly and I'm not saying that it was perfect.</b>                  16 <b>I'm sorry, Ms Karmy-Jones, you had a question.</b>                  17 <b>Could you repeat it?</b>                  18 Q. It was whether the English Benedictine Congregation                  19 adequately performed the role of being an independent                  20 check on how the individual monasteries were developing?                  21 <b>A. What I would say is that the abbots communicated with</b>                  22 <b>each other what they were doing to different degrees,</b>                  23 <b>and, again, I think it was the monasteries themselves,</b>                  24 <b>rather than the congregation as such, which were</b>                  25 <b>responsible for ensuring that they improved their</b></p> <p style="text-align: center;">Page 127</p>
<p>1 Q. You had no formal involvement in that?                  2 <b>A. No.</b>                  3 Q. Should you have, do you think?                  4 <b>A. Not necessarily.</b>                  5 Q. Are you aware of any monks who, because of safeguarding                  6 reasons, were moved by their abbots to another location                  7 other than a monastery without any formal involvement of                  8 the Abbot President?                  9 <b>A. There is F41.</b>                  10 Q. Is that the only one?                  11 <b>A. Well, there may have been some monks sent to treatment</b>                  12 <b>centres or other places, such as a family home, for</b>                  13 <b>example, while allegations were being looked into.</b>                  14 Q. But are you able to quantify how many?                  15 <b>A. I'm afraid I'm not.</b>                  16 Q. Are you aware of any priests who were not members of                  17 the English Benedictine Congregation monasteries being                  18 sent to the monasteries for safeguarding reasons?                  19 <b>A. I am aware that Belmont, Douai and Colwich all received</b>                  20 <b>priests for safeguarding reasons at various times during</b>                  21 <b>my time as Abbot President, and I wouldn't necessarily</b>                  22 <b>be aware if there were any others.</b>                  23 Q. Do you know of any received by Ampleforth?                  24 <b>A. I don't.</b>                  25 Q. Should there have been a central role for the English</p> <p style="text-align: center;">Page 126</p>	<p>1 <b>safeguarding.</b>                  2 Q. Dom Richard, it is your phrase that the role of the EBC                  3 is an independent check on how the individual                  4 monasteries are developing. So was that independent                  5 check appropriately performed and adequately performed                  6 when it came to addressing issues of abuse?                  7 <b>A. I think the check was done, as I said before, primarily</b>                  8 <b>at the time of visitation.</b>                  9 Q. Was it adequate?                  10 <b>A. To the extent that any abuse went on uncontrolled during</b>                  11 <b>my time as Abbot President, then, no, it wasn't</b>                  12 <b>adequate, but I go back to what I said before, that</b>                  13 <b>I think it's been a time when progress, albeit not</b>                  14 <b>perfect, progress has been made.</b>                  15 Q. On a different topic, how does the English Benedictine                  16 Congregation fit into the worldwide congregation?                  17 <b>A. The worldwide confederation, you mean?</b>                  18 Q. Confederation.                  19 <b>A. It is a member of the confederation. The abbots attend</b>                  20 <b>a Congress of Abbots from all the world every four</b>                  21 <b>years. The links with the confederation are done, above</b>                  22 <b>all, by the Abbot President, who meets with other</b>                  23 <b>Abbot Presidents, as I said, every four years, and</b>                  24 <b>I probably have more to do with the other monasteries of</b>                  25 <b>the confederation than most Abbot Presidents have.</b></p> <p style="text-align: center;">Page 128</p>



1 **Individual monks of the confederation -- of our**  
 2 **monasteries have served the confederation in different**  
 3 **ways.**  
 4 Q. If there had been movement of priests or monks to other  
 5 countries, in particular some suspected of possible  
 6 abuse, who would instigate it and who would control it?  
 7 **A. You're thinking of monks from EBC monasteries being sent**  
 8 **overseas?**  
 9 Q. Yes. Who would instigate it and who would control it?  
 10 **A. It would be instigated by the abbot of the monastery**  
 11 **which was sending and it would be controlled, above all,**  
 12 **by the monastery which was receiving.**  
 13 Q. So, again, it is down to the abbot?  
 14 **A. It is down to the abbot, but I repeat it would be an**  
 15 **issue which could well be brought up at a visitation.**  
 16 **Outside the time of visitation, it might be brought to**  
 17 **the attention of the Abbot President.**  
 18 Q. Can you help us with your understanding of safeguarding  
 19 pre 2001, pre Nolan?  
 20 **A. Ms Karmy-Jones, may I correct what I said earlier on in**  
 21 **my testimony, because I'm afraid I was caught off guard.**  
 22 **You asked from what date one should go to the police,**  
 23 **and I think the short answer is, after the Children Act**  
 24 **of 1989, and the report by Bishop Budd -- the commission**  
 25 **chaired by Bishop Budd, which I think reported in 1994,**

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1 **it specifically mentioned this, and while that wasn't**  
 2 **addressed directly to religious, it encouraged religious**  
 3 **to take note of what it said.**  
 4 Q. Was it addressed to the Bishops' Conference?  
 5 **A. It was addressed to the bishops.**  
 6 Q. So 1989, after that date, matters should be reported to  
 7 the police, you suggest?  
 8 **A. To some statutory authorities, at least. Whether at**  
 9 **that date it should be the police or social services,**  
 10 **I don't know.**  
 11 Q. What was your understanding of safeguarding pre Nolan,  
 12 including the recommendation which came for the One  
 13 Church policy?  
 14 **A. Pre Nolan. In the first place, there wasn't a One**  
 15 **Church policy. That was, I would say, one of the most**  
 16 **important innovations of the Nolan Report. I think**  
 17 **safeguarding was essentially firefighting. That is to**  
 18 **say, it was about coping with situations as they arose**  
 19 **rather than what we today call a culture of**  
 20 **safeguarding. I think that's what was absent.**  
 21 Q. Post Nolan, what was the most significant change?  
 22 **A. I think the institution of diocesan commissions --**  
 23 **sorry, of commissions which initially were diocesan and**  
 24 **later we had religious commissions as well. Sorry, also**  
 25 **the institution of COPCA and, above all, the idea of**

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1 **a One Church policy.**  
 2 Q. In your view, has the One Church policy been fully  
 3 embraced by the English Benedictine Congregation?  
 4 **A. Yes, I think it has. It took time, but I think it has.**  
 5 Q. Can you clarify the position of the Congregation for the  
 6 Doctrine of the Faith prior to the establishment of  
 7 COPCA?  
 8 **A. I'm not certain that the establishment of COPCA had an**  
 9 **effect on the position of the CDF. Before 2001, which**  
 10 **saw the publication of "Sacramentorum Sanctitatis**  
 11 **Tutela", the Congregation of the Doctrine of the Faith**  
 12 **had competence to deal with serious moral issues, but**  
 13 **they were not defined. So child abuse cases didn't**  
 14 **necessarily go to the CDF, it was after 2001, which**  
 15 **roughly coincides with the establishment of COPCA, but**  
 16 **it is a separate event. After then, you have CDF**  
 17 **involvement in a large number of abuse cases -- sorry,**  
 18 **a large number of cases involving clerics accused of**  
 19 **abuse.**  
 20 Q. What were the changes to the role of Abbot President  
 21 post Nolan?  
 22 **A. The English Congregation in our General chapter of 2001**  
 23 **asked for a commission to be appointed, a working party**  
 24 **to be appointed, to look at the implementation of Nolan.**  
 25 **That working party recommended that monasteries should**

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1 **be aligned to the commissions of the diocese where they**  
 2 **were located.**  
 3 **Subsequently, two of our monasteries decided to**  
 4 **establish their own commissions -- I'm sorry, again,**  
 5 **I have forgotten exactly what the question was.**  
 6 Q. What was the change in the Abbot President's role  
 7 post Nolan?  
 8 **A. So the Abbot President had to set up that working party,**  
 9 **had to receive its report, and so on.**  
 10 Q. The Cumberlege Commission, we have heard, took place in  
 11 2006 to 2007 and led to the establishment of NCSC and  
 12 CSAS?  
 13 **A. Yes.**  
 14 Q. How effective, in your view, are they?  
 15 **A. NCSC has a role of setting strategic goals, so I don't**  
 16 **suppose that you see results on the ground from what**  
 17 **NCSC does.**  
 18 **CSAS, my experience is that CSAS is always available**  
 19 **for giving advice, and it is good, professional advice.**  
 20 Q. How many committees and organisations are there that  
 21 deal with safeguarding?  
 22 **A. How many commissions?**  
 23 Q. And organisations?  
 24 **A. Each of -- I think there are 22 dioceses in England and**  
 25 **Wales and each of them has a Safeguarding Commission.**

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1 **In addition, there are a number of religious groups**  
 2 **which have their own commission. I think I'm right in**  
 3 **saying that there are four commissions appointed by one**  
 4 **institute only and there are -- I think it is two**  
 5 **commissions which are several orders collaborating**  
 6 **together to found a single commission. So if I have the**  
 7 **numbers correct, that's an extra six, so we are talking**  
 8 **about 28, but I may be one or two out.**  
 9 Q. Who oversees all of those commissions?  
 10 A. CSAS.  
 11 Q. How effective are CSAS in overseeing all of those  
 12 commissions and ensuring consistency of approach?  
 13 A. **I wouldn't know, but -- I mean I wouldn't know from**  
 14 **personal experience, but the people who I know who are**  
 15 **involved in that find great value in the meetings which**  
 16 **they have, coordinators' meetings, and what I have**  
 17 **discovered is that they refer frequently back to CSAS.**  
 18 **When I have been involved in any case, I find that CSAS**  
 19 **advice is often -- is very frequently sought.**  
 20 Q. How much involvement, as Abbot President -- or does the  
 21 Abbot President have in overseeing any of those  
 22 commissions?  
 23 A. None.  
 24 Q. Can you just help us with your interpretation of  
 25 the seal of confession?

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1 **A. The canon law of the church states that the seal of**  
 2 **the confessional must be absolute, that a priest may in**  
 3 **no way betray a penitent.**  
 4 Q. In every situation? If an allegation of child sexual  
 5 abuse is made during the confession, does it remain  
 6 absolute?  
 7 A. **The seal of the confessional remains absolute. If you**  
 8 **look at the CSAS -- at the national policies, they give**  
 9 **guidance as to what should be done if an allegation is**  
 10 **made. It suggests that if -- they direct that if**  
 11 **a victim reveals that he or she has been abused, they**  
 12 **should be encouraged to take the issue out of**  
 13 **the confessional and mention it in another forum, in**  
 14 **which case the matter can be dealt with by the priest,**  
 15 **if necessary.**  
 16 **In the case of an abuser confessing to having abused**  
 17 **a child, it says that the person should be directed to**  
 18 **report the matter and there is the possibility of**  
 19 **refusing absolution to a person who won't.**  
 20 Q. Is there any other act that can take place, any other  
 21 sanction that can take place on the basis of  
 22 a confession?  
 23 A. **On the basis of a confession? Sanction against an**  
 24 **abuser, you mean? No.**  
 25 Q. We this morning heard a statement from

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1 Father Luke Beckett read which outlined article 16 of  
 2 canon law, that it provides a religious superior must  
 3 pass any allegation with a semblance of truth on to the  
 4 CDF. How does that sit with the seal of confession?  
 5 A. **Well, a superior wouldn't hear confessions of one of his**  
 6 **monks.**  
 7 Q. The principle, the semblance of the rule?  
 8 A. **That would not apply to anything heard in the**  
 9 **confessional. The seal of the confessional remains**  
 10 **absolute.**  
 11 Q. What penalties are available under canon law for clerics  
 12 who have abused children and vulnerable adults?  
 13 A. **Any punishments available under canon law up to and**  
 14 **including deprivation -- de-position from the clerical**  
 15 **state.**  
 16 Q. Do you think that where a monk who has been known to be  
 17 an abuser is allowed to stay at an abbey and abuses  
 18 again, the English Benedictine Congregation should bear  
 19 some responsibility for that?  
 20 A. **I think the whole congregation would feel sorrow and**  
 21 **shame if this happened, but the responsibility is the**  
 22 **responsibility of the monastery itself, because, as**  
 23 **I have said before, it is the monastery which it is --**  
 24 **the congregation does not govern the monasteries.**  
 25 Q. If it is the monastery's responsibility, should the

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1 monastery bear a legal responsibility?  
 2 A. **I would have thought the answer was yes.**  
 3 Q. Finally, what responsibility does the English  
 4 Benedictine Congregation take for the support of  
 5 the alleged perpetrator? A few more questions.  
 6 A. **The probability is that if a perpetrator is found to**  
 7 **have abused in fact, in other words, if the allegation**  
 8 **is found to be correct, that the perpetrator will have**  
 9 **to leave both the religious life and also be deprived --**  
 10 **deposed from the clerical state, in which case the**  
 11 **monastery has an obligation in charity to ensure that he**  
 12 **is set up -- that he is able to live.**  
 13 Q. Is he provided with financial support?  
 14 A. **It depends what he needs.**  
 15 Q. So does the monastery provide him with whatever he  
 16 needs?  
 17 A. **"Whatever he needs" is putting it a bit too strongly,**  
 18 **but provides for his basic needs.**  
 19 Q. Basic needs, to live?  
 20 A. **Yes.**  
 21 Q. What approach does the English Benedictine Congregation  
 22 take to the support of an alleged victim?  
 23 A. **Again, that would be the responsibility of**  
 24 **the monastery, the individual monastery -- sorry, I beg**  
 25 **your pardon, you're talking now about the victim, you**

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1 **said?**  
 2 Q. Yes.  
 3 **A. Again, that would be the responsibility of**  
 4 **the monastery.**  
 5 Q. So the English Benedictine Congregation as a whole does  
 6 not have an approach; is that right?  
 7 **A. It would -- no, because, as I say, it is the monastery**  
 8 **which will be responding to the situation.**  
 9 Q. You in your statement -- and it has been indicated that  
 10 you wish to make some matters plain -- at paragraph 171  
 11 and paragraph 181 -- make a statement that I understand  
 12 you wish to make to this chair and panel today, on  
 13 page 35?  
 14 **A. Well, I quote what I wrote:**  
 15 **"I believe that the abbots of the monasteries of**  
 16 **the congregation will wish to express their sorrow that**  
 17 **children and young people have been abused within some**  
 18 **of the monasteries of the EBC and in the schools**  
 19 **attached to them. I should wish to say that this has**  
 20 **been a source of shame and regret to all the members of**  
 21 **our monasteries, while we also recognise that no**  
 22 **expressions of regret will be enough for some of**  
 23 **the people who have suffered abuse, whatever form that**  
 24 **abuse may have taken."**  
 25 **May I add to that, this was written at a time when**

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1 **I was under the impression that all the abbots were**  
 2 **going to be expected to appear or give witness**  
 3 **statements and, since a number of the abbots aren't**  
 4 **giving witness statements or may not be called, I think**  
 5 **I can speak on their behalf, and I'm sure I speak on**  
 6 **behalf of my successor as Abbot President, that we**  
 7 **express our own sorrow for any abuse.**  
 8 **We recognise that no amount of progress can undo**  
 9 **damage that has been done in the past and that many of**  
 10 **those who have suffered abuse still feel hurt. I do**  
 11 **hope that people who have been abused but have not come**  
 12 **forward to say so may feel encouraged by the work of**  
 13 **the inquiry to do so. I hope the existence of**  
 14 **the inquiry will help them and that the inquiry will**  
 15 **help us to help them.**  
 16 **MS KARMY-JONES: Madam chair, that's all I have to ask.**  
 17 **I know that you have granted leave to Mr Stein to ask**  
 18 **some questions.**  
 19 MR STEIN: Chair, leave has been granted in particular  
 20 areas. Counsel to the inquiry was going to deal with  
 21 some points we had raised in the application I note she  
 22 has dealt I think generally with point 18 but not 16 and  
 23 17. May I briefly, in two minutes, deal with those two  
 24 points? It is 16 and 17. Thank you.  
 25

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1 Examination by MR STEIN  
 2 MR STEIN: Dom Richard, may I just ask you a question about  
 3 monks that are part of the English Benedictine  
 4 Congregation that have abused. What steps have been  
 5 taken by the English Benedictine Congregation to  
 6 institute a fund or redress scheme for survivors of  
 7 sexual abuse by English Benedictine Congregation monks?  
 8 **A. Again, the answer is that this is the responsibility of**  
 9 **the individual monastery. The only qualification**  
 10 **I would make about that is that we have, sadly, victims**  
 11 **or alleged victims -- sorry, both actual victims and**  
 12 **people who have made allegations of abuse at**  
 13 **Fort Augustus, and since that monastery has now closed,**  
 14 **the English Benedictine Congregation wishes to see what**  
 15 **it can do.**  
 16 Q. My question was, what actual steps have been taken by  
 17 the English Benedictine Congregation to institute a fund  
 18 or redress scheme for survivors of abuse by English  
 19 Benedictine Congregation monks? Can you help us,  
 20 please?  
 21 **A. Yes. As regards Fort Augustus monks -- sorry, as**  
 22 **regards survivors of abuse at Fort Augustus, we**  
 23 **recognise a moral responsibility and because we hold**  
 24 **some money which was gifted to us by the trustees of**  
 25 **Fort Augustus Abbey when it closed, we are asking the**

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1 **Charity Commission to allow us to use that money for**  
 2 **compensation to victims of abuse at Fort Augustus.**  
 3 **Now, that decision was taken when I was**  
 4 **Abbot President. Since then, I understand the**  
 5 **Charity Commission is still looking at that. So that's**  
 6 **a partial answer to your question.**  
 7 **The other answer to your question is, for those who**  
 8 **were -- or for those who were abused at other**  
 9 **monasteries, I repeat what I said before, that is the**  
 10 **responsibility of the individual monastery.**  
 11 Q. So you have dealt with Fort Augustus and there's a sum  
 12 of money that arose through the closing down of that  
 13 monastery and that's what you are considering with the  
 14 Charity Commission. Is that correct?  
 15 **A. Correct.**  
 16 Q. Let's move on to Downside and Ampleforth and the  
 17 survivors of abuse at those institutions. What has the  
 18 EBC, the English Benedictine Congregation, done to set  
 19 up some sort of fund or redress scheme for those? If  
 20 the answer is "Nothing", then say "Nothing"?  
 21 **A. I will say "Nothing", and I have given you the reason:**  
 22 **because it is the responsibility of the monastery.**  
 23 Q. So nothing has been done to set up a fund or redress  
 24 scheme in relation to the survivors of sexual abuse at  
 25 those two schools; is that correct?

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1 **A. Correct.**  
 2 Q. I am going to ask you some questions about the Rule of  
 3 St Benedict and, madam, that has been set out in those  
 4 issues that have been granted. I have asked the  
 5 evidence handler to put up on the screen the Rule of  
 6 St Benedict.  
 7 Can we please go to rule or chapter 23 which our  
 8 evidence handler will find at page 18 of the Rule of  
 9 St Benedict.  
 10 Dom Richard, have you got the Rule of St Benedict  
 11 coming up on your screen?  
 12 **A. I do, yes.**  
 13 Q. I'm grateful. You're referring to something else. What  
 14 is that you have in your hand?  
 15 **A. The rule.**  
 16 Q. So you have it both in hard copy form and on the screen?  
 17 **A. Correct.**  
 18 Q. Help us, please, understand this. The Rule of  
 19 St Benedict is the basic rule of life -- is that a fair  
 20 way of putting it? -- that is followed by Benedictine  
 21 monks?  
 22 **A. Correct.**  
 23 Q. In particular, it is the rule of life followed by  
 24 English Benedictine monks within the congregation; is  
 25 that correct?

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1 **A. Correct.**  
 2 Q. We are going to be looking at the particular rules that  
 3 are set out first of all, page 18, chapter 23. The  
 4 first one sets out the question of excommunication for  
 5 faults if a brother is found to be stubborn or  
 6 disobedient or proud. It goes on to talk about that  
 7 monk if he grumbles or in any way despises the Holy Rule  
 8 and defies the orders of his seniors. It then sets out,  
 9 as we understand the disciplinary procedure, he should  
 10 be warned twice privately by the seniors. Would  
 11 a senior in a monastery be a dean?  
 12 **A. It means one of the senior -- one of the older monks.**  
 13 Q. So he should be warned twice privately by a senior in  
 14 the way you describe in accord with Our Lord's  
 15 injunction and there is then a biblical reference. Is  
 16 that correct?  
 17 **A. Correct.**  
 18 Q. "If he does not amend, he must be rebuked publicly in  
 19 the presence of everyone. But if, even then, he does  
 20 not reform, let him be excommunicated, provided that he  
 21 understands the nature of this punishment. If, however,  
 22 he lacks understanding, let him undergo corporal  
 23 punishment."  
 24 Is that still a current rule of the Rule of  
 25 St Benedict?

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1 **A. The Rule of St Benedict was written in the 6th century,  
 so it is still part of the rule.**  
 2  
 3 Q. Right.  
 4 **A. But it doesn't follow that the precise material  
 prescriptions of the rule are followed today.**  
 5  
 6 Q. We are going to deal in a minute with the question of  
 7 what is applied or not. I'm just going to go through  
 8 some rules. Can I take you then to chapter 29, page 20  
 9 of the rule. This deals with readmission of brothers  
 10 who leave the monastery, and it says:  
 11 "If a brother, following his own evil ways, leaves  
 12 the monastery but then wishes to return, he must first  
 13 promise to make full amends for leaving."  
 14 Then it says:  
 15 "Let him be received back ..."  
 16 I think the maximum number of times he can be  
 17 received back, it looks like four times, "no more than  
 18 three"; is that correct?  
 19 **A. Three.**  
 20 Q. Help us, please, understand that. Would that apply as  
 21 an example to a child abuser monk?  
 22 **A. No.**  
 23 Q. Help us, please, where it says that within these rules?  
 24 **A. Because this belongs to a section, 23 to 30, which we  
 normally call "The disciplinary code". That section of**  
 25

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1 **the rule contains wise spiritual advice, particularly,  
 I would say, on excommunication, which is a different  
 idea to modern ideas of excommunication, and also mercy,  
 which you will find, above all, in chapter 27.  
 Chapter 27 is a very valuable guidance for an abbot, how  
 to deal with a brother who is misbehaving.  
 So the spirit of the rule applies, but in the  
 21st century a lot of the material prescriptions which  
 are suitable for the 6th century are clearly  
 inapplicable.**  
 11 Q. Help us, please, a little bit further with page 20,  
 12 chapter 30. This particular chapter 30 refers to the  
 13 manner of reproving boys. In relation to, it seems,  
 14 some misdeed of a boy, the rule states that "they should  
 15 be subjected to severe fasts or checked with sharp  
 16 strokes so that they may be healed". Help us, please,  
 17 in relation to the applicability of that particular  
 18 rule, as an example, being got rid of from the rules?  
 19 **A. Again, you cannot get rid of it in the sense that you  
 cannot amend the text which has been written in the  
 6th century, but that is one of the provisions which was  
 presumably suitable for the 6th century and totally  
 inappropriate for the 21st century, so it is not  
 applied.**  
 24 Q. Chapter 45, "Mistakes in the oratory". Page 28, please.  
 25

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1 This particular one sets out mistakes in the oratory:  
 2 "Should anyone make a mistake in a psalm,  
 3 responsory, refrain or reading, he must make  
 4 satisfaction there before all."  
 5 Then it goes on to talk about the question of, "If  
 6 he does not use this occasion to humble himself, he will  
 7 be subjected to more severe punishment for failing to  
 8 correct by humility the wrong committed through  
 9 negligence. Children, however, are to be whipped for  
 10 such a fault."  
 11 Are you going to tell us that that is again a matter  
 12 for the 16th century and not to be applied now. Is that  
 13 what you are going to say?  
 14 **A. 6th century, yes.**  
 15 Q. And not applied now?  
 16 **A. Indeed.**  
 17 Q. Help us with these references to corporal punishment in  
 18 relation to monks, first of all. Within the monastery  
 19 of which you were part, was corporal punishment still  
 20 used in relation to monks?  
 21 **A. It wasn't, and it hasn't been used for several hundred**  
 22 **years.**  
 23 Q. What about other monasteries?  
 24 **A. I have a pretty wide knowledge of monasteries throughout**  
 25 **the world, and I think I can be quite certain in saying**

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1 **that it is not applied anywhere.**  
 2 Q. In relation to children, corporal punishment, when did  
 3 that stop?  
 4 **A. In this country, it has been illegal now for something**  
 5 **like 20/30 years. I think -- I couldn't say for certain**  
 6 **when it finished in each individual school, but it**  
 7 **finished well before it became unlawful.**  
 8 Q. Right. So you're saying the 6th century rules are no  
 9 longer followed; in particular, the disciplinary system  
 10 is to be regarded as a part of old rules not to be  
 11 applied. Is that what you are saying?  
 12 **A. I didn't say the disciplinary system. I said that these**  
 13 **material applications. I'm saying the spirit of**  
 14 **the rule is still important. The concept of**  
 15 **excommunication, which is depriving a person of**  
 16 **community life, and the concept of the abbot as a wise**  
 17 **physician who knows how to cure spiritual ills, that is**  
 18 **something which is very valuable, but I am saying that**  
 19 **the material -- the provisions about corporal**  
 20 **punishment, which you mentioned, are clearly**  
 21 **inappropriate for today.**  
 22 Q. Where are the modern rules that deal with the current  
 23 disciplinary system in relation to monks? Where are  
 24 they set out?  
 25 **A. Above all, they would be in the customary of**

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1 **the monastery.**  
 2 Q. So each of the customary of the monasteries, is this  
 3 correct, contains a modern-day, up-to-date, as far as it  
 4 can be done, disciplinary system for monks? Is that  
 5 what you are saying?  
 6 **A. I'm saying that -- for example, at the end you mentioned**  
 7 **chapter 45 of the rule, what happens if you come late.**  
 8 **I think most customaries will say, and if the customary**  
 9 **doesn't say, the custom, the unwritten custom of**  
 10 **the monastery does say what way a monk should do penance**  
 11 **for arriving late.**  
 12 Q. Arriving late for what?  
 13 **A. For the oratory.**  
 14 Q. For a reading; is that correct?  
 15 **A. For a service in the church.**  
 16 Q. What about more serious infractions of any particular  
 17 rule, so a monk abusing children, as an example? Where  
 18 is the disciplinary system set out in any rule that we  
 19 can find, read, graph, talk to you about? Where is it  
 20 set out?  
 21 **A. That would be superseded by the law of the land.**  
 22 Q. So is the answer to my question that there is no  
 23 disciplinary system set out within a coherent written  
 24 text for monks today? Is that the answer?  
 25 **A. I think, as I have tried to say before, we find value in**

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1 **elements of chapters 23 to 30. I gave a series of talks**  
 2 **about this to a group of nuns a couple of years ago, and**  
 3 **was able to, I think, talk for about -- give at least**  
 4 **three talks on the subject. There is a lot of spiritual**  
 5 **value there.**  
 6 **But if you are talking about a modern code of**  
 7 **discipline, that's not the way a monastery today works.**  
 8 Q. Is your answer that there is no written code of  
 9 discipline that is applicable to EBC monks?  
 10 **A. I'm saying that each individual monastery may have its**  
 11 **customary and it may -- it will say some things about**  
 12 **discipline, but it won't be a systematic disciplinary**  
 13 **code in the way that you might have in civil**  
 14 **legislation.**  
 15 Q. When you were the Abbot President, did you enquire into  
 16 these customaries, these disciplinary rules, to consider  
 17 whether they were adequate?  
 18 **A. We issued, in 2009, some guidance for the writing of**  
 19 **a customary. Whether it spoke specifically of**  
 20 **disciplinary matters, I cannot remember. But, again, it**  
 21 **will have been the responsibility of each monastery to**  
 22 **compose its own customary after considering the model**  
 23 **which the congregation had given.**  
 24 Q. So is, again, the answer that you, as Abbot President,  
 25 did not look into the question of individual

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<p>1 disciplinary codes written into the customaries within 2 monasteries?</p> <p>3 <b>A. I encouraged monasteries to write customaries.</b> 4 <b>Customaries were often given to me at the time of</b> 5 <b>visitations and I occasionally made a comment on them.</b></p> <p>6 MR STEIN: Madam, I'm looking at the time. It is 4.30 pm. 7 Ms Karmy-Jones understandably had a wide territory to 8 consider and was therefore going into a little bit past 9 perhaps the time that was going to allow me the 10 20 minutes.</p> <p>11 Can we deal with it this way: is it possible for 12 you, Dom Richard, to come back tomorrow to answer 13 questions?</p> <p>14 <b>A. It will be extremely difficult for me to come back</b> 15 <b>tomorrow.</b></p> <p>16 MR STEIN: Madam, the other alternative is to sit a little 17 later.</p> <p>18 MS KARMY-JONES: I was going to say, Mr Stein is actually 19 cutting into his time. If you are content to carry on 20 for another five or six minutes, that will be the 21 allocated time that you have given. Of course, we do 22 bear in mind, and I am conscious he is mid flow, that 23 the witness is coming back again at a later stage, so it 24 may be that he is able to address -- if there are any 25 questions outstanding --</p> <p style="text-align: center;">Page 149</p>	<p>1 <b>A. Correct.</b></p> <p>2 Q. Help us, please, understand the situation with a monk: 3 where is it set out for a monk which chapters, which 4 rules, within the Rule of St Benedict should be followed 5 or not be followed?</p> <p>6 <b>A. It isn't, because we don't talk about not following</b> 7 <b>rules -- not following individual chapters. We are</b> 8 <b>talking about chapters which are -- where the material</b> 9 <b>provisions are outdated and not applied, but</b> 10 <b>nevertheless the context and the spiritual value is</b> 11 <b>still there:</b></p> <p>12 Q. You have worked -- "worked" may be the wrong 13 description, but you have been the Abbot President of 14 the EBC; is that correct?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. You have served on the Cumberlege Commission; is that 17 also correct?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. You are currently a representative of the Catholic 20 Council, the body that's designed to support this 21 inquiry; is that correct?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. You have worked as an adviser to the Conference of 24 the Religious; is that also right?</p> <p>25 <b>A. Correct.</b></p> <p style="text-align: center;">Page 151</p>
<p>1 MR STEIN: Madam, in reality, we are in your hands. 2 THE CHAIR: Take another 10 minutes, Mr Stein. That's the 3 absolute finish.</p> <p>4 MR STEIN: You have answered questions about the presence or 5 nonpresence of a disciplinary code. You seem to 6 describe the Rule of St Benedict to be genius. That's 7 in your statement at paragraph 29, page 8. You describe 8 the rule to be genius, or a genius rule.</p> <p>9 <b>A. I think what I said is I spoke of the genius of</b> 10 <b>the rule, which is a slightly different thing from</b> 11 <b>saying the rule is genius.</b></p> <p>12 Q. I will read it out: 13 "Inevitably, much of this detail suited to life in 14 the 6th century is outdated today. But part of its 15 genius is its flexibility which has enabled monks and 16 nuns of different cultures, as well as different 17 centuries, to use it as a guide to monastic living." 18 Do you stand by that?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. You also say that monks spend a good deal of time 21 studying the rule and that we, yourself included as 22 a monk, have all been formed by the rule?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. That's within your statement at paragraph 30; is that 25 correct?</p> <p style="text-align: center;">Page 150</p>	<p>1 Q. Are you also a member of the NCSC?</p> <p>2 <b>A. No, I'm not.</b></p> <p>3 Q. Right. Have you been?</p> <p>4 <b>A. No, never.</b></p> <p>5 Q. Have you been in the past?</p> <p>6 <b>A. No.</b></p> <p>7 Q. In relation to your senior roles within those 8 organisations, what steps have you taken to advise, as 9 an example, the NCSC, of deficiencies in the Rule of 10 St Benedict?</p> <p>11 <b>A. I don't believe there are deficiencies in the Rule of</b> 12 <b>St Benedict, so I haven't taken any advice -- any steps</b> 13 <b>to inform the NCSC about them.</b></p> <p>14 Q. You have mentioned in your evidence this afternoon that 15 there is guidance that's been given to monasteries in 16 relation to disciplinary matters. You said that 17 already. Have you discussed that with the NCSC, as an 18 example?</p> <p>19 <b>A. No:</b></p> <p>20 Q. Did you discuss that with the Nolan Commission?</p> <p>21 <b>A. No.</b></p> <p>22 Q. The Cumberlege Commission?</p> <p>23 <b>A. No.</b></p> <p>24 Q. Now --</p> <p>25 <b>A. Mr Stein, maybe I can help you by reminding you of what</b></p> <p style="text-align: center;">Page 152</p>

<p>1 I said in answer to one of Ms Karmy-Jones' questions,                  2 that the constitution to the congregation consists of                  3 two parts. The first part is the declarations on the                  4 rule which complement the rule and which, in many cases,                  5 describe the way in which the monastic life is lived                  6 today. Therefore, areas where the rule is clearly                  7 anachronistic will be complemented by what is written in                  8 the declarations.                  9 Q. Is our understanding correct that there was a reapproval                  10 by the Holy See of the English Benedictine                  11 Congregation's constitutions in 2013?                  12 A. Yes.                  13 Q. Was there, first of all, a discussion about the                  14 disciplinary procedures in relation to monks'                  15 misbehaviour when the Holy See revisited the EBC                  16 constitutions in 2013?                  17 A. Yes, because there was discussion of the way in which we                  18 should incorporate safeguarding into the constitutions                  19 and, following the discussion, matters about                  20 safeguarding were introduced into the constitutions.                  21 Q. That's safeguarding. What about the disciplinary                  22 measures for monks who may, as an example, have abused                  23 children? What discussion was conducted with the                  24 Holy See about the disciplinary measures that relate to                  25 those monks in the 2013 reapproval of the constitution?</p> <p style="text-align: center;">Page 153</p>	<p>1 And I am sure he would express his sorrow at any abuse.                  2 But I think he would probably refer the matter                  3 eventually to the individual monastery where the abuse                  4 was suffered.                  5 I'm not certain that saying the EBC accepts moral                  6 responsibility -- I'm not certain what that means.                  7 Q. You, Abbot President ex of the EBC, are saying that you                  8 don't understand what the words "moral responsibility"                  9 mean? Are you saying that?                  10 A. I'm saying that I'm not certain what the EBC accepting                  11 moral responsibility implies.                  12 MR STEIN: Madam, I'm aware that I have perhaps stretched                  13 the limit of the time. I accept that. May I just say,                  14 for those people who are listening to the                  15 question-and-answer sessions that are being conducted,                  16 that there is a limitation that is placed upon, if you                  17 like, more general cross-examination without leave. So                  18 for the purposes of those people who are listening, I am                  19 not allowed at this stage to go any further.                  20 MS KARMY-JONES: May I just say, of course, that my learned                  21 friend has, in terms of the ruling that you, chair, gave                  22 and in terms of the questions that he has just asked,                  23 trespassed into matters that you, chair, indicated                  24 should be dealt with or considered on the next occasion,                  25 and so it would appear that the time has met his needs,</p> <p style="text-align: center;">Page 155</p>
<p>1 A. That would not come into the constitutions. As I said                  2 before, that is largely superseded by national policies                  3 and procedures on safeguarding, and also by the rules                  4 set out by the CDF as regards the punishment of abusers.                  5 Q. Do you accept that the English Benedictine Congregation                  6 bears a moral responsibility to those people that have                  7 been abused by its monks?                  8 A. I accept that the monasteries of the English Benedictine                  9 Congregation have a responsibility which is both moral                  10 and in many cases may be legal. The Congregation as                  11 a whole, as I have said, regrets, is sorry for and is                  12 ashamed of abuse which has been committed in any                  13 monastery.                  14 Q. Why don't you say that the EBC has a moral                  15 responsibility for the survivors of abuse? Why do you                  16 give an answer which says that, "Well, we are very                  17 sorry, but don't accept moral responsibility"?                  18 A. Because I think that the primary responsibility must be                  19 with the individual monastery, and survivors must go to,                  20 in the first -- well, I would advise survivors to go to                  21 the abbot of their monastery, of the monastery where                  22 they were abused.                  23 Now, as Ms Gallafent said yesterday, the                  24 Abbot President is very willing to hear any complainants                  25 who come to him. He has invited them to come to him.</p> <p style="text-align: center;">Page 154</p>	<p>1 as he is now going into what is relevant for the next                  2 occasion.                  3 Can I raise, before you rise, if that indeed is what                  4 you seek to do, two matters, one of which was addressed                  5 to me earlier today, and I have been asked to make                  6 a clarification.                  7 In my opening yesterday, I made reference to there                  8 being approximately 40 alleged perpetrators at                  9 Ampleforth over the years, and I think that that may                  10 have been grasped on in the media, and so I am asked to                  11 clarify that the 40 alleged perpetrators at Ampleforth,                  12 or thereabouts, are across a period of 1953 to 2016, and                  13 that does not give an indication of the numbers of                  14 alleged victims. That information is in the tables that                  15 you have and that will be provided in due course during                  16 the course of the evidence.                  17 May I also say that of course we had a very heavy                  18 programme today, which included a number of other                  19 statements to be read. We have in fact made good                  20 progress with the evidence.                  21 The statements that remain to be read are from                  22 Ofsted, the Department of Education and the Independent                  23 Schools Inspectorate, together with some forward-looking                  24 statements outlining the institutions. Consideration                  25 will be given to whether or not those will be read in</p> <p style="text-align: center;">Page 156</p>

1	due course, whether they may be published, and we will	1	
2	certainly consider how best to proceed with that, or	2	Examination by MR STEIN .....139
3	whether we can slot them in.	3	
4	But tomorrow is a very important day, because we	4	
5	have a number of complainants coming, and I don't	5	
6	propose to disrupt their evidence in any way with any	6	
7	further reading on those topics.	7	
8	THE CHAIR: Thank you, Ms Karmy-Jones.	8	
9	MR KELLY: Madam, just before you rise, could I make this	9	
10	point quickly: the point that Ms Karmy-Jones made was	10	
11	one that I brought to her attention. In this morning's	11	
12	Times they ran a headline under "The 40 abusers of	12	
13	Catholic schools" which bore no relationship to what	13	
14	they actually reported thereafter, giving the clear	14	
15	impression that there were abusers rather than	15	
16	allegations.	16	
17	I was merely making the point that it was sloppy	17	
18	reporting and perhaps the chair might care to indicate	18	
19	to those members of the press who are present that	19	
20	a degree of accuracy would be incredibly helpful.	20	
21	THE CHAIR: Thank you for these observations, Mr Kelly.	21	
22	That concludes the business of today.	22	
23	Thank you very much, Dom Richard.	23	
24	(The witness withdrew)	24	
25	THE CHAIR: Thank you.	25	
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1	(4.43 pm)		
2	(The hearing was adjourned to		
3	Wednesday, 29 November 2017 at 10.30 am)		
4			
5			
6	I N D E X		
7			
8	Statement of FATHER LUKE BECKETT .....1		
9	(read)		
10			
11	Statement of REVEREND CHRISTOPHER .....8		
12	THOMAS (read)		
13			
14	Statement of FATHER PAUL SMYTH .....20		
15	(read)		
16			
17	Statement of MR CHRISTOPHER PEARSON .....41		
18	(read)		
19			
20	Statement of MS COLETTE LIMBRICK .....65		
21	(read)		
22			
23	DOM RICHARD YEO (sworn) .....84		
24			
25	Examination by MS KARMY-JONES .....84		
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