

<p>1 Friday, 15 December 2017                  2 (10.00 am)                  3 THE CHAIR: Good morning. Good morning, Ms Karmy-Jones.                  4 MS KARMY-JONES: Good morning, chair. As all here are                  5 aware, today has been set aside for closing statements                  6 on behalf of the core participants.                  7 Chair, the order is the same as you determined at                  8 the outset: Mr O'Donnell and Slater &amp; Gordon, followed                  9 by Mr Stein QC, Howe &amp; Co; Mr Greenwood, Switalskis;                  10 Dominic Ruck Keene for Hugh James; Matthias Kelly QC for                  11 Ampleforth; Kate Gallafent QC for Downside, the English                  12 Benedictine Congregation and Catholic Council for IICSA;                  13 North Yorkshire Police, Mr Payne; Ms Griffiths QC,                  14 Brabners; and Mr Lawson, as follows finally on the list.                  15 Those are those who have indicated that they do wish to                  16 make submissions.                  17 As you know, each have been allocated 15 minutes for                  18 submissions. A few teams have been given an extension,                  19 on application.                  20 Following statements, I may just say a few words,                  21 but it is unlikely to be more, bearing in mind the                  22 amount of evidence that this hearing has heard over the                  23 past three weeks.                  24 THE CHAIR: Thank you. Mr O'Donnell?                  25</p> <p style="text-align: center;">Page 1</p>	<p>1 module.                  2 Adrian Child of COPCA summarised the position very                  3 well earlier this week. He said:                  4 "Since 2006, and possibly even before, the statement                  5 of the church hierarchy has always been that the needs                  6 of victims and survivors are upfront and it is                  7 a priority for the church to establish sensitive and                  8 just responses to them."                  9 Now, this is within their gift. But if it has been                  10 a priority since 2006 and possibly before, it strikes me                  11 that, how come, in 11 years, they have not managed to                  12 achieve that? Well, there are many reasons why the                  13 church hasn't managed to achieve it. One is related, in                  14 my submission, to the structure and hierarchy of                  15 the English Benedictine Congregation. The EBC, as we                  16 have heard, is a confederation of independent                  17 monasteries, and each of those has been described as                  18 a family with monks as a general rule almost never                  19 leaving one monastery for another.                  20 Individual abbots, it seems, run their own fiefdoms.                  21 Over arching positions of authority within the EBC have                  22 no real teeth to influence these fiefdoms. It follows                  23 that those in senior positions, such as Abbot President                  24 Jamison, who are more likely to be in the public eye and                  25 inevitably less old-fashioned and more media savvy than</p> <p style="text-align: center;">Page 3</p>
<p>1 Closing statement by MR O'DONNELL                  2 MR O'DONNELL: Thank you, madam. As you know, I and                  3 Mr Scorer and Ms Fenelon represent 29 survivors, and,                  4 indeed, the campaigner Jonathan West. In closing,                  5 I would like to address you on four areas, and they                  6 reflect the terms of reference of this inquiry.                  7 The first of them is the adequacy of policies and                  8 practices for the safeguarding of children within                  9 Ampleforth and Downside; secondly, the evidence heard by                  10 the panel of the sexual abuse of children at Ampleforth                  11 and Downside; and, thirdly, the extent to which the                  12 culture within those institutions has inhibited the                  13 proper investigation, exposure and prevention of child                  14 sexual abuse; and then, lastly, what should be done                  15 about it.                  16 Firstly, the Catholic Church has commissioned three                  17 key reports on the handling of abuse allegations. As                  18 you will know, there is Bishop Budd's working party that                  19 reported in 1994; the Nolan Report, published in 2001;                  20 the Cumberlege Report published in 2007. Over the                  21 period of those reports to now, the Catholic Church, in                  22 my submission, has sought to give the impression that                  23 its child safeguarding has improved further with each                  24 one of those reports, but that impression has been                  25 undermined repeatedly by the evidence heard in this</p> <p style="text-align: center;">Page 2</p>	<p>1 the local leaders, are effectively hamstrung by the                  2 hierarchy within which they work, even in relation to                  3 the safeguarding of children.                  4 Turning to the evidence, the evidence given by the                  5 survivors was plainly compelling. I am going to focus                  6 on the evidence of A30 and A117, both of whom                  7 I represent. A30 spoke emotionally of being groomed at                  8 Ampleforth, being repeatedly sexually assaulted and then                  9 feeling guilty for what had been done to her. Her                  10 abuser started by informing her that she was special and                  11 beautiful. He started to comment on her breasts                  12 frequently, often in front of other pupils.                  13 Then, as A30 put it:                  14 "... he became more tactile publicly and things like                  15 snapping my bra strap in front of other members of                  16 staff, as no-one said anything, they clearly saw what                  17 was going on, it gave him more power. He obviously                  18 liked it and he grew in confidence in that area. He                  19 could get away with a lot more in public because --                  20 well, he was getting away with more in public. Nobody                  21 was doing anything."                  22 It is hard to imagine that conduct occurring in                  23 front of other staff in a state comprehensive school.                  24 If it did, one would assume the repercussions would be                  25 swift and grave. Why should Ampleforth College be any</p> <p style="text-align: center;">Page 4</p>

1 different?

2 The abuse escalated. It is A30's evidence she was

3 tied up and left in the Ampleforth woods and her abuser

4 subjected her to increasingly aggressive sexual

5 assaults, all of which she was brave enough to describe

6 in detail, you will remember, to the panel.

7 She went on, though, to say that the child

8 protection policies at Ampleforth were seen not

9 primarily as being about protecting children but about

10 protecting the reputation of the institution. You will

11 remember she said:

12 "The emphasis seemed to be almost entirely on box

13 ticking, filling out forms, getting the paperwork done,

14 the bureaucracy ...

15 "... child protection actually became much less, in

16 my experience, about what was best for the child and

17 much more of a focus on what the school should do if

18 a false allegation or any type of allegation were made

19 against a member of staff".

20 In other words, Ampleforth's child protection

21 policies permitted her abuser to hide behind

22 safeguarding documentation whilst he continued to abuse

23 her in plain sight.

24 As for Downside, it may be said by other

25 representatives on behalf of the EBC that the evidence

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1 of A117, whom you will remember, isn't relevant to this

2 inquiry because it was concerned principally with the

3 abuse inflicted upon her by a member of the church after

4 her 18th birthday.

5 You should reject any such contention. She was

6 clear in her testimony that her abuser, whom she

7 described in shorthand as F80, first gained access to

8 her whilst she was hospitalised and still a child,

9 which, in my submission, means her case falls within

10 this inquiry's terms of reference.

11 She said she'd been taken by her parents on

12 a pilgrimage to Lourdes by a Roman Catholic organisation

13 of which her abuser was, at the time, a chaplain. She

14 was 17 years old and described herself at the time as

15 being "pretty broken":

16 "I'd been in hospital since the age of ten and

17 a half ... I, at the time, was in a wheelchair and my

18 whole body was in spasm and I was totally dependent on

19 others helping me."

20 When asked how much attention F80 paid to her at the

21 time she said, "He was connecting with my father, whom

22 he had been in the school with, and also been my

23 brother's headmaster."

24 He was making that connection:

25 "My father later said that he and my mother had

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1 poured their hearts out to him about my situation and

2 the misdiagnosis and my medical and, at the time, mental

3 state and vulnerability."

4 She said that F80 talked with her in the hospital in

5 Lourdes every day, describing him as very gentle, very

6 quiet, very unassuming and perfectly friendly.

7 The EBC seems to think pretty highly of F80. In his

8 evidence, Dom Maidlow Davis described F80 as being

9 a highly charismatic and appreciated chaplain within the

10 school:

11 "He was good, if I can say that, in discussing

12 issues that needed to be discussed with young people,

13 and I remember on one occasion he brought in a married

14 couple to talk about married life, and that was great."

15 But, as you will remember, madam, the reality of F80

16 soon became apparent to the 17-year-old A117. He was

17 a sexual predator, 35 years older than his victim, and

18 he'd seen an opportunity. He saw a vulnerable,

19 disabled, hospitalised and deeply unhappy teenager and

20 took steps in his dealings with her and her parents to

21 set up opportunities to sexually abuse her. One of

22 the most striking parts of her evidence was the fact

23 that her case, at the actual time she was being abused,

24 was being passed between Cardinal Hume, who was

25 appointed to his role by Rome, let's not forget, and the

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1 then headmaster of Downside Philip Jebb in 2007, by

2 which time F80 was the head chaplain in the school and

3 it was clear that he posed a real risk to others. A117

4 felt she had to do something. She turned to the then

5 abbot at Downside, Aidan Bellenger. She also sought

6 help from Cardinal Hume's private secretary, Pat Browne.

7 All of these men expressed sympathy to her face but

8 sought to do as little as possible behind the scenes.

9 They all evaded taking her repeated complaints further,

10 not just once or twice, but, you will remember, for

11 years, preferring to protect her abuser rather than

12 providing her with the help and justice that she needed.

13 It is plain if action had been taken when A117 first

14 disclosed what was going on, when she was desperately

15 asking for help, her abuse would have stopped almost

16 immediately rather than being left to go on and on for

17 all of those years and for her to then be put straight

18 into the hands of another abuser, as you will remember.

19 Instead, she was passed between these authority

20 figures over decades and, over the course of that

21 period, she felt, as she has described, increasingly

22 ashamed, guilty, responsible and periodically terrified.

23 Those are the emotions that should have been felt by

24 F80, not by her.

25 The evidence given by Aidan Bellenger, both in

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1 response to her testimony and more generally, was simply  
 2 not credible. All this inquiry needs to know about this  
 3 man is that both the police and the Roman Catholic  
 4 Church's own organisation, COPCA, considered him to have  
 5 deliberately evaded assisting external investigations  
 6 into allegations of sex abuse by monks. Whilst not  
 7 going so far as to be at risk of arrest for obstruction  
 8 of justice, all he could really say in his evidence was  
 9 that he found it extraordinary that the police and COPCA  
 10 described his evasions as they did. It does seem that  
 11 Aidan Bellenger occupied that space between personal  
 12 risk of arrest for obstruction and protecting those  
 13 accused of abuse within the church very ably indeed.

14 His evidence has inevitably had a negative effect on  
 15 A117. Those who haven't been abused can make the  
 16 mistake of thinking that these are assaults that victims  
 17 and survivors can put behind them, that they often  
 18 occurred decades ago and, as a result, they have  
 19 a lesser effect than in fact they do. It is worth  
 20 remembering that child sexual abuse destroys lives. The  
 21 psychological effects it generates, they are carried  
 22 into adulthood. Guilt, embarrassment, humiliation,  
 23 ongoing confusion and serious psychological disorders  
 24 suffered commonly by those who are abused.

25 The Roman Catholic Church has, in my submission,

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1 been guilty of forgetting that reality.

2 A117 was asked about how she felt while she was  
 3 being abused by F80. Her answer wasn't unusual amongst  
 4 those who suffer this sort of abuse. She said, "Very  
 5 guilty. Very confused. It was different. It wasn't  
 6 the sort of violent abuse I had had in the hospital.  
 7 But Father Philip, who was becoming a friend at the same  
 8 time, was not doing those things, and so that made me  
 9 realise even more how wrong it was."

10 She was asked how the effect of lack of response  
 11 from Cardinal Hume and others in the Catholic Church  
 12 made her feel. She said:

13 "At the time, I thought it was -- I thought I was as  
 14 guilty as F80. I was being made to feel that it was  
 15 a sin rather than a crime against me. There was no  
 16 outrage. It was like damage limitation between them  
 17 all."

18 Moving on to A30 and the consequences upon her. She  
 19 was brave enough to give evidence that she started to  
 20 self-harm whilst being abused at Ampleforth. The reason  
 21 she gave for self-harming again is informative of  
 22 the consequences of sexual abuse. She said:

23 "I thought to myself, well, if I'm going to feel  
 24 pain and if it is going to be bad, then I am going to  
 25 make sure that I control it. I do it to myself."

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1 And then that became a pattern. It is all about my  
 2 third area, the culture at Ampleforth and Downside. The  
 3 evidence before this inquiry shows that the culture  
 4 within the EBC itself inhibits the prevention of this  
 5 abuse. This is because the EBC, like the Roman Catholic  
 6 Church more generally, is an institution that relies on  
 7 its moral reputation to exist. The reputation is  
 8 damaged when the public become aware that one of its  
 9 monks has sexually abused a child in one of its  
 10 institutions. Dr Elizabeth Mann, who interviewed monks  
 11 at both Ampleforth and Downside, summarises the position  
 12 as follows:

13 "Complaints at the time were silenced by the  
 14 Catholic Church hierarchy. My research shows that monks  
 15 were left to struggle in isolation with their personal  
 16 problems of loneliness, anxiety about masturbation,  
 17 identity foreclosure, identity confusion and  
 18 difficulties in intimacy. The monks in their formation  
 19 were given no awareness or understanding of their  
 20 sexuality or the sexual vulnerability of children."

21 Dr Mann's report isn't historic. It was based  
 22 principally on research she undertook in between 2003  
 23 and 2006.

24 Now, the EBC may argue that its culture on child  
 25 protection has changed, but it is clear that an

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1 us v them attitude abides within its institutions to  
 2 this day. This isn't surprising. Liam Ring put it  
 3 pretty clearly in his evidence. He said:

4 "... when you throw faith and religion into the mix  
 5 in this context, it is quite a toxic mix in relation to  
 6 trying to deal with safeguarding issues.

7 "... the conversations I've had with victims ... is  
 8 that they don't want to cause reputational damage,  
 9 particularly to the school, is often the first  
 10 consideration, but that extends to individuals and also  
 11 to the abbey and the church in general."

12 So this desire to avoid reputational damage has been  
 13 demonstrated in some shocking evidence over the last  
 14 three weeks. I will give you one example.

15 Police Officer Mark White has no axe to grind and  
 16 he's not got any colleagues to protect. He was just  
 17 trying to do his job properly. One example of the steps  
 18 taken to avoid this reputational damage came in his  
 19 evidence of the brown envelopes that were kept under  
 20 lock and key at Downside Abbey in the abbot's office.  
 21 Officer White said:

22 "But Within the abbot's office was a safe ... when  
 23 you asked for particular files that people had  
 24 a personnel file, but also, if there was anything  
 25 negative or safeguarding issues or complaints, they were

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1 kept separate again within brown envelopes, and the  
 2 brown envelopes were kept within that safe within the  
 3 abbot's office. So, again, initially, they weren't  
 4 given to us when we asked for the files on the priests.  
 5 "... there wasn't one for each priest. I took that  
 6 to mean that there wasn't safeguarding issues raised  
 7 with each priest. So we were unable to quantify --  
 8 quantify which priests we had files for and which ones  
 9 we didn't."  
 10 That system sounds archaic. But the reality was,  
 11 the existence of those brown envelopes in which there  
 12 were allegations of sexual abuse by specific monks was  
 13 discovered in an investigation in 2010.  
 14 Aidan Bellenger's evidence in reply to the brown  
 15 envelope observations was characteristic. He denied  
 16 outright that they existed separately to the entire  
 17 brown-sleeved files on each monk and he said that the  
 18 police were always given the complete file. When he was  
 19 asked whether Officer White was lying about this, he  
 20 said:  
 21 "I think I gave all the files that were there in the  
 22 abbot's office and archives to the police and I can see  
 23 absolutely no reason why I wouldn't do so."  
 24 That was just one example. Aidan Bellenger's  
 25 evidence to this inquiry was the evidence of evasion.

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1 Another example is what he said in relation to his  
 2 failure to report F98. He said he didn't refer F98 to  
 3 the authorities in 2013 when he was made aware of  
 4 the allegation of F98 masturbating next to a pupil  
 5 "because he was dead". He said:  
 6 "I meant to refer it -- sorry, this is a difficult  
 7 one, this one, because I thought I had referred it.  
 8 There is no doubt about that. I was going to refer it  
 9 and mention it, but the fact that he was dead probably  
 10 meant that I put it aside for a moment and forgot it."  
 11 It was then put to him that in 2012 he had promised  
 12 parents that any allegations that arose would be  
 13 referred on, and he said:  
 14 "I meant to keep that promise, and I'm sorry for  
 15 not."  
 16 Let's focus on what that evidence actually means.  
 17 It seems to me it suggests one of two things: either,  
 18 one, despite the promise he made in 2012 to parents of  
 19 the children at Downside, in 2013 the abbot "put aside"  
 20 and then forgot to report the minor matter of a monk  
 21 masturbating underneath his cassock next to a pupil; or,  
 22 two, the former Abbot of Downside deliberately broke  
 23 a promise to parents by deliberately refusing to report  
 24 a case of child sex abuse and then lied on oath to this  
 25 inquiry about it. Either one is unacceptable.

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1 It is not just Aidan Bellenger. Richard Yeo was  
 2 another example of an abbot prioritising the welfare of  
 3 his monks over the welfare of children in the church's  
 4 care.  
 5 Jane Dziadulewicz said that, when he was abbot,  
 6 Richard Yeo was "very focused on monks and the clergy  
 7 and I feel very sad to say I think his emphasis was more  
 8 on protecting the clergy than it was victims". One  
 9 example of this: Richard Yeo confirmed in his evidence  
 10 that following Dunstan O'Keefe's prosecution for  
 11 masturbating outside a primary school, he decided he  
 12 wouldn't remove O'Keefe as novice master, as he didn't  
 13 see the need to "humiliate him more than necessary". It  
 14 was only at Elizabeth Mann's urging that he contacted  
 15 the police regarding issues surrounding Dunstan O'Keefe  
 16 in 2004. That was seven years later. He was  
 17 Abbot President at the time.  
 18 It was subsequently discovered that O'Keefe had  
 19 downloaded 12,000 images and that only 2 per cent of  
 20 those were of adults. Richard Yeo was asked if the rest  
 21 of the images other than that 2 per cent were of  
 22 children, he said, "Well, including minors in their  
 23 teens", as if that somehow makes it any better.  
 24 So what should be done? Without meaningful  
 25 recommendations from this inquiry, it seems entirely

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1 unlikely that canon law will ever be amended to mandate  
 2 the reporting of safeguarding concerns to bodies outside  
 3 the Roman Catholic Church. Even if it were, it is even  
 4 less likely they would be effectively enforced. Far  
 5 more likely is that the Roman Catholic Church will  
 6 continue to present the formal outward appearance of  
 7 the paramount importance of safeguarding children from  
 8 sexual abuse whilst in practice doing nothing to stop  
 9 the type of appalling behaviour that's gone on before.  
 10 It doesn't matter whether its own internal safeguarding  
 11 comes from staff at the schools rather than the  
 12 priesthood. Both are influenced against reporting  
 13 concerns because its monasteries and its fee-paying  
 14 schools depend on moral reputation and money from their  
 15 members for their survival.  
 16 The evidence of A30 shows with devastating force how  
 17 simply piling internally-generated safeguarding  
 18 paperwork on top of the problem does little more than  
 19 provide something for abusers to hide behind. The  
 20 evidence of De Cogan's behaviour in alerting those in  
 21 positions of authority at Ampleforth that A30 had  
 22 a crush on him, yet for a long time thereafter chasing,  
 23 tickling and pinging her bra strap in plain sight of  
 24 staff, says all the panel needs to know about  
 25 Ampleforth's attitude towards safeguarding to date.

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<p>1 Again, this isn't an example from the '70s or '80s.                  2 This was going on in 2009.                  3 As for Downside, I have referred to Officer                  4 Mark White. He gave evidence of receiving complaints                  5 from a pupil at Downside that there was a monk, F80, who                  6 was known by those in power at Downside to have abused                  7 A117 for decades, as I have already said. But he was                  8 then permitted to talk openly in a school assembly,                  9 telling the girls "not to finger themselves", and                  10 telling the boys "to give up masturbation" for Lent.                  11 Incredibly, this was just put down to F80 being F80.                  12 This was four years ago.                  13 It simply can't be permitted in the modern era.                  14 That, in my submission, says all this panel needs to                  15 know about purported internal improvements in                  16 safeguarding at Downside.                  17 Adrian Child summed up the position well in his                  18 evidence. He said:                  19 "I think the Catholic Church has had two excellent                  20 opportunities through Nolan and Cumberlege to get                  21 safeguarding right on a kind of 'goodwill internal                  22 basis'. Whilst I think there's been a huge amount of                  23 effort by a lot of very good people, they haven't got it                  24 right, and that's in a 15-year period. So I don't see                  25 any value in tinkering around the edges and saying,</p> <p style="text-align: center;">Page 17</p>	<p>1 within these institutions, whether the Roman Catholic                  2 Church likes it or not.                  3 I have said that it was brought in in America. On                  4 6 September 2012, the New York Times reported that the                  5 Roman Catholic Bishop Robert Finn was found guilty of                  6 shielding a paedophile by failing to report child sex                  7 abuse. The paedophile in question had taken his laptop                  8 for repair and indecent images had been found. The                  9 paedophile, who was eventually convicted, admitted what                  10 he had done to Bishop Finn but then sent -- was then                  11 sent by Finn to be sheltered at a different institution                  12 rather than being reported to the police, and his                  13 sexually inappropriate behaviour continued as a result.                  14 So what's this inquiry for? It is an opportunity to                  15 do something. Its terms of reference do provide you                  16 with the power to publish recommendations and those                  17 recommendations are, in my submission, going to carry                  18 real force.                  19 Any recommendations you do make, madam, should                  20 consider the recommendations that have by coincidence                  21 just been published this morning by the Australian                  22 Commission into Institutional Responses to Child Sexual                  23 Abuse. There were 189 new recommendations, one of which                  24 was that religious ministers should be forced to report                  25 child sex abuse that had been revealed to them in</p> <p style="text-align: center;">Page 19</p>
<p>1 'Here you are. Here is a third opportunity. Go away                  2 and sort this out yourself'. I think there needs to be                  3 accountability and some kind of mandatory requirement."                  4 Attempts to change values don't change behaviour.                  5 Telling motorists that there is value in wearing a seat                  6 belt didn't cause many people to wear seat belts                  7 voluntarily. But when it was made law that they had to                  8 wear seat belts, motorists started to judge one another                  9 for not doing so. Telling people not smoking in public                  10 places saves lives, didn't stop people smoking in pubs,                  11 but making it illegal, against strong opposition, caused                  12 a clear and prompt change in values.                  13 In my submission, it is time for these institutions                  14 to be forced into the modern era by recommending that                  15 they be subject to clear mandatory reporting. Mandatory                  16 reporting works. Over 85 per cent of countries in                  17 Europe and 90 per cent of the countries in North and                  18 South America have some form of mandatory reporting.                  19 There is no real evidence in these jurisdictions of                  20 authorities being swamped or inundated with spurious                  21 reports. Where it has been introduced in practice,                  22 there has been a subsequent change in values. People                  23 don't fear being criminalised for not reporting. They                  24 appreciate the fact that they are protected when they do                  25 report. So mandatory reporting will change the culture</p> <p style="text-align: center;">Page 18</p>	<p>1 confessionals. I would like to end with a quote from                  2 A117. She was asked if there was anything she wanted to                  3 add at the end of her evidence and she said this:                  4 "I think it's been nearly 35 years getting to this                  5 point, and I never wanted to speak of these things                  6 again. I thought the police investigation was closure.                  7 I think abuse by anybody is devastating and damaging,                  8 but those that lie, deny, or put a convenient spin on                  9 it, just shatter what's left of your life. I still                  10 don't have closure -- well, that goes on, I think,                  11 seeing Abbot Aidan's description of my abuse a few weeks                  12 ago, where he described in one sentence 'F80's                  13 extramural sexual activities' ...                  14 "When he saw I was here today, he submitted                  15 a ten-page extra statement justifying himself and trying                  16 to discredit my evidence. I think what's not working is                  17 that the church is continuing to be judge and jury.                  18 "... I believe that safeguarding should be                  19 mandatory. I believe that those who cover up abuse and                  20 put a convenient spin on it should be accountable.                  21 "It has really hurt that I have had to listen to the                  22 old boy network trash what I have been through. I have                  23 had to read letters of outrage. I have had to be in                  24 a room where outrage is expressed, not for the victims,                  25 but for the monks ... there is a lot of anger to people</p> <p style="text-align: center;">Page 20</p>

<p>1 like the safeguarding professionals and the police.                  2 These old boys and parents of children in the school                  3 should be grateful to these people. It is the police                  4 and the safeguarding that have made these children                  5 safer, not the men who are running these schools, and                  6 I believe you need third parties overseeing this and                  7 that safeguarding should be mandatory."                  8 Thank you very much.                  9 THE CHAIR: Thank you, Mr O'Donnell. Mr Stein?                  10 MR STEIN: Madam, before I start the stopwatch for                  11 30 minutes, may I take this opportunity to thank counsel                  12 to the inquiry and her team. We have recognised how                  13 hard she has worked with her colleagues in order to                  14 present the evidence in the way she has. We have seen                  15 that through her standing on her feet for so long for                  16 each day, presenting calmly, but firmly, the evidence                  17 that has been required. So first of all, we thank her.                  18 May I then turn to our submissions, please?                  19 Closing statement by MR STEIN                  20 MR STEIN: With Mr Enright from Howe &amp; Co Solicitors, we                  21 represent F13, a Scottish survivor of the English                  22 Benedictine Congregation. We also represent the 12 core                  23 participant survivors of the Comboni Missionary Order,                  24 F1 to F12. And F44, a survivor of the Christian                  25 Brothers.</p> <p style="text-align: center;">Page 21</p>	<p>1 indecent assault and buggery on Wednesday, December 6.                  2 St Benedict's, another EBC school.                  3 Mr Enright opened in the following way: almost                  4 1 million children in Britain are educated in                  5 institutions run by the church or in which the church is                  6 significantly involved. He went on to say this inquiry                  7 must therefore determine how big is the problem. Well,                  8 currently, we don't know. It seems that we have                  9 identified over the last few weeks flaws in all                  10 reporting procedures, and so the numbers will forever be                  11 unknown.                  12 Are there structural inhibitors to child protection                  13 in the church, he asked. Well, the answer to that                  14 appears to be: yes.                  15 The refusal to divulge or act upon reports of                  16 child abuse, as an example, received in confession, is                  17 an obvious example of a most serious structural                  18 inhibitor to child protection.                  19 Is the Catholic Church capable of enforcing good                  20 governance and high and uniform standards of child                  21 protection, Mr Enright asked. The answer appears to be                  22 no. The Catholic Church is and remains so opaque, so                  23 disparate and so full of separate bodies not answerable                  24 to any central authority, it is hard to see how it can,                  25 without huge reform, demonstrate that it can provide</p> <p style="text-align: center;">Page 23</p>
<p>1 F13 was abused at his Catholic primary school by                  2 Catholic brothers. He was abused by members of                  3 the English Benedictine Congregation at Pluscarden,                  4 where paedophile monks had been transferred, and also at                  5 Fort Augustus Abbey School, where, again, paedophile                  6 monks had been transferred.                  7 What have we heard in this inquiry over the last                  8 three weeks? We have heard of passageways leading to                  9 secret rooms; police officers threatened with the                  10 involvement of important people within the community;                  11 monks representing a danger to children kept in                  12 a monastery on school grounds; brown envelopes of                  13 complaints kept back and denied; abbots who apparently                  14 obstruct investigations by the police and hide material                  15 about abusers.                  16 We have also heard that the Abbot President of                  17 the EBC prefers the flawed wisdom of an abbess who,                  18 being asked to shelter a suspected abuser, does not want                  19 to know the details.                  20 What has happened while we have awaited this public                  21 hearing? What we have heard daily in the news was the                  22 trial and subsequent conviction of a sadistic former                  23 abbot who sexually abused young boys in the '70s and                  24 '80s, Andrew Soper, 74, the former Ealing abbot at                  25 St Benedict's School was found guilty of 19 charges of</p> <p style="text-align: center;">Page 22</p>	<p>1 good governance and high uniform standards of child                  2 protection.                  3 Let me move on, then, please, to governance and                  4 management in terms of the evidence that we have heard.                  5 Just because the people we are dealing with are priests                  6 and monks, Doms and Fathers, et cetera, does not mean                  7 that we should treat them with any greater respect or                  8 deference than we would anyone else. In fact, their                  9 very status in society would tend to mean, for most of                  10 us, that they should be held to a higher standard and                  11 show us the way. How badly have they failed.                  12 The issue of governance and management is an                  13 important one as there is no discernible line of                  14 authority, no checks and balances, and we are left with                  15 no way of checking whether there are in fact adequate                  16 child protection and safeguards in place.                  17 We heard on Wednesday of this week from the chief                  18 inspector of the ISI, the Independent Schools                  19 Inspectorate. Madam, it was in response to a question                  20 you asked of her regarding the quality potentially of                  21 the reports she had been speaking about, and the answer                  22 she gave, perhaps the answer slightly more familiar to                  23 those having been involved in the past with her type of                  24 work, she spoke about the triangulation of checks,                  25 quality assurance of responses, reviews, peer reviews,</p> <p style="text-align: center;">Page 24</p>

<p>1 of reports, the rigorous application of benchmarking                  2 standards to be applied across the organisation. But                  3 these types of organisations, the ISI, Ofsted and the                  4 like, they're only as good as the information that they                  5 are provided with and if people are prepared to say                  6 something.                  7 But what a world away, in terms of her organisation                  8 and her organisation's managerial and hierarchical                  9 response to your question, is the Roman Catholic Church.                  10 Father Paul Smyth, the current President of                  11 the Conference of Religious, stated on 28 November of                  12 this year, before you:                  13 "The Conference of the Religious has no power over                  14 any congregation of its independent leadership in any                  15 matter pertaining to their internal leadership."                  16 Then later he said:                  17 "The Conference of the Religious does not have any                  18 regulatory power over its membership."                  19 The Reverend Christopher Thomas stated in his                  20 statement, read on 28 November:                  21 "All members of religious orders must abide by canon                  22 law."                  23 He went on to say:                  24 "They are also bound to comply with the particular                  25 laws of the diocese in which their community resides."</p> <p style="text-align: center;">Page 25</p>	<p>1 order as a whole. The basic unit is the individual                  2 monastery, and rather than having an order divided into                  3 provinces, you have monasteries which group together                  4 into congregations.                  5 "...                  6 "I wouldn't say they operate under the                  7 Abbot President. They operate and the Abbot President                  8 attempts to assist those monasteries where appropriate                  9 and where possible."                  10 In my questions of Dom Yeo, Dom Richard, on                  11 28 November, we learnt that the survivors of abuse by                  12 monks at Fort Augustus, which include F13, are due to be                  13 getting some compensation from the money gifted to the                  14 EBC flowing from the closure of Fort Augustus, as, he                  15 went on to say, the EBC recognises that it has a moral                  16 responsibility for the survivors of child abuse by the                  17 paedophile monks at Fort Augustus.                  18 But the point of the question was to demonstrate                  19 that they don't believe they have actual responsibility.                  20 Close one of these schools down. Close them down right                  21 now. What does that mean to the EBC? It means nothing.                  22 They won't be responsible, because there is no actual                  23 responsibility flowing through into the EBC itself or                  24 into the Catholic Church. It will be left to either                  25 insurers to deal with it or for whatever is left of</p> <p style="text-align: center;">Page 27</p>
<p>1 In reality, there should be no conflict between                  2 canon law, he said, particular law, and the constitution                  3 of a religious order. Well, that evidence appears to                  4 contradict what Dom Richard said in answers to my                  5 questions about the Canon Code, which mirrors what we                  6 have heard about secret files, brown envelopes, monks                  7 coming back after ten years and evidence destroyed. As                  8 you will recall, I put to him canon 489, which refers to                  9 the fact that there should be a secret archive. It                  10 refers to the fact that documents should be kept secret                  11 and should be protected most securely. It refers to the                  12 fact that each year documents of criminal cases and                  13 matters of morals, in which the accused parties have                  14 died or ten years have elapsed from the sentence, are to                  15 be destroyed. All of these things we have found echoed                  16 in the evidence that you have heard before you --                  17 ten years, records being destroyed, brown envelopes.                  18 It is noteworthy that that particular canon was                  19 imported lock, stock and barrel into the Comboni code of                  20 conduct of which you have kindly ordered the latest                  21 version to be supplied. I wonder whether I can hear                  22 some harried rewriting as I speak.                  23 Dom Richard Yeo described the EBC on 28 November.                  24 He described it this way:                  25 "Among the Benedictines, the basic unit is not the</p> <p style="text-align: center;">Page 26</p>	<p>1 the estate of the school to deal with it. No other                  2 responsibility.                  3 But what of the survivors of abuse by the                  4 paedophiles of monks at Downside or Ampleforth, I asked                  5 him, or, I imagine, St Benedicts. Because of the claim                  6 for autonomy of the monasteries, nothing has been done.                  7 Let's turn to the confessional rules. The                  8 confessional rule embodies the extent of the trust monks                  9 and priests have with each other. This keeping of                  10 secrets until death is part of the very fabric of their                  11 lives. The statement of Father Beckett read at the                  12 beginning of this hearing on 28 November, Father Beckett                  13 stated:                  14 "Confession is not, to me, something which one can                  15 take a view on that can be subject to change over time.                  16 Confession is one of the pillars of Catholicism that                  17 depends upon an unbreakable vow of trust which has                  18 remained unchanged for centuries, if not millennia. It                  19 is a principle of Catholicism that confession is an act                  20 between a penitent and God. The priest is merely                  21 a conduit."                  22 Unless God is going to call the police, we have                  23 a problem. If these priests' conduits are themselves                  24 the abusers as well and they are hearing each other's                  25 confessions as to abuse, then we have a culture whereby</p> <p style="text-align: center;">Page 28</p>

<p>1 the confessional is part of the regime of tolerance. It                  2 is part of the regime of secrecy and part of the regime                  3 which enables and allows the abuse to continue.                  4 But the rule about the confessional is worse than                  5 you may think. Now, we know canon 983, the sacramental                  6 seal is inviolable. It is absolutely forbidden for                  7 a confessor to betray in any way a penitent in words or                  8 any manner and for any reason. Canon 984.2:                  9 "A person who has been placed in authority cannot                  10 use in any manner for external governance the knowledge                  11 about sins which he has received in confession at any                  12 time."                  13 So a monk about to embark upon a camping trip                  14 confesses and in confession says, well, he is taking                  15 with him a particular boy on that camping trip. It may                  16 be a boy that he has confessed to abusing in the past.                  17 He is confessing to someone that, in theory, has                  18 managerial responsibility. That managerial                  19 responsibility cannot be exercised within the rules of                  20 the Catholic Church, and indeed that manager would have                  21 to be, the next day, making sure that they left on time                  22 on their bus off to their camping trip.                  23 The Australian Royal Commission into Institutional                  24 Responses to Child Sexual Abuse has recommended today                  25 that persons could be charged if they knew or suspect or</p> <p style="text-align: center;">Page 29</p>	<p>1 30 November, a former director of COPCA, a professional                  2 social worker with 37 years' experience and for many                  3 years a general manager, I think was the term she used,                  4 and supervisor.                  5 She had come across the "pick and mix" approach that                  6 was also familiar to the Cumberlege Commission. She                  7 came across also the hostility for the use of resources                  8 that COPCA was taking up. Mrs Shearer stated that at                  9 Ampleforth, when Father Cuthbert Madden became abbot,                  10 there was an increase in contact and a different                  11 attitude towards the national policies and procedure,                  12 a more positive attitude, she says, a more proactive                  13 one.                  14 In a short while, we will look at how exactly the                  15 more positive Father Madden deals with paedophile or                  16 suspected paedophile monks.                  17 Mrs Shearer's view was clearly expressed:                  18 "Priority seemed to be given, often, too often, to                  19 protecting the institution from open scandal and to                  20 dealing with things in-house, a mistrust of                  21 the statutory authorities, and there seemed to be a lack                  22 of awareness of their own lack of knowledge in a way, so                  23 that they were not open to accepting advice or receiving                  24 training and development."                  25 There was a preference, she said, to acting locally:</p> <p style="text-align: center;">Page 31</p>
<p>1 should have suspected that a child is being abused.                  2 That recommendation includes members of the clergy who                  3 will be breaking the law if they fail to report abuse                  4 divulged to them during the confessional. As has                  5 already been said this morning, in the United States                  6 they have had mandatory reporting laws in many states                  7 for many years and so far we have not heard that the                  8 Catholic Church has decided to remove itself from                  9 American soil.                  10 Post Nolan and Cumberlege. After Nolan and                  11 Cumberlege, there was meant to have been wholesale                  12 change. We heard from Father Smyth that, since Nolan                  13 and Cumberlege, there was a decision made to move                  14 towards a One Church approach with the religious either                  15 adopting their own safeguarding procedures or aligning                  16 themselves with the diocesan Safeguarding Commissions.                  17 Do you, the NCSC and CSAS, previously COPCA, have of                  18 course been working to try and put in place safeguarding                  19 systems, but they are only as good as the information                  20 which reaches them.                  21 If the culture and the men involved have not                  22 changed, then all of the systems and guidance in the                  23 world will not change them.                  24 Let's see whether that has worked out over time from                  25 the evidence. Mrs Eileen Shearer gave her evidence on</p> <p style="text-align: center;">Page 30</p>	<p>1 "There is often reference in the evidence that                  2 I have read", she went on to say, "about the fact that                  3 the child protection policies nationally were not                  4 mandatory", and that was not the intention, she                  5 believed, of Lord Nolan.                  6 Mr Molesworth gave his evidence on 1 December. He                  7 holds a Master of Science in social work. He is                  8 a childcare social worker with huge experience of                  9 safeguarding and, in the later parts of his career, he                  10 again worked as a group or general manager. He referred                  11 to other matters, but perhaps most memorably he said of                  12 Piers Grant Ferris, in his view:                  13 "We had four abbots who knew about his behaviour                  14 from 1975 and they didn't get safeguarding, they didn't                  15 get child protection."                  16 That despite the fact that Father Wright had the                  17 evidence from the Manns, who were asked to provide the                  18 risk assessment, and he said that it was a classic                  19 example of the need to take action, the need to take                  20 action now, but, for reasons he didn't understand, he,                  21 a Father, chose to ignore them.                  22 Three months -- it is important to emphasise that --                  23 three months, Mr Molesworth said, into his work at                  24 Ampleforth, he was motivated to write in words that he                  25 says still stand:</p> <p style="text-align: center;">Page 32</p>



<p>1 "Stepping further back, I find myself questioning                  2 whether the community has either the mechanisms, the                  3 understanding or even a basic willingness ... to                  4 properly deal with child protection matters. We were                  5 being blocked", he said.                  6 In his own words, he went on to say this:                  7 "obfuscation, denial and downright obstruction."                  8 How did Mr Molesworth summarise matters? There was                  9 no external accountability, no sanctions, a complex                  10 legal framework and later he concluded by saying "a lack                  11 of effective oversight".                  12 Former Detective Superintendent Honeysett gave                  13 evidence on 4 December, having been brought in by the                  14 social services, who had been contacted by                  15 Elizabeth Mann. What did he say? He "didn't think that                  16 Abbot Timothy was applying the principles of Nolan as we                  17 understood them ... The fact was that children were at                  18 risk because two priests were still in and around the                  19 school or the communities. There weren't proper risk                  20 measures in place and, in terms of the Principle of                  21 Paramountcy for child welfare, that was not to the fore;                  22 much of what Abbot Timothy was talking about in relation                  23 to the priests was about their rights and about looking                  24 after themselves."                  25 No wonder. Remember the letter referred to in terms</p> <p style="text-align: center;">Page 33</p>	<p>1 than just these two schools. That's what this is all                  2 about. Whilst this is about -- this last three weeks --                  3 the EBC, in fact, you are looking at the Roman Catholic                  4 Church.                  5 What she said was this, and I summarise where                  6 necessary:                  7 "There is a huge problem with accountability. There                  8 needs to be a way of making religious and bishops                  9 accountable. I think if you don't do that, things                  10 aren't going to change. There needs to be some kind of                  11 body that holds the church accountable. There is                  12 nothing. The church ultimately doesn't have to do these                  13 things if they don't want to. If nothing happens, once                  14 the inquiry is over, the church can continue in the way                  15 that it has continued for years and so people can and                  16 will be able to access the services that the church has                  17 offered to children and families for years, and the same                  18 problems will arise again, where offenders will be able                  19 to target children and abuse again."                  20 Dr James Whitehead gave evidence on 7 December.                  21 Accountability is the fundamental problem. The members                  22 of the monastic community are not accountable unless                  23 they commit a criminal offence, obviously, but they are                  24 not accountable to anyone. I think that the points that                  25 have been made in terms of the mandatory reporting</p> <p style="text-align: center;">Page 35</p>
<p>1 of its own date of commission on 4 August 2003 written                  2 by Abbot Timothy, whereby he stated:                  3 "An abbot's first task before all else is the care                  4 of his monks. The Rule of St Benedict makes that clear.                  5 Their home is the one place to which they can always                  6 return, regardless of what has happened, because their                  7 home is defined by an enclosure from which externs are                  8 excluded."                  9 Jane Dziadulewicz -- whose name I probably                  10 pronounced very badly and wrong and with my apologies --                  11 a safeguarding consultant of over 30 years' experience                  12 with qualifications in social work and many years of                  13 work as a child protection social worker. A senior                  14 social worker for local authorities in London boroughs.                  15 Now, she worked at the Clifton diocese not long                  16 after COPCA had been set up. This was the witness who                  17 was surprised by the hidden room which, as she said,                  18 "Our suspicions were raised as to why, in such an                  19 opulent environment, would two or three individuals wish                  20 to go down a concrete flight of steps through a dimly                  21 lit room, have a key that other people didn't have                  22 access to and have two or three armchairs seated across                  23 a TV screen."                  24 It is important to remember that this witness was                  25 speaking from a much broader experience of the church</p> <p style="text-align: center;">Page 34</p>	<p>1 I think are good ones, and I think that the testimony                  2 that was given yesterday arguing for a body which                  3 oversees more accountability within this area, I think                  4 I would fully support."                  5 Detective Constable Mark White, another experienced                  6 professional, investigated matters at Downside and                  7 encountered the obstructive attitude. He in fact had                  8 formed the impression that something has been removed                  9 from a file. Asked whether he had encountered any                  10 hostility directly, the officer replied in a measured                  11 way:                  12 "It was kind of imposed on me. Did I know who the                  13 individuals were that I was investigating and who was                  14 I investigating, implying that there was some connection                  15 between these people and higher up."                  16 Asked what he meant, the answer was:                  17 "Some of the people that I was interviewing were                  18 well known within the Roman Catholic Church and had                  19 connections, high-ranking connections, to people not in                  20 the church."                  21 You will recall the evidence on 13 December, where                  22 during an investigation there were calls from the                  23 serving Minister of Education trying to find out details                  24 regarding the progress of a safeguarding investigation,                  25 calls which were properly rebuffed.</p> <p style="text-align: center;">Page 36</p>

<p>1 DC White suggested that there should be a team to 2 oversee religious sectors and look at and deal with 3 these. He said: 4 "As much as we talk about the offenders in this and 5 the suspects in this, there was clearly, over time, 6 people that had knowledge of what happened. There is no 7 repercussions on them at all." 8 He continued: 9 "We have the laws in place to prevent the incidents 10 happening, but it is about a way of trying to enforce 11 the safeguarding and protection of the vulnerable and 12 children that are the victims of these accounts." 13 Adrian Child gave evidence, 13 December: 14 "There is nothing mandatory and nothing enforceable. 15 There is no accountability within safeguarding in the 16 Catholic Church. It is all on a goodwill basis." 17 And, he said: 18 "They haven't got it right, and that's in a 15-year 19 period, so I don't see any value in tinkering around the 20 edges. I think there needs to be accountability and 21 some kind of mandatory requirement." 22 Of course there's Father Aidan Bellenger's letter. 23 He said this: 24 "At the heart of the darkness in the community is 25 the issue of child abuse which was tolerated by all my</p> <p style="text-align: center;">Page 37</p>	<p>1 So what of Abbot Cuthbert Madden. Remember what 2 Mr Molesworth said? I think he meant it: 3 "He wanted things to change, but I was very 4 disappointed to read, only a few evenings ago, 5 correspondence from a range of people at Ampleforth at 6 the time which clearly indicated that they saw people 7 like social services as the problem not the solution." 8 You will recall the evidence that was given on 9 5 December when questions were being asked of 10 Abbot Cuthbert Madden. Questions asked by counsel to 11 the inquiry: 12 "Question: ... did you consider F27 to be an 13 ongoing risk? 14 "Answer: Yes." 15 Then he spoke about the fact that there was 16 a covenant put in place. 17 "Question: Did F27 remain at the abbey? 18 "Answer: He did. 19 "Question: Were all parties at the abbey aware of 20 the position as far as he was concerned? 21 "Answer: Yes, and all the statutory authorities as 22 well." 23 So counsel to the inquiry asked the next and perhaps 24 to all the rest of us in this room the obvious question: 25 "Question: Were parents made aware?</p> <p style="text-align: center;">Page 39</p>
<p>1 predecessors as abbot." 2 In this letter he also referred to what he called 3 the attempt by Dom Richard Yeo to protect the paedophile 4 monks. Is there any viable defence to this? 5 Mr Kelly QC gave an opening submission where he said: 6 "Ampleforth recognises before 2005 and the election 7 of Abbot Cuthbert Madden there were failings and 8 omissions. A lack of transparency, misguided loyalty 9 and misjudgments that led in themselves to failings." 10 He went on to say that "lessons have been learnt and 11 there is much that has changed in our approach". 12 Ms Gallafent, who manages to represent Downside 13 School, the EBC and the Roman Catholic Church, stated in 14 her opening submissions. 15 "Shortly before the first preliminary hearing 16 in July 2016 in relation to this case study, the then 17 Abbot President, Richard Yeo, wrote to all abbots and 18 abbesses of the monasteries of the congregation. He 19 said that his, and their, first concern was clearly the 20 care of victims and survivors of abuse." 21 So an apparent attempt is being made to argue that 22 "All is well, we have responded, we are changing and no 23 doubt will still listen to change". I imagine you will 24 be hearing today further suggestions of, "Well, we will 25 take matters on board".</p> <p style="text-align: center;">Page 38</p>	<p>1 "Answer: No, I don't think they were." 2 You see, by thinking of the parents and thinking of 3 the children, it enforces upon you a rigour to actually 4 understand what you are doing, and the fact of 5 the matter is, he doesn't. The Roman Catholic Church, 6 it seems, from the evidence you have heard, doesn't. 7 The abbots don't. 8 Now, concerns were also raised in the evidence as it 9 was continued by counsel to the inquiry about monks, 10 such as F18 and another who was resident in the abbey 11 because of the proximity to the school, and there was 12 correspondence with the Department of Education around 13 that. The answer given by Abbot Madden was this: 14 "We asked to speak with the Department of Education 15 and try and put the case that sometimes the living of 16 the monastic life with full knowledge of the community 17 and proper oversight of the people concerned actually 18 represented a safer environment." 19 Now, we know in fact that these people were removed. 20 Being asked by counsel to the inquiry had any steps been 21 taken to keep them apart from each other, the answer was 22 no: 23 "Question: Carroll, I believe, [was sent] to 24 Pluscarden Abbey. 25 "Answer: Pluscarden, yes ...</p> <p style="text-align: center;">Page 40</p>

<p>1 "Question: Was full disclosure made when he went?                  2 "Answer: Yes.                  3 "Question: Allegations were made there?                  4 "Answer: Yes, indeed."                  5 I am going to ask to refer briefly to documents                  6 which were the actual correspondence. Can we have,                  7 please, DFE000587_189. That, sadly, is not the same                  8 document I have. It may be my reference. I will read                  9 out the one I have, otherwise I will be wasting time.                  10 This is correspondence dated 14 August 2013, so you have                  11 just learnt in evidence that Abbot Cuthbert was dealing                  12 with the question of these three monks. August 2013.                  13 There's a request made to ask the DoE to have these                  14 monks back. That then is put in writing and sent to the                  15 Department of Education. The Department of Education                  16 still disagrees.                  17 The request being made then, after they have been                  18 sent out, away from the monastery, sent out to where                  19 they were told to go, the request being made in fact by                  20 the monastery, therefore, just slightly less than a year                  21 later is to have them back at the monastery. That's                  22 what you are dealing with. You are dealing with an                  23 intransigent attitude being taken by monks and abbots in                  24 relation to their own that means that they say to each                  25 other that, really, they are better off at home, they</p> <p style="text-align: center;">Page 41</p>	<p>1 Dom Richard was saying was that he was saying that,                  2 "If the abbess doesn't want to know, that's fine by me.                  3 I have sympathy with her position and would not be                  4 wishing to challenge her", and then he uses, in his                  5 defence of his inability to enforce anything different                  6 upon the abbess, the fact that he has no line management                  7 or authority. He's actually saying, "Well, I'm sorry                  8 about that, there's nothing I can do". But at the time                  9 when he is writing this correspondence and dealing with                  10 the abbess, at that time he knew that there was                  11 potential for this individual to be working as                  12 a temporary chaplain at a preparatory school.                  13 So that's what we are dealing with, we suggest.                  14 Now, I am aware of the time and I will attempt to deal                  15 with matters in the time I have left.                  16 So conclusion. The Rule of Benedict, chapter 1,                  17 describes four classes of monks. The fourth class of                  18 monks is called Land-lopers. There are various other                  19 names of Cenobites, Anchorites and Sarabites.                  20 Now, Land-lopers are those described at chapter 1 of                  21 the Rule of St Benedict who keep going their whole long                  22 life from one province to another, staying three or four                  23 days at a time in different cells as guests, always                  24 roving, never settled, they indulge their passions and                  25 the cravings of their appetite.</p> <p style="text-align: center;">Page 43</p>
<p>1 are better off here, despite the fact that that would                  2 put them squarely in the very grounds of the abbey that                  3 they are dealing with and the school that they are                  4 dealing with.                  5 What was the sensible answer from the DoE:                  6 "We consider that nothing of substance has changed                  7 since the previous minister advised that all three monks                  8 should live away from the abbey. On that basis, we                  9 should not change our stance."                  10 Dom Yeo. In the questions we were allowed to ask                  11 and indeed questions from counsel to the inquiry we                  12 discussed the question which was raised in                  13 correspondence whereby there is an attempt or                  14 a discussion about moving F18 to an abbey. Now, in,                  15 I think, the ten minutes that I was allowed to ask                  16 questions of Dom Richard, we discussed this question of                  17 what it is that was happening at the time, the trust in                  18 the abbess who didn't want to know any details and                  19 whether there was a risk. The answer given by                  20 Dom Richard was this: "Well, when it came down to it, in                  21 fact there wasn't any ministry by way of a temporary                  22 chaplaincy or anything similar to a primary school". So                  23 in that way, he was saying, "Well, actually, it was okay                  24 to send this chap there".                  25 The difficulty with that is, first of all, what</p> <p style="text-align: center;">Page 42</p>	<p>1 We wonder whether there is a fifth class of monk                  2 who, knowing of these land loper paedophiles amongst                  3 them, hide them, conceal their crimes and help them, by                  4 doing so, to abuse children. The words "children first"                  5 need to be engraved in the minds of these monks and                  6 abbots.                  7 Let me then deal with the way that matters were put                  8 by A117. She's had to listen to the old boy network                  9 trash what she's been through:                  10 "There is a lot of anger to people like the                  11 safeguarding professionals and the police. These old                  12 boys and parents in the school should be grateful to                  13 those people. It is the police and the safeguarding                  14 that has made these children safer, not the men running                  15 these schools."                  16 A221:                  17 "Just to say that I hope this leads to something.                  18 I see on the Downside website that they have that they                  19 are declaring that they are welcoming the chance to                  20 scrutinise. Part of me thinks, well, of course they                  21 would say that, because they are being hauled in front                  22 of an independent inquiry. I just don't want there to                  23 be another raft of apologies."                  24 What recommendations would we make on behalf of                  25 the individuals we represent? We agree with the</p> <p style="text-align: center;">Page 44</p>

<p>1 submissions made this morning.                  2 First of all, the EBC to make good without delay on                  3 its promise to provide reparations to the Scottish                  4 survivors like F13.                  5 Secondly, safeguarding must be taken out of                  6 the hands of the Roman Catholic Church immediately and                  7 given to an independent body, entirely independent from                  8 the church, and the church must be made to pay, in cash                  9 terms, for it.                  10 There must be, we respectfully suggest, mandatory                  11 reporting, even if that is within the confessional.                  12 Today, the report of the Australian Royal Commission has                  13 recommended that that change be put into effect; and,                  14 secondly, it recommended as to that that there be                  15 a change in canon law to ensure that this is embodied                  16 within the very thinking of the Roman Catholic Church.                  17 Fourthly, you should treat the Roman Catholic Church                  18 and treat the EBC like you would any other organisation                  19 that is given the care of children and is involved in                  20 the safeguarding of children. They need to have                  21 a management hierarchy that is capable of ensuring that                  22 there are checks and balances put into place and that                  23 there is reassurance that decisions made are referred to                  24 and dealt with within that management hierarchy.                  25 Now, we have heard that some change has been made,</p> <p style="text-align: center;">Page 45</p>	<p>1 the English Benedictine Congregation, its culture and                  2 its unincorporated status. Those reasons, we suggest,                  3 will inform the recommendations you are minded to make                  4 in your inquiry.                  5 We recommend, in summary, the creation of a failure                  6 to report offence, with no exception of a confessional;                  7 the creation of a failure to protect offence; the                  8 extension of the position of trust offences that                  9 currently exist under the Sexual Offences Act 2005; and                  10 the creation of a new statutory body with powers to                  11 police and enforce basic standards of child protection.                  12 We envisage such a body being akin to the Health and                  13 Safety Executive; and, finally, we recommend a review of                  14 the powers and operation of the Charity Commission.                  15 Some of those recommendations have featured in the                  16 Australian Royal Commission report published today.                  17 Now my first submission, that the English                  18 Benedictine Congregation is incapable of                  19 self-governance. We say that the evidence has shown                  20 clearly that the congregation has failed to implement                  21 appropriate child safeguarding over decades. Those                  22 failures have persisted post Nolan, post Cumberlege,                  23 post Carlile.                  24 In 2010, on a review of the Downside files, concerns                  25 were raised in relation to 16 out of the 23 monks at</p> <p style="text-align: center;">Page 47</p>
<p>1 that the visitations regime was allowed to go from                  2 I think once every four years to on a more regular                  3 basis. So don't listen if there is an attempt being                  4 made at any stage, or even if you think that there's,                  5 "Well, it is going to be very difficult to change the                  6 Roman Catholic Church and its practices". They have                  7 changed somewhat. They should change more.                  8 THE CHAIR: Thank you, Mr Stein. I now turn to Mr Chapman.                  9 Closing statement by MR CHAPMAN                  10 MR CHAPMAN: Madam chair, panel, I act for C18 and C19, as                  11 you may recall. Both were sexually abused by                  12 Benedictine monks at Benedictine schools attached to                  13 Benedictine abbeys, not Downside or Ampleforth as it                  14 happens, but their experience was similar to those that                  15 you have heard in evidence before you, and the reasons                  16 for it are the same.                  17 May I outline my submissions? They are these:                  18 first, that the English Benedictine Congregation has                  19 proved itself incapable of self-governance to protect                  20 children in its care. The reasons matter. We reject                  21 the reasons offered by the Benedictine monks, the                  22 excuses that have been presented before you. We                  23 emphasise the very real impediments to self-governance                  24 presented by Catholic teaching, canon law, the rules of                  25 the Benedictine Order, the hierarchical structure of</p> <p style="text-align: center;">Page 46</p>	<p>1 Downside. The failures persist now, even in the face of                  2 this inquiry. Children are still at risk at Downside                  3 and Ampleforth, according to their own former abbot and                  4 headmaster Aidan Bellenger, writing as recently as                  5 1 July 2017 in a letter he never expected to be made                  6 public. He wrote:                  7 "RC-F77's attitudes are perverse and criminal and he                  8 should not be allowed to reside at Downside. His case                  9 parallels that of RC-F18 at Ampleforth."                  10 It is clear that James Whitehead felt that his                  11 recent departure, or impending departure, was related to                  12 his actions in relation to child safeguarding.                  13 Those failures have not only exposed children to the                  14 risk of abuse, they have, in a number of cases, been                  15 directly responsible for further abuse.                  16 The English Benedictine Congregation has failed, for                  17 reasons that may prove common to other institutions you                  18 will investigate, but it is also clear it has failed for                  19 reasons that are peculiar to the English Benedictine                  20 Congregation.                  21 Let me first reject the various excuses offered by                  22 the clerics who came before you that "times were                  23 different" and "social standards were different",                  24 "nobody took it that seriously"; that they were naive,                  25 that we are judging them with the benefit of hindsight,</p> <p style="text-align: center;">Page 48</p>

<p>1 that child safeguarding measures were not as highly                  2 developed in the past as they are now, that record                  3 keeping and filing in the past was poor. All those                  4 things may be true, but they are not the reasons why the                  5 Benedictines failed.</p> <p>6 A case which we say pays particular attention is                  7 that of Anselm Hurt, because it is a case that spans                  8 decades. We know from that case that social standards                  9 were not different then. We know that because the                  10 headmaster in 1970, Aelred Watkin, reacted immediately                  11 to the disclosure of Anselm Hurt's abuse by dismissing                  12 him and reporting him with full details to the statutory                  13 authority.</p> <p>14 We know that a parent at the time wrote to the abbot                  15 in these terms, because she was concerned that Hurt was                  16 preying upon her 15-year-old son in 1970, even after his                  17 dismissal, and I will provide the reference in written                  18 submissions, but it reads like this:</p> <p>19 "We were told by Father Watkin the real reason for                  20 the dismissal. This man is amoral and evil. He is                  21 a member of your community and you must take some                  22 responsibility for him. Father Passmore, if harm comes                  23 to my son, I shall find it very hard indeed to forgive                  24 you."</p> <p>25 These offences were as repugnant to right-thinking</p> <p style="text-align: center;">Page 49</p>	<p>1 naturally complicate things and possibly weigh against                  2 me in a competitive selection". Hurt was provided with                  3 money. Indeed, his last letter to the abbot was in 1974                  4 to ask for money to buy a house. With the support of                  5 a Catholic psychiatrist, Dr Seymour, commissioned and                  6 paid for by the abbot, he eventually overturned his ban                  7 on teaching. It seems he got a job in Liverpool,                  8 married and had children. Stage 1 of his reintegration                  9 was complete.</p> <p>10 This was not naivety. The abbot knew what the                  11 headmaster's view was, because it had been clearly                  12 communicated and copied to him.</p> <p>13 Stage 2 began with Abbot Charles and Hurt's                  14 reintegration into monastic life in 1990. It is                  15 particularly telling that the chief reason, when you                  16 piece together the correspondence, that Hurt was                  17 prevented from returning to Downside was the continued                  18 presence of Aelred Watkin, the headmaster who had                  19 originally dismissed him; the same man who said Hurt                  20 should not be let near children. That tells you that                  21 the much vaunted change of atmosphere at Downside                  22 heralded by Abbot Charles was as much about tolerating                  23 known paedophiles in their midst than it was about, as                  24 he would put it, common humanity.</p> <p>25 Nor was the Abbot of Glenstal naive. He wanted to</p> <p style="text-align: center;">Page 51</p>
<p>1 people then as now. There were no elaborate                  2 safeguarding protocols in 1970, yet a statutory                  3 authority was informed, and at least one parent was told                  4 why.</p> <p>5 The views of the headmaster were clear: that Hurt                  6 should not work in a school or youth club or anything of                  7 that character in future. All this in 1970.</p> <p>8 The monks in charge were not naive then. They were                  9 not naive later. They are not naive now.</p> <p>10 Over the course of the next 40 years, the monastery                  11 reinterrogated this monk, Hurt, into society and finally                  12 in monastic and priestly life. It is a process of                  13 reintegration that took place at the same time as child                  14 safeguarding awareness and policies developed. Hurt was                  15 looked after. It was a cradle-to-grave service.</p> <p>16 The abbot provided references for various jobs.                  17 Those jobs included -- again, I shall provide references                  18 in writing -- trainee childcare officer and probation                  19 officer, the job description for which read "A job that                  20 involved supervision of offenders of all ages as well as                  21 young people who, because of their home circumstances,                  22 need special care". Hurt wrote to the abbot thanking                  23 him for one such glowing reference. He felt bold enough                  24 to ask that he would be "grateful if you did not raise                  25 the matter of the ban on teaching, as this could</p> <p style="text-align: center;">Page 50</p>	<p>1 know about Hurt's past for the sake of the abbey and                  2 their potential civil liability, not the safety of                  3 children. He wrote in 1994:</p> <p>4 "I have just attended a series of meetings on the                  5 whole topic of child abuse by the clergy ..."</p> <p>6 As long ago as that:</p> <p>7 "... and the insurance implications, quite apart                  8 from more exalted considerations, are horrendous."</p> <p>9 Abbot Charles reviewed the file and sent it. He had                  10 no problem accessing records from 20 years before. In                  11 reply, the Abbot of Glenstal said he would destroy that                  12 which was specifically damaging to Anselm as some letter                  13 from Rome recommends. That was pure cynicism.                  14 A cynicism that did not receive any reproach or comment                  15 from Abbot Charles.</p> <p>16 On the contrary, Abbot Charles sought to suggest to                  17 you at this inquiry that the proposed action by the                  18 Abbot of Glenstal was entirely appropriate.</p> <p>19 The baton passed to Abbot Yeo. Yeo remembered Hurt                  20 from his schoolboy days, and then as a postulant, as                  21 someone with an engaging personality. In April 2001, he                  22 supported his return to the priesthood. He was free to                  23 perform all the sacraments and would be most welcome to                  24 visit at Downside. Yeo supported the return without any                  25 knowledge of what Hurt had done for the last 30-odd</p> <p style="text-align: center;">Page 52</p>

<p>1 years.</p> <p>2 In July of that year, Abbot Yeo was elected</p> <p>3 Abbot President. In September 2001, the final</p> <p>4 Nolan Report was published with its final</p> <p>5 recommendations. You will recall counsel to the inquiry</p> <p>6 taking him to those recommendations. Recommendation 69:</p> <p>7 "Important to treat current allegations about abuse</p> <p>8 that took place some years ago in exactly the same way</p> <p>9 as allegations of current abuse."</p> <p>10 Recommendation 70:</p> <p>11 "Bishops and religious superiors should ensure that</p> <p>12 any cases which were known in the past but not acted on</p> <p>13 satisfactorily should be the subject of review as soon</p> <p>14 as possible, reported to the statutory authorities</p> <p>15 wherever appropriate, and that there is appropriate</p> <p>16 follow-up action, including, possibly, regular continual</p> <p>17 assessment."</p> <p>18 Those were recommendations which Yeo said he</p> <p>19 supported. But he said this did not cause him to</p> <p>20 reflect on what he had just done for Anselm Hurt. We</p> <p>21 invite you to reject that. He clearly did reflect on</p> <p>22 it. He knew what he should do. He deliberately failed</p> <p>23 to do it.</p> <p>24 So we have, over the course of 40 years, a known</p> <p>25 abusive monk who had been kicked out of the monastery,</p> <p style="text-align: center;">Page 53</p>	<p>1 loads of monks' files to a distant wood to burn them</p> <p>2 over the course of several days. These are highly</p> <p>3 educated men, all from very similar backgrounds: top</p> <p>4 public schools, top universities, white upper</p> <p>5 middle-class. They ran large estates and large</p> <p>6 enterprises. These are not unworldly men. These were</p> <p>7 monks who should, as a body, have helped lead the way.</p> <p>8 In many cases, they did not even follow. They were</p> <p>9 following a script of their own. Some, like Yeo, paid</p> <p>10 lip service to child safeguarding, some, like</p> <p>11 Timothy Wright, did not even do that. Some, like</p> <p>12 Cuthbert Madden, made seeming efforts. But as</p> <p>13 Adrian Child said in respect of essentially voluntary</p> <p>14 guidance, "A lot of this seems based on the integrity of</p> <p>15 individuals. Even where progress was made, it was</p> <p>16 dependent on the skills and expertise of the coordinator</p> <p>17 and the doggedness and the endeavour of the abbot."</p> <p>18 What abbot with any sense of responsibility in</p> <p>19 relation to a known abuser in his community would write,</p> <p>20 as Charles Fitzgerald-Lombard wrote in 1997:</p> <p>21 "I am hopeful that the climate among our national</p> <p>22 witch hunters will be sufficiently mooted for him ..."</p> <p>23 Meaning Nicholas White in this case:</p> <p>24 "... to take up a strictly monastic residence</p> <p>25 again."</p> <p style="text-align: center;">Page 55</p>
<p>1 gradually reintegrated back into the fold in an abbey</p> <p>2 with a school and with no restrictions on his</p> <p>3 activities. What happened with Anselm Hurt was not</p> <p>4 naivety, it was cynicism. It is not judging the</p> <p>5 Benedictines with the unfair benefit of hindsight.</p> <p>6 Watkin did not welcome this man's presence back to</p> <p>7 Downside from the time he dismissed him until his death.</p> <p>8 The monks that came after knew what they should have</p> <p>9 done at the time and flatly refused to have done it. It</p> <p>10 wouldn't have mattered what safeguarding guidance was in</p> <p>11 place or how much training they had. They would have</p> <p>12 always refused to follow it. We reject the excuse that</p> <p>13 the records were inadequate. Abbot Charles told you:</p> <p>14 "I think monasteries generally are rather keen on</p> <p>15 archives, so things don't get thrown away. I would say</p> <p>16 the files are pretty complete, at least with what has</p> <p>17 been given to be filed."</p> <p>18 He had no difficulty finding Hurt's records from</p> <p>19 20 years before. The problem with the records is not</p> <p>20 that they are incomplete or don't exist, the problem is</p> <p>21 that they are filed in an opaque way to prevent</p> <p>22 outsiders accessing them. Of course, there is not much</p> <p>23 to be done if records are deliberately destroyed or if</p> <p>24 the filing system is opaque. No-one is unlikely to</p> <p>25 forget the evidence of Leo Davis and how he barrowed</p> <p style="text-align: center;">Page 54</p>	<p>1 If that is what these monks are prepared to put in</p> <p>2 writing, to what depths of cynicism do they descend</p> <p>3 between themselves on the telephone and in the</p> <p>4 refectory?</p> <p>5 Fitzgerald-Lombard, Yeo and Wright did not act with</p> <p>6 integrity. Men of faith, they acted in bad faith.</p> <p>7 Better men may come, but what if they do not?</p> <p>8 I turn to the real reasons for the failings, and the</p> <p>9 primary reason is this: (a) the lack of accountability</p> <p>10 of those responsible for the welfare of the children;</p> <p>11 and (b) the conflict of interest that inevitably arises</p> <p>12 when those in charge are responsible for the welfare of</p> <p>13 children and potential perpetrators.</p> <p>14 Now, those are reasons that likely to be typical for</p> <p>15 a number of the institutions you investigate. But there</p> <p>16 are features of this particular manifestation of</p> <p>17 the Catholic Church that show how intractable the</p> <p>18 solution is likely to be.</p> <p>19 The first is what these men believe, and we</p> <p>20 shouldn't think they don't. They really do believe.</p> <p>21 According to the Rule of St Benedict, the abbot is</p> <p>22 believed to hold the place of Christ in the monastery</p> <p>23 and the abbot must never teach or decree or command</p> <p>24 anything that would deviate from the Lord's</p> <p>25 instructions. You will remember Abbot Charles said</p> <p style="text-align: center;">Page 56</p>

1 that, apart from the almighty, he did not answer to  
 2 anyone. Even the Abbot President was limited in his  
 3 power over the abbot.  
 4 We have heard how the abbot's first task before all  
 5 else is the care of his monks. When Abbot Wright had  
 6 the temerity to challenge the Paramountcy Principle, he  
 7 was merely stating the truth, that monks come before  
 8 children.  
 9 Mr Stein has referred to canon law 489 in relation  
 10 to the destruction of documents in criminal cases in  
 11 matters of morals after ten years. You have seen the  
 12 letter from Abbot Dillon, who appears to have received  
 13 a standing instruction from Rome to destroy documents  
 14 damaging to monks. You have heard about the absolute  
 15 seal of the confessional, even when a child tells  
 16 a priest in confession that he/she has been sexually  
 17 abused and it is not their sin. The seal protects  
 18 abusers and encourages them to abuse. You can infer  
 19 from the evidence of A221 -- that's the boy at Downside  
 20 abused by Richard White -- and that of Richard Yeo when  
 21 I asked questions of him that these monks confessed  
 22 their sexual abuse to their fellow monks in real time  
 23 and did so repeatedly as they carried on abusing. They  
 24 had to, because the principal function of the priest is  
 25 to celebrate mass and take the Eucharist and they can't

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1 do that unless they have had absolution from a grave  
 2 sin. So it follows that this was essentially an offence  
 3 committed and reported in real time and an open secret  
 4 in this closed community.  
 5 Richard Yeo himself told us that there was  
 6 sufficient concern that there were elements of Catholic  
 7 theology that might tend to encourage abusive behaviour  
 8 that the EBC sponsored a conference about it. You will  
 9 remember that his own particular concern was that there  
 10 was something in the nature of the priesthood deriving  
 11 from the fact that, according to Catholic theology,  
 12 there is an ontological effect on the person on becoming  
 13 a priest that may have created an atmosphere where child  
 14 sexual abuse is -- he wouldn't say "facilitated", but  
 15 made less unlikely. It is exactly the same concern  
 16 raised by the United Nations when it wrote in 2014:  
 17 "The Committee reiterates its concern about the  
 18 Holy See's reservations to the Convention which  
 19 undermine the full recognition of children as subject of  
 20 rights and condition the application of the Convention  
 21 on its compatibility with the sources of law of Vatican  
 22 City State."  
 23 That is what these men believe.  
 24 The second reason is the hierarchical structure of  
 25 the English Benedictine Congregation, the harmful

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1 concentration of power in one individual such that  
 2 people like George Corrie, prior, did not feel able to  
 3 challenge the abbot about child safeguarding.  
 4 Abbot Timothy Wright was able to resist outside  
 5 interference for an extended period. He recruited  
 6 lawyers to help him to do so. We know that both  
 7 Barry Honeysett and Mark White were hesitant to pursue  
 8 their full powers in the face of such belligerent,  
 9 I think was Aidan Bellenger's -- am I being told that  
 10 time is running out?  
 11 Ma'am, the third reason is that the culture and  
 12 traditions of the EBC, this was an old boys' club. Once  
 13 in, you were catered for for life. They lived literally  
 14 and not just figuratively like brothers: they ate  
 15 together, prayed together and celebrated mass together.  
 16 A clear case of that operation of the old boys' club is  
 17 the case of Anselm Hurt. It is a case that came with  
 18 very worldly benefits. You heard Jane Dziadulewicz tell  
 19 you:  
 20 "Downside Abbey is absolutely beautiful. It is  
 21 really beautiful, as is the school, it has beautiful  
 22 facilities, it is a beautiful environment. The monks'  
 23 rooms are well furnished and they are very comfortable.  
 24 Their private spaces are comfortable. There are plenty  
 25 of private rooms within the abbey that are very

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1 comfortable."  
 2 A job as an EBC monk came with high status. You  
 3 were not just a priest, but a well-to-do pillar of  
 4 the community. Aidan Bellenger was not above name  
 5 dropping famous politicians. Deference came  
 6 automatically from parents who were effectively lay  
 7 members of the same club. We have heard how A221's  
 8 father sought an injunction to prevent publicity as much  
 9 for the church's sake as his son's and was prepared to  
 10 shake the hand of Father White, even after he had  
 11 learned about White's abuse of his son. For outsiders,  
 12 this is often intimidating and it clearly played its  
 13 part in inhibiting decisive action by state authorities.  
 14 The final reason is the legal status of the EBC.  
 15 They do not have a corporate structure. They cannot be  
 16 held easily accountable. Yeo recognised, himself, when  
 17 he said, "The only juridical persons associated with the  
 18 religious congregation in this country are the  
 19 charitable trusts which hold the property of most of our  
 20 congregations", and he saw this as a weakness.  
 21 In conclusion as to the reasons, we agree with  
 22 Adrian Child when he said that he didn't see any value  
 23 in tinkering around the edges. Three strikes is too  
 24 many. This is the third opportunity to get it right.  
 25 It cannot be left to the EBC or the Catholic Church.

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<p>1 You heard me outline my recommendations earlier.                  2 Given the time, I am not going to go through them in                  3 detail, but I shall put them in writing and you will see                  4 what we say and have particular regard, I hope, to the                  5 Australian Commission's report which came out today.                  6 Ma'am, thank you.                  7 THE CHAIR: Thank you, Mr Chapman.                  8 MS KARMY-JONES: Chair and panel members, I wonder if you                  9 would like to take your morning break as it is now                  10 11.30, and return for the closing submissions of                  11 Mr Ruck Keene thereafter?                  12 THE CHAIR: Yes. We will return at 11.45 am. Thank you.                  13 (11.28 am)                  14 (A short break)                  15 (11.47 am)                  16 THE CHAIR: Mr Ruck Keene?                  17 Closing statement by MR RUCK KEENE                  18 MR RUCK KEENE: Chair, members of the panel, you need no                  19 reminder of the purpose of this inquiry. I would only                  20 emphasise that your task is to ensure that in future                  21 children receive protection from sexual abuse, in                  22 particular in circumstances where institutions have                  23 failed in the past to protect them.                  24 In light of your terms of reference, in my                  25 submission, you must take this opportunity, having heard</p> <p style="text-align: center;">Page 61</p>	<p>1 that inquiry, in particular investigating abuses at                  2 Fort Augustus. Those I represent are currently                  3 struggling to be heard at that inquiry. In my                  4 submission, the evidence you have seen shows how                  5 important it is that there is a full and fearless                  6 investigation of what has happened at all of the EBC                  7 monastic schools.                  8 Secondly, I would also urge the panel, in light of                  9 the last three weeks, to take the opportunity to                  10 identify what should the key areas of investigation be                  11 for the case study to come into Ealing. How can we                  12 learn from these three weeks and make that hearing more                  13 effective? This will enable, for example, targeted                  14 requests for disclosure and the avoidance of some of                  15 the problems of this hearing with overextensive and/or                  16 late disclosure and may also indicate requiring thinking                  17 about possible additional witness and expert evidence.                  18 Similarly, in light of this hearing, the panel will                  19 be better placed to shape its forthcoming hearings into                  20 residential schools.                  21 Lastly, it is worth reminding the panel that the                  22 Catholic Church in England as a whole is being looked at                  23 in part through these case studies into the EBC abbeys.                  24 This inquiry must seek to make recommendations falling                  25 out of identifiable, broader institutional failings and</p> <p style="text-align: center;">Page 63</p>
<p>1 and considered the very extensive evidence before you,                  2 to draw conclusions on two key matters: firstly, the                  3 causes and the extent of the past failings of EBC                  4 monastic schools to protect the children entrusted to                  5 their care; secondly, how far those underlying causes                  6 have now in fact been addressed. By "addressed", I mean                  7 not only recognised and understood, but also whether                  8 concrete, practical action has in fact been taken to                  9 prevent as far as is possible future abuse against                  10 children in those schools and against visitors under 18                  11 who visit those monastic communities.                  12 I would also like to remind the panel of the wider                  13 context for your inquiry. You are directed to liaise                  14 with ongoing inquiries, including those currently being                  15 conducted in Northern Ireland and Scotland, with a view                  16 to ensuring that relevant information is shared. In our                  17 submission, it is clearly likely that there will have                  18 been many similarities between what happened at                  19 Fort Augustus and what has happened at Ampleforth and                  20 Downside Abbeys which will have both enabled the abuse                  21 at Fort Augustus to happen and then to continue                  22 undiscovered.                  23 I would urge the panel to pass the Scottish inquiry,                  24 as soon as it can, any interim conclusions it is able to                  25 reach and indications as to key areas for exploration at</p> <p style="text-align: center;">Page 62</p>	<p>1 weaknesses within the Catholic Church in England, if you                  2 consider that they may have contributed to the extent                  3 and the duration of abuse within the EBC abbeys and                  4 which may also, therefore, have contributed to abuse                  5 within the wider parish and Catholic organisations.                  6 I would now like to move on to what in my submission                  7 appears to have gone wrong. There are three questions                  8 which are only too obvious. Firstly, how and why did                  9 abuse happen? Secondly, how and why was abuse able to                  10 continue, and, in particular, why were external agencies                  11 insufficiently involved? Thirdly, how and why was the                  12 institutional response on the part of the abbeys                  13 inadequate to prevent the occurrence and repetition of                  14 abuse, as well as to enable an appropriate investigation                  15 of that abuse?                  16 There are many factors that have gone wrong, many of                  17 which have been alluded to by my learned friends already                  18 and will doubtless feature in written submissions, so                  19 I will only highlight what we identify are the key                  20 causes.                  21 Firstly, there does appear to have been something                  22 inherent in the very nature of the EBC's monasteries and                  23 schools that contributed to and even enabled the scale                  24 and extent of the abuse you have had described to you.                  25 In particular, the position of the abbots. The</p> <p style="text-align: center;">Page 64</p>



<p>1 conflicts of interest and potential conflicts of                  2 interest between abbots of abbeys with associated                  3 schools, between their spiritual and practical position                  4 as head of their monastic community, and the position as                  5 individuals with, at the very least, ultimate, if not,                  6 very often, much more immediate responsibilities for                  7 ensuring safeguarding of children entering into                  8 monasteries and the schools. One quote suffices, that                  9 of Andrew Hobbs. He referred to the very real conflict                  10 of interest which exists:                  11 "It would be similar to the headmaster presiding                  12 over a serious disciplinary decision involving his own                  13 child."                  14 The potential for that conflict of interest to have                  15 a very real effect on safeguarding decisions and actions                  16 was and is compounded by abbots having too much                  17 unchallenged power. It is clear that too much of both                  18 the overall tone and specific day-to-day practical                  19 content of the approach of individual abbeys and schools                  20 to safeguarding were determined by individual abbot's                  21 priorities and concerns. You see this overwhelmingly in                  22 the attitude of Abbot Timothy at Ampleforth.                  23 When added to the ingrained deference, according to                  24 the monastic members of the school's staff, by the lay,                  25 both staff and parents, these were genuinely unstable</p> <p style="text-align: center;">Page 65</p>	<p>1 many monks, and in particular too many in key                  2 decision-making positions, appear to have had no real                  3 idea of justice towards victims of abuse and no real                  4 interest in investigating the full extent of what had                  5 happened and then to support the victims.                  6 Secondly, I would note the past and continued                  7 institutional weaknesses of the EBC itself as                  8 a religious order; the lack of central direction; the                  9 lack of central record keeping; and active investigation                  10 and management of abusive monks, even when the                  11 Abbot President had been informed of particular concerns                  12 about individuals. All appear to have contributed to                  13 the erratic and inconsistent record of individual abbeys                  14 at understanding and implementing what were meant to be                  15 national safeguarding policies. The visitation process                  16 was, and is, an inadequately rigorous and independent                  17 substitute for a genuinely independent inspection.                  18 COPCA and CSAS appear, as well as the local                  19 safeguarding teams in the dioceses, to have been                  20 under-resourced and given no powers of anything more                  21 than moral coercion. They operated, and operate, within                  22 a culture of Episcopal disinterest as to what happened                  23 within the religious communities, even where they were                  24 ones that supplied parish priests.                  25 Fourthly, the statutory authorities were shut out or</p> <p style="text-align: center;">Page 67</p>
<p>1 and feeble foundations on which to attempt to build any                  2 kind of rigorous and genuine institutional change                  3 towards prioritising child protection.                  4 Very sadly, there appears to be what Mark White                  5 described to you as a culture of acceptance surrounding                  6 child abuse. There was, of course, a spectrum at                  7 different times within and between different generations                  8 within the communities and within and between the                  9 different EBC abbeys. But at the very least, there was                  10 a widespread, naive ignorance about child sexual abuse                  11 and about its impact on its victims.                  12 There was a lack of awareness of the likelihood of                  13 repeat offending and of the ability of offenders to                  14 manipulate, to evade and to escape any restrictions that                  15 were placed on them.                  16 However, we have also seen evidence of everything                  17 from toleration of eccentricity, of a refusal to accept                  18 the reality of the sin of fellow consecrated priests, to                  19 wilful blindness and, even worse, active attempts to put                  20 keeping abusers within their home community and                  21 preserving the fellowship of the community over the                  22 interests of past and possible future victims.                  23 As Abbot Charles accepted, recognising that fellow                  24 family members had committed offences involving children                  25 was a very difficult realisation to grapple with. Too</p> <p style="text-align: center;">Page 66</p>	<p>1 marginalised. We don't argue that social services or                  2 the police always get it right. But the collective                  3 weight of institutional memory, professional training                  4 and experience must be assumed to give the statutory                  5 authorities the necessary insight and ability to make                  6 safeguarding decisions better than any amateur, however                  7 well intentioned.                  8 The religious communities too often did not ask                  9 external authorities for assistance or ask sufficiently                  10 early or ask with the intention of actually listening.                  11 There appears to have been a potentially understandable,                  12 although preventable, cultural clash between some of                  13 the communities and key figures and police and                  14 social services, a clash of priorities, of world views                  15 and, being England, of class and education. That clash                  16 and misunderstanding could have been avoided by improved                  17 mutual understanding, knowledge and respect. There were                  18 perhaps errors on both sides, but there does seem to be                  19 a real absence in communities where many monks just did                  20 not understand the very basis of what the statutory                  21 authorities were trying to do.                  22 Lastly, I would remind the panel of what Abbot Leo                  23 said:                  24 "Monks, and especially monks who are priests, could                  25 and can be seen as figures beyond reproach. An</p> <p style="text-align: center;">Page 68</p>

<p>1 allegation against a monk might be rapidly dismissed by                  2 pious Catholics. As in other contexts, charismatic                  3 figures are also especially hard to challenge and will                  4 be powerfully defended by their admirers."                  5 It is extremely hard for any outsider to appreciate                  6 fully the insular world of the English Catholic public                  7 school. It is old boys, it is parents, the interweaving                  8 of family, educational and social networks. There is an                  9 inward-looking loyalty born in part out of                  10 the historical legacy of being a religious minority. It                  11 seems to have only discouraged people from challenging                  12 the abusers and encouraged those who did not want to                  13 rock the boat.                  14 I now move on briefly to what needs to be done for                  15 the future. At the Holy See or national level, there                  16 needs to be clear church legislation. As noted by                  17 Abbot Cuthbert, the Bishops' Conference could have                  18 legislated on safeguarding matters and such legislation                  19 would have covered the religious, but has not done so.                  20 This could help address the lack of accountability for                  21 abbots as well as for bishops. In particular, it would                  22 address the degree to which abbots have the freedom to                  23 opt in and out of supposedly national policies and                  24 procedures, depending on their private whim or                  25 preference, with no external accountability.</p> <p style="text-align: center;">Page 69</p>	<p>1 victims may need compensation in particular to assist                  2 with paying for counselling. Looking at the                  3 inconsistent track record of abbeys at providing                  4 redress, as well as the variation in size and,                  5 presumably, resources between abbeys and the number of                  6 abbeys that have, and may, shut in the future, it is                  7 clear that provision of adequate victim support and                  8 redress cannot be left to individual abbeys. Victims of                  9 EBC abusers do not seem to have had the same support as                  10 those from other monastic orders -- abusers from other                  11 monastic orders. The UN Commission is clear on the                  12 requirement for adequate redress and further details                  13 need to be given on the fund for Fort Augustus                  14 survivors.                  15 Fourthly, there is a requirement for an alternative                  16 monastic enclosure for monks who, due to their ongoing                  17 risk, cannot be housed in abbeys with associated                  18 schools. This seems to be a provision that is best                  19 enabled at the EBC level. If a monk is too great a risk                  20 to be at a particular monastery because of the school                  21 there, then they have to be moved, but if they still                  22 wish to be inside a community, we understand that that                  23 places a very difficult decision for the communities, so                  24 there needs to be an alternative -- again, a suggestion                  25 from Dr Whitehead, not myself.</p> <p style="text-align: center;">Page 71</p>
<p>1 Structurally, there appear to be various ongoing                  2 issues within the Catholic safeguarding services with                  3 a lack of resources, a lack of skilled personnel and                  4 a variation in approach between the dioceses. There is                  5 a need for a properly resourced and staffed national                  6 Catholic safeguarding organisation who needs to have an                  7 investigative and management mission beyond what in                  8 reality is currently a very limited advisory and                  9 encouraging role.                  10 At the EBC level, we propose that the                  11 General Chapter should be strongly encouraged to adopt                  12 the following measures:                  13 Firstly, for visitations to include representatives                  14 of external safeguarding agencies and for visitations to                  15 have specific safeguarding metrics and agenda.                  16 Secondly, for there to be a central register of EBC                  17 monks including records of all safeguarding concerns.                  18 This would be enabled by a mandatory requirement for                  19 abbeys to report all safeguarding concerns to the EBC.                  20 Thirdly, there needs to be central management and                  21 provision of the victim support at the level of the EBC.                  22 There needs to be human contact, apology, a recognition                  23 of their truthfulness, an assurance that steps are put                  24 in place to ensure that children will not suffer in                  25 future -- not my words, but those of Abbot Richard. And</p> <p style="text-align: center;">Page 70</p>	<p>1 Fifthly, with respect to internal monastic                  2 structures, if monasteries choose to have schools on the                  3 same site, then they have to accept they need                  4 safeguarding structures as if they were themselves                  5 a school. Even more so if they have hospitality with                  6 under 18 visitors. Abbot's council should be empowered                  7 to hold abbots to account for ensuring safeguarding is                  8 implemented. Abbots should be required to have the                  9 consent of their council for key safeguarding decisions,                  10 for example, over laicization or whether monks should                  11 remain at a community under a covenant of care or sent                  12 away. It is clear there must be ongoing education of                  13 the communities regarding abuse, its causes and above                  14 all its significance and the impact on victims and how                  15 it can be prevented. This is the only way by which                  16 safeguarding and real genuine cultural change can be                  17 effected. Part of that is necessarily meaningful                  18 engagement with survivors.                  19 With respect to the statutory authorities, there                  20 does need to be clear and enforceable guidance about the                  21 roles and responsibilities of the local authority versus                  22 the police and the various Catholic safeguarding teams.                  23 There should be a comprehensive review at the EBC level                  24 of all monks currently resident at monasteries against                  25 whom allegations have been made.</p> <p style="text-align: center;">Page 72</p>

1 In conclusion, we are not here talking about  
2 recommendations about how the monastic communities  
3 should organise themselves. But these communities have  
4 chosen, as part of their vocation, to have schools and  
5 to have hospitality for under 18s. That choice brings  
6 responsibilities and burdens. The Nolan and  
7 Cumberlege Commissions were self-generated, an internal  
8 identification within the Catholic Church of much of  
9 what this inquiry has identified to have gone wrong and  
10 needing to be done. You have heard and read repeated  
11 references to the lack of leadership at the top of  
12 the Catholic Church to address these issues. This must  
13 lie at the foot of the lack of progress in the 16 years  
14 since Nolan.

15 It is unacceptable for abbots to only be answerable  
16 to God. They are indeed answerable to God, but they  
17 must also be accountable to the secular world, because  
18 they and the children they look after are in that  
19 secular world.

20 The level of safeguarding is not a one-way process  
21 of improvement. It can and may worsen once this inquiry  
22 is over and the spotlight has moved on. The long-term  
23 meaningful implementation of safeguarding cannot depend  
24 on the integrity and ability solely of individuals in  
25 particular posts at a particular time. You must make

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1 recommendations that will embed safeguarding in 10, 20,  
2 50 years' time as part of the DNA of these institutions.

3 Ultimately, what are the proposed requirements?  
4 They boil down to: do not abuse; report; monitor and  
5 assess risk. None of those is incompatible with living  
6 in the monastic community with the Rule of St Benedict  
7 or of professing the religious life. What is key is  
8 that even by the standards of the day, what was done was  
9 wrong, and there was a failure to investigate and  
10 prevent abuse happening again. It is not just that the  
11 full modern panoply of policies and procedures were not  
12 there, but that the overall culture and priorities were  
13 wrong.

14 The monks who abused these children were in loco  
15 parentis. The victims were young and sexually innocent.  
16 But perhaps worst of all, the monks betrayed their  
17 spiritual position and authority. The victims were  
18 abused by those whom they had been brought up to see as  
19 God's representatives on earth. The depth and the  
20 significance of this betrayal is why you must act.

21 I will end on the words of one of my core  
22 participants, G1, who was abused at Fort Augustus and  
23 elsewhere by Catholic priests. Well, the abuse he  
24 suffered was in an EBC school that is not one of those  
25 you are investigating. His experience is one that was

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1 shared by too many children. He said:  
2 "I had my childhood destroyed, my future taken away.  
3 A social leper for stating one has suffered abuse.  
4 Financial oblivion and utter despair is what one exists  
5 with. An ever-present deep fear of what lies in night's  
6 darkness. The footfall of the priest, their breathing,  
7 requesting you come to their room. How you must obey  
8 them or offend God. We are not, I am not, collateral  
9 damage. Being a survivor is no badge of honour, it is  
10 living hell."

11 These victims need redress and they must be assured  
12 that what happened to them will not happen again. Thank  
13 you.

14 THE CHAIR: Thank you, Mr Ruck Keene. Mr Kelly?  
15 Closing statement by MR KELLY

16 MR KELLY: Thank you, chair, members of the panel.  
17 We will be making fuller written submissions to the  
18 inquiry when we have had an opportunity to fully  
19 consider the disclosure to date. These oral submissions  
20 at this stage are intended to identify some issues at  
21 the earliest stage.

22 We repeat our apology in full, which was delivered  
23 by me on behalf of Ampleforth on the first day of this  
24 hearing on 27 November 2017, and to acknowledge the  
25 courage of those who came to the inquiry to give oral

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1 evidence as we do to those who have contributed to the  
2 Truth Project and the victims' and survivors' forum.

3 The evidence heard by the inquiry and in the  
4 documents submitted since show that, since 1997, the  
5 college and the junior school at Ampleforth had been run  
6 by a separate educational trust, the St Laurence  
7 Education Trust. Since 2010, that trust has a majority  
8 of lay trustees, has always been chaired by a deputy  
9 chair, who is a layperson, and, whenever safeguarding  
10 issues were discussed, that deputy lay chair took the  
11 chair of the trust. Since this year, 2017, the  
12 St Laurence Education Trust not only has a majority of  
13 lay trustees, but it also has a lay chair, Claire Smith.

14 It is the St Laurence Education Trust, not the  
15 abbey, which runs the school. That is intended to be  
16 a permanent arrangement. Ampleforth took the decision  
17 in 1997 to separate the school effectively from the  
18 Abbey Trust and has been working ever since to solidify  
19 that aim. That has continued to be the position, and  
20 will continue to be the position as it is now embedded  
21 in its constitution. The combined effects of  
22 the changes to the composition of the trust has been its  
23 composition has altered from that of an entirely  
24 monastic trusteeship to one which is now one-third  
25 monastic and two-thirds lay, creating an open structure

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<p>1 which is accountable to external lay people.                  2 The evidence before the tribunal demonstrates that                  3 this was an important reform in emphasising the fact                  4 that the Abbey Trust does not control the school, but,                  5 rather, instead, seeks to work in close partnership with                  6 lay people to ensure that the school retains its                  7 Benedictine ethos and culture.                  8 The abbey's sole function in relation to the school                  9 is to ensure that the children receive an education                  10 which embodies the values and principles of the Roman                  11 Catholic Church and the Rule of St Benedict. The                  12 abbey's influence is solely focused upon the religious                  13 backdrop to the education provided by the school, which                  14 of course -- and you must bear this in mind -- is the                  15 main reason why so many parents decide to send their                  16 children to Ampleforth. We and the parents wish for                  17 that to be maintained.                  18 Ampleforth recognises that things have gone wrong in                  19 the past and is deeply sorry for those failings.                  20 2005/2006 was a watershed at Ampleforth. It coincided                  21 with the election of a new abbot, Father Cuthbert                  22 Madden, but in the period prior to his election, there                  23 were already signs of change at Ampleforth. For                  24 example, in 1995, the then abbot, Father Patrick Barry                  25 and the then headmaster of the college, Father Leo</p> <p style="text-align: center;">Page 77</p>	<p>1 a process to change the way in which safeguarding                  2 operated at Ampleforth.                  3 Evidence of that change of approach can be seen in                  4 the record of the closing meeting of Operation Ellipse,                  5 where the police are recorded as noting a changed                  6 relationship with Ampleforth. That was April 2006, and                  7 the reference is AAT000073_001.                  8 By 27 June 2007, it was clear that an open culture                  9 had developed with social services, and that was                  10 recognised by David Molesworth and recorded in the                  11 document AAT000857. By 8 November 2007, the                  12 Safeguarding Commission had been established. By 2010,                  13 the St Laurence Education Trust, which had been set up                  14 in 1997, was reconstituted with the formerly advisory                  15 body becoming trustees of SLET. In the same year, the                  16 junior school was brought under the control of SLET. In                  17 that same year, 2010, the SLET trusteeship had a clear                  18 lay majority: one-third were monastic, two-thirds were                  19 lay. In addition, a SLET trustee was appointed as                  20 a member of the Safeguarding Commission. By earlier                  21 this year, the first lay chair of SLET assumed office.                  22 These are significant and substantial changes which                  23 Ampleforth have made not only to its structure and                  24 organisation, but to engender a true separation from the                  25 Abbey Trust and the school. That separation can be</p> <p style="text-align: center;">Page 79</p>
<p>1 Chamberlain, referred an allegation of child sexual                  2 abuse perpetrated by Father Bernard Green to                  3 North Yorkshire Police and social services. The                  4 evidence of that is documented at AAT000704.                  5 During the tenure of Abbot Timothy Wright,                  6 particularly following the publication of the reports of                  7 Lord Nolan in both April 2001 and September 2001,                  8 Father Gregory Carroll and Father Piers Grant Ferris                  9 were recalled from parishes in 2002 and 1998                  10 respectively. Whilst Father Carroll was returned to                  11 Ampleforth, he was not housed in the abbey nor in close                  12 proximity to the school. He in fact was housed in                  13 a property a considerable distance away from both                  14 institutions. Father Piers Grant Ferris was not housed                  15 at Ampleforth at all, but rather at a monastery in an                  16 entirely different region, where he was closely                  17 monitored by other monks.                  18 In addition, Father Timothy Wright did in fact seek                  19 external assistance from experts and commissioned both                  20 Dr Elizabeth Mann and her daughter, Dr Ruth Mann, and                  21 subsequently Dr Susie Sheldrake to provide help and                  22 assistance. Those in fact led to the revelation of                  23 wrongdoing which ultimately led to what the police                  24 investigation was, culminating in Operation Ellipse.                  25 Now, upon his election as abbot, Father Madden began</p> <p style="text-align: center;">Page 78</p>	<p>1 dated back to the establishment of SLET as a separate                  2 trust controlling the educational functions of                  3 the Benedictines at Ampleforth.                  4 Further changes are evident in the way in which                  5 Ampleforth operates if one looks at the evidence                  6 submitted in the statement of Father Wulstan Peterburs                  7 which demonstrates dramatic changes in the composition                  8 of the teaching staff at Ampleforth. Today there are                  9 12 monks teaching. There are, however, 94 lay teachers.                  10 Of that 94, 46 are female. In short, 11 per cent of                  11 teachers are monks, 43 per cent are female. That                  12 contrasts with the position in 1989, for example, where                  13 29 per cent of the teachers were monks and 8 per cent                  14 were female. In addition, all housemasters and                  15 housemistresses of Ampleforth are lay people and the                  16 majority of the school's senior management are lay and                  17 does in fact include a significant proportion of staff                  18 who are not Catholic.                  19 That changed approach of Ampleforth can be found in                  20 the comments of Adrian Child in his evidence the day                  21 before yesterday, 13 December. He said:                  22 "Then Nolan came along and you could see a shift in                  23 Ampleforth at that time, that they were -- as I said                  24 before -- they were seeking advice but possibly not from                  25 the right people, and wanting to be introducing,</p> <p style="text-align: center;">Page 80</p>

<p>1 I think, safeguarding."                  2 He went on to add:                  3 "Post Cumberlege, there was a more marked shift,                  4 both nationally and at Ampleforth, and that was partly                  5 to do with Cuthbert Madden, partly to do with the                  6 message of Cumberlege, and partly, more recently since                  7 2012 or whenever it was ..."                  8 In fact, it was 2013:                  9 "... having the safeguarding coordinator that has                  10 a professional understanding of safeguarding."                  11 We make the point that changes, whilst driven by the                  12 current abbot, are intended to be irreversible.                  13 Ampleforth recognise that they have to be judged                  14 objectively and by external bodies, that a culture of                  15 safeguarding has to be not only in place but also                  16 operated on the ground. Ampleforth has made significant                  17 strides in improving its approach and is determined to                  18 continue to do so. Evidence of that can be seen in the                  19 fact that last year it commissioned its own independent                  20 external review conducted by Professor Sue Proctor, who,                  21 having examined Ampleforth's safeguarding practices and                  22 procedures, found them to meet current standards and                  23 made some additional suggestions, all of which                  24 Ampleforth intend to implement, including appointing                  25 a director of governance and safeguarding. The school</p> <p style="text-align: center;">Page 81</p>	<p>1 a process we have already begun and wish to develop                  2 further.                  3 We also believe that it is right to continue to                  4 develop policies, practices and procedures and to                  5 entrench a culture of safeguarding in all schools.                  6 Without taking the policy decisions and putting in place                  7 the appropriate procedures and practices, the                  8 establishment of such a safeguarding culture becomes, in                  9 our view, difficult. Such a step is a very necessary                  10 first step.                  11 Ampleforth also believe there is a need ten years on                  12 from the Cumberlege Commission and 16 years on from                  13 Nolan for a thorough review of the safeguarding                  14 practices and procedures of the Catholic Church. In our                  15 view, among other reforms, a body such as CSAS will need                  16 to be better resourced and have a greater national reach                  17 to deliver the objectives of Nolan and Cumberlege.                  18 Ampleforth have welcomed the opportunity to engage                  19 with you, this inquiry, and look forward to learning                  20 what lessons can be drawn from what the inquiry                  21 discovers, since it will be in a position to compare and                  22 contrast, amongst other things, different schools and                  23 institutions.                  24 Might I finish by saying this: Mr Stein this morning                  25 in a submission he made, at page 30 of the draft</p> <p style="text-align: center;">Page 83</p>
<p>1 is now operated entirely separately from the Abbey Trust                  2 and that position, we say, is irreversible. When you                  3 come to consider it, I would urge you to look closely at                  4 what Professor Proctor has said.                  5 Ampleforth intend, as I said, to submit full written                  6 submissions when all of the disclosure has been examined                  7 and also probably when all the relevant evidence in this                  8 case study and strand have been heard so that                  9 a comprehensive contribution can be made to assist the                  10 inquiry address the issues which it is mandated to                  11 address.                  12 Ampleforth endorses the idea of mandatory reporting                  13 of allegations of child abuse to the statutory                  14 authorities, that, of course, being the practice along                  15 the lines which Ampleforth already adopts.                  16 We fully support and embrace the engagement by the                  17 church with the victims of child abuse. We also believe                  18 that a more general introduction of the "Hurt by Abuse"                  19 pilot project run by the diocese of Hallam in 2014 is                  20 well worth exploring. This is a project which attempts                  21 to bridge the gap between the notification of abuse to                  22 the statutory authorities and the conclusion of those                  23 investigations.                  24 We also believe that there should be more engagement                  25 with, and support for, survivors of abuse. It is</p> <p style="text-align: center;">Page 82</p>	<p>1 transcript, went on to outline to you or headline to you                  2 how he was proposing to demonstrate how Cuthbert Madden                  3 had failed to deal with the issue. He then, of course,                  4 went on in succeeding passages to in fact point to                  5 evidence which related to Abbot Timothy Wright. That                  6 could hardly be described as a rigorous or indeed                  7 a logical approach.                  8 He later then made the point that, in relation to                  9 Cuthbert Madden, he had made a request, as he put it, to                  10 the Department of Education for monks to remain on site                  11 and was making the point that that was not approved. In                  12 fact, that decision to have them on site was, as the                  13 panel know, and as the evidence bears out, supported by                  14 the police and the statutory authorities at all relevant                  15 times. Cuthbert Madden's reason for having them there                  16 was out of a concern, which again is documented in the                  17 evidence, to protect children in the wider community                  18 because he believed he could be better managed on the                  19 site.                  20 What I would say to you in conclusion is simply                  21 this: I have no doubt, when you come to consider the                  22 submissions and the evidence, that you will bear in mind                  23 that bluster is not a substitute for evidence, logic nor                  24 analysis. Thank you.                  25 THE CHAIR: Thank you, Mr Kelly. Ms Gallafent?</p> <p style="text-align: center;">Page 84</p>

1 Closing statement by MS GALLAFENT  
 2 MS GALLAFENT: I'm grateful. Chair, members of the panel,  
 3 good afternoon.  
 4 As the inquiry knows, I represent several  
 5 institutions in this case study but for the purpose of  
 6 these submissions I will focus primarily on Downside  
 7 Abbey and School.  
 8 In his closing comments to the inquiry, the current  
 9 prior administrator, Dom Leo Maidlow Davis, thanked the  
 10 victims and survivors from Downside who had spoken and  
 11 said that what he and his community in particular needed  
 12 to do is to "listen to them with the ear of the heart".  
 13 That phrase comes from the opening of the prologue to  
 14 the Rule of St Benedict. It was the most apt of phrases  
 15 in this context and reflected the depth and sincerity  
 16 with which members of Downside have approached this case  
 17 study and their willingness to learn from it.  
 18 Dom Leo also described the process of this case  
 19 study as being informative and challenging. Perhaps one  
 20 of the key pieces of information that has come out of  
 21 the process is that the inquiry has identified that  
 22 during the last 65 years or so there have been  
 23 allegations of child sexual abuse as defined by the  
 24 inquiry made against 12 monks at Downside Abbey, 12 lay  
 25 teachers and three lay members of staff. These resulted

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1 in the convictions of two monks and one lay member of  
 2 staff and the cautioning of one monk.  
 3 Those statistics are, of course, shameful and  
 4 members of Downside Abbey and representatives from  
 5 Downside School have unequivocally apologised to all  
 6 victims and survivors of child sexual abuse perpetrated  
 7 by those associated with Downside.  
 8 But it is important to look beyond those figures for  
 9 two reasons. First, because the children who suffered  
 10 in such a terrible way must be remembered and treated as  
 11 individuals, not simply statistics. Downside recognises  
 12 and regrets that it has not done enough in the past to  
 13 support and assist the victims and survivors. It  
 14 repeats its invitation made in my opening to any victim  
 15 or survivor to contact the abbey, the school or the  
 16 Abbot President in order that appropriate support and  
 17 assistance may now be provided.  
 18 The second reason is that the statistics in  
 19 themselves don't show the significant improvement in  
 20 safeguarding at Downside in recent years. The inquiry  
 21 of course heard from Liam Ring, the current safeguarding  
 22 coordinator for the Clifton diocese with which Downside  
 23 is aligned. He is an experienced child protection  
 24 police officer.  
 25 As he put it, Downside School is now ahead of

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1 the game in some respects in relation to their  
 2 safeguarding, and their risk assessment frameworks and  
 3 other aspects of their approach to safeguarding would be  
 4 the envy of some other schools.  
 5 So far as the abbey is concerned, on the other hand,  
 6 both Mr Ring and his predecessor described a sense of  
 7 inertia. However, it is important to understand what he  
 8 meant by that. He explained that he felt that it arose  
 9 from the fact that a church setting may not provide  
 10 people with the same history or background, which is the  
 11 background that he had as a professional person steeped  
 12 in safeguarding. As a result, he felt that the people  
 13 in the church setting were, as he put it, more  
 14 reflective about taking actions or taking advice.  
 15 He also rightly recognised, we say, that part of  
 16 the reason was that the management of alleged  
 17 perpetrators is very difficult, and that difficulty in  
 18 the church environment mirrors that, as he pointed out,  
 19 in the secular society.  
 20 Again, as Mr Ring put it, Downside Abbey needs to be  
 21 better still. In order to do that, he identified the  
 22 need for training and he referred to the fact that he  
 23 had recently completed a day's training with all the  
 24 monks at Downside, which he said was well received and  
 25 had a good input. He also felt that to be better still,

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1 training and safeguarding needs to become an everyday  
 2 part of business. The inquiry heard from Dom Leo that  
 3 the monks at Downside have been receiving briefings  
 4 every night at Chapter on what's been happening at this  
 5 inquiry and it is Dom Leo's intention that the issue of  
 6 safeguarding continues to be raised in the same way on  
 7 a regular basis following the conclusion of this  
 8 hearing. He also intends to make safeguarding  
 9 a standing item on the prior's council agenda in  
 10 addition to the compliance trustee's report in order to  
 11 assist in planning for improvements as well as assessing  
 12 ongoing compliance.  
 13 None of this is to suggest in any way that Downside  
 14 Abbey or School is complacent. As the inquiry is aware,  
 15 the Social Care Institute for Excellence has been  
 16 commissioned to review and audit the abbey and school's  
 17 safeguarding procedures which process is due to commence  
 18 in the week of 5 February 2018. We will be providing  
 19 the inquiry with a copy of the report as soon as it is  
 20 available.  
 21 We will also be updating the inquiry on the review  
 22 of the governance of the school and the relationship  
 23 between the school and the abbey. That process has been  
 24 under way since June 2016. Although Dr Whitehead will  
 25 now be leaving the school, the abbey is committed to

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<p>1 ensuring that his successor is as dedicated to                  2 safeguarding as he has been, and Andrew Hobbs, who was                  3 described by Mr Ring in these proceedings as "utterly                  4 conscientious and determined to get it right in terms of                  5 safeguarding" will ensure continuity in his role as the                  6 designated safeguarding lead.</p> <p>7 Turning to the past. In our written closing                  8 statement we will be setting out details of the facts in                  9 relation to Downside as they relate to the issues which                  10 the inquiry has determined and identified in the                  11 statement of investigation for this case study.</p> <p>12 I don't intend to propose to address those at any                  13 length today in the time available, but I would like to                  14 make five general points in relation to this case study                  15 and the wider investigation into the Roman Catholic                  16 Church.</p> <p>17 First, I would reiterate the general point that                  18 I made at the preliminary hearing on 5 October and at                  19 the closing of the case study in child migration earlier                  20 this year. That is that in the absence of proper                  21 evidence, whether provided by an expert or on the basis                  22 of published and reliable research, as to the standards                  23 of the day at the time when the alleged abuse took                  24 place, we say it is impossible for this inquiry to reach                  25 any fair or proper conclusion as to whether there was</p> <p style="text-align: center;">Page 89</p>	<p>1 we request that the chair make a formal decision in                  2 a way that all core participants can understand the                  3 inquiry panel's decision and the reasons for it.</p> <p>4 Secondly, and related to my first point, we would                  5 emphasise the importance of the inquiry concentrating on                  6 the issues that it has posed for itself in the scope of                  7 the investigation in relation to this case study.</p> <p>8 A number of witnesses have given evidence on matters                  9 that go far beyond those issues. For example, in                  10 relation to their views on diocesan matters. We don't                  11 criticise the witnesses at all for that, but we simply                  12 note that the inquiry hasn't yet asked for or heard any                  13 evidence from, for example, the Bishops' Conference of                  14 England and Wales in relation to the establishment of                  15 COPCA and CSAS and support for those bodies.</p> <p>16 It would not be right, we say, for this panel to                  17 make any findings of fact, particularly in relation to                  18 suggestions such as support, moral leadership or funding                  19 in the absence of having heard from the people who can                  20 provide proper information on that point.</p> <p>21 Thirdly, whilst we recognise the importance of                  22 the inquiry in seeking to adopt a proportionate approach                  23 to the length of the hearing, it will of course be                  24 equally important for the inquiry to take into account                  25 all the relevant material that has been provided to it,</p> <p style="text-align: center;">Page 91</p>
<p>1 a failure to protect a child from sexual abuse or to                  2 respond adequately following an allegation of such.</p> <p>3 The inquiry solicitors have indicated in subsequent                  4 correspondence that in ascertaining the standards of                  5 the day, in other words, the legislative and regulatory                  6 framework as well as societal understanding and                  7 attitudes, the inquiry will have regard in particular to                  8 the Nolan and the Cumberlege Reports. We entirely                  9 accept that those reports will assist to some extent but                  10 of course only from 2001 onwards when the Nolan Report                  11 was published.</p> <p>12 The inquiry has identified allegations in relation                  13 to Downside Abbey and School going back to the 1950s.                  14 That leaves an evidential gap of some 50 years prior to                  15 Nolan. Our position is that this gives rise to a highly                  16 unsatisfactory position for all core participants and                  17 the inquiry will recall Mr Greenwood from Switalskis'                  18 position at the preliminary hearing was similar to ours                  19 in relation to this evidential gap.</p> <p>20 It cannot be in anyone's interest for the inquiry                  21 ultimately not to be able to reach fair and reasoned                  22 conclusions on whether particular institutes failed in                  23 their duty of care in respect of children for the                  24 majority of the time covered by this case study.</p> <p>25 We would urge the inquiry to consider this issue and</p> <p style="text-align: center;">Page 90</p>	<p>1 both in the form of witness statements and disclosure,                  2 not of course just that which was read out or said in                  3 the course of the last three weeks. In our written                  4 closing statement, we will endeavour to ensure that all                  5 such material is identified.</p> <p>6 Without a proper analysis of that material, we say                  7 there is a risk that the inquiry might take some of                  8 the more hyperbolic assertions or suggestions by some of                  9 the witnesses at face value without testing the reality                  10 of the situation. We have in mind, for example, the                  11 letters written by Dom Aidan to Dom Leo which Dom Aidan                  12 explained were written at a time when he was upset and                  13 angry and Dom Leo recognised represented a somewhat                  14 emotional assessment of Dom Aidan's feelings at a time                  15 when he was struggling over his decision whether to stay                  16 or leave the community after many years.</p> <p>17 In particular, Dom Aidan never intended to suggest                  18 that there had been any active attempts to cover up                  19 abuse, as he told the inquiry.</p> <p>20 The inquiry must reach its own views based on the                  21 conduct of previous abbots and other individuals based                  22 on the full information available to it rather than                  23 place undue reliance on letters written in such                  24 difficult circumstances.</p> <p>25 Fourthly, we are conscious that a number of</p> <p style="text-align: center;">Page 92</p>

<p>1 witnesses have been asked for their views on doctrinal                  2 matters such as the sacrament of confession in the                  3 context of questioning about mandatory reporting. We                  4 hope that their views have assisted the inquiry in this                  5 respect, of course, but we do submit it wouldn't be                  6 appropriate to reach any conclusions on this point                  7 without having heard from other senior members of                  8 the Catholic Church and other interested parties.                  9 Similarly, the English Benedictine Congregation                  10 would welcome the opportunity to assist the inquiry                  11 further before any recommendations are made in relation                  12 to the EBC.                  13 As the evidence of Dom Richard made clear, there is                  14 a number of features of the constitution of the EBC and                  15 its constituent abbeys which may be highly relevant to                  16 the nature of any recommendations to be made and upon                  17 which we recognise the inquiry may understandably still                  18 not be wholly familiar.                  19 As the inquiry is also aware and as Mr Enright                  20 pointed out at the preliminary hearing in June of this                  21 year, the EBC is in many ways not representative of                  22 other Catholic religious orders in England and Wales                  23 and, accordingly, the extent to which findings in                  24 relation to the EBC could properly be extrapolated out                  25 to other religious orders or the Catholic Church more</p> <p style="text-align: center;">Page 93</p>	<p>1 THE CHAIR: Thank you, Ms Gallafent. Mr Payne?                  2 Closing statement by MR PAYNE                  3 MR PAYNE: Thank you, chair, panel. I represent the Chief                  4 Constable of North Yorkshire Police. The inquiry has                  5 heard from some others who were subjected to terrible                  6 abuse while studying at Ampleforth. The victims who                  7 have given evidence have shown extraordinary courage and                  8 dignity in the way they have come forward and given                  9 their accounts. Their evidence has served to illustrate                  10 in stark terms the overriding need to protect children                  11 from the conduct of predatory adults who seek to take                  12 advantage of their vulnerability. The chief constable                  13 wishes to express his deepest sympathies to those                  14 victims, some of whom have had to wait many years to                  15 have the actions of their abusers brought to public                  16 scrutiny.                  17 It is hoped that the inquiry, by exploring and                  18 exposing the failures in the systems that should have                  19 protected them better, has provided some measure of                  20 comfort to those who were abused.                  21 This inquiry was set up to identify ways of                  22 improving the safeguarding systems that protect our                  23 children today and in the future. To achieve this task,                  24 the inquiry is investigating various historical                  25 incidents of abuse where state institutions may have let</p> <p style="text-align: center;">Page 95</p>
<p>1 widely is somewhat limited, and the EBC and the Catholic                  2 Council established for the purposes of this inquiry                  3 would welcome the opportunity to assist the inquiry on                  4 this point in particular in due course.                  5 Finally, so far as the EBC is concerned, as the                  6 inquiry is aware, we propose to make submissions on its                  7 behalf following the completion of part 2 of the case                  8 study in relation to Ealing Abbey, and possibly Worth,                  9 and their associated schools. The inquiry will then be                  10 hearing evidence from the current Abbot President when                  11 he will assist with his views on current safeguarding                  12 arrangements and future changes.                  13 It would be premature for us, at this stage, to                  14 anticipate that evidence. He will be providing an                  15 overview in relation to each of the three or four abbeys                  16 from which the inquiry will have heard by that time.                  17 However, at this point I can say this on his behalf: he                  18 has attended every day of this hearing and listened to                  19 all the evidence and is wholly committed to maintaining                  20 the momentum of self-assessment and reflection that this                  21 hearing has generated within the EBC. He looks forward                  22 to sharing his views and developments with you in due                  23 course.                  24 Thank you for allowing us the opportunity to make                  25 this short statement.</p> <p style="text-align: center;">Page 94</p>	<p>1 down children they were supposed to protect. As the                  2 terms of reference made clear, the focus of the inquiry                  3 is very much on identifying failures in the manner in                  4 which state institutions responded to situations where                  5 children had been harmed or were at risk of harm.                  6 But of course, identifying failings is only one way                  7 of understanding where improvements need to be made.                  8 Another factor, and the chief constable would say an                  9 equally relevant consideration, lies in recognising                  10 where the actions of state institutions did provide                  11 proper protection for children.                  12 Acknowledging the positives as well as the negatives                  13 is important. Inevitably, the actions of many state                  14 institutions will be subject to criticism by this                  15 inquiry. Whilst the improvements that have been put in                  16 place since the events will be recorded, the likelihood,                  17 given the nature of media reporting, is that the focus                  18 will be on the failings of the institutions. This is                  19 certainly the approach that the media has taken when                  20 reporting this module and previous modules.                  21 A constant stream of reports of failings risks                  22 undermining public confidence in the very institution                  23 that people need to be able to trust if those                  24 institutions are able to provide effective protection to                  25 the vulnerable.</p> <p style="text-align: center;">Page 96</p>



<p>1 There is no point, the chief constable says, in                  2 improving safeguarding systems if the people the systems                  3 are designed to protect are reluctant to approach those                  4 who operate the systems. It is for this reason that the                  5 chief constable says that it is important to report                  6 examples where children who have sought protection have                  7 been listened to and supported, for it is this type of                  8 information that balances out the reports of mistakes                  9 and shows that where dangers faced by children are                  10 properly understood, they can be confident in receiving                  11 compassionate and caring support and to thus encourage                  12 them to report their concerns.</p> <p>13 Turning now to the evidence heard during this                  14 three-week hearing, these short submissions will focus                  15 on how the police together with other statutory agencies                  16 responded to the disclosures in mid-2003 of                  17 the safeguarding concerns of abuse at Ampleforth and                  18 will identify a number of matters that the inquiry may                  19 wish to consider when they look at how safeguarding of                  20 children in institutions such as Ampleforth might be                  21 improved.</p> <p>22 Starting with the criminal investigation,                  23 Operation Ellipse as it was named, the inquiry has heard                  24 evidence as to the care taken by the force in organising                  25 the investigation. For example, the force sought advice</p> <p style="text-align: center;">Page 97</p>	<p>1 pose a risk to children were moved from Ampleforth                  2 School and to put in place risk management plans.</p> <p>3 The unstinting efforts made during Operation Ellipse                  4 to help victims achieve justice and to protect the                  5 pupils still at Ampleforth was acknowledged in the                  6 evidence of some of the victims and by some of                  7 the Ampleforth witnesses. More recently, the force has                  8 carried out a rigorous and unflinching review of                  9 Operation Ellipse. The review, whilst acknowledging the                  10 many positives in the original investigation, identified                  11 a number of matters which, applying the improved                  12 standards that North Yorkshire Police have since                  13 developed, would now be done differently. Once again,                  14 the officers carrying out the review left no stone                  15 unturned. They took steps to contact those who may have                  16 wished to complain of abuse back in 2004 and 2006, and                  17 they confirmed, significantly, that there was no                  18 information or intelligence which suggested that the                  19 monks or teachers who had been investigated, but not                  20 prosecuted, had committed offences since                  21 Operation Ellipse.</p> <p>22 Of perhaps greater significance to the work of                  23 the inquiry, however, is the evidence as to the swift                  24 and coordinated response by the police and other                  25 statutory bodies to the Mann disclosures. From the</p> <p style="text-align: center;">Page 99</p>
<p>1 from the National Crime Faculty as to how to set up the                  2 investigation. This advice ensured that best practice                  3 was followed. The use of HOLMES, the setting up of                  4 a major incident structure, and clear terms of reference                  5 for the investigation all helped an effective                  6 investigation.</p> <p>7 The appointment of a highly experienced senior                  8 investigating officer to run the investigation,                  9 Barry Honeysett, who gave evidence to this inquiry. He                  10 in turn was helped by a team of highly trained officers                  11 with particular experience and skill in investigating                  12 allegations of abuse. As the evidence of                  13 Barry Honeysett made clear, no aspect of the complaints                  14 of abuse was considered off limit and the investigation                  15 was carried out with zeal and determination. His                  16 evidence is borne out by the fact that, despite the                  17 inevitable evidential difficulties arising from the                  18 historic nature of the allegations, the lack of                  19 corroboration and the difficulties caused by the delay                  20 in the allegations being reported, a number of                  21 convictions were secured.</p> <p>22 Moreover, even where the CPS who reviewed all the                  23 cases that were investigated advised against                  24 a prosecution, the police took steps, working together                  25 with social services, to ensure that those considered to</p> <p style="text-align: center;">Page 98</p>	<p>1 outset, the police and social services worked well                  2 together, sharing relevant information, jointly                  3 attending meetings with Ampleforth, and correctly                  4 prioritising the need to safeguard the pupils who were                  5 still at the school.</p> <p>6 Where they encountered resistance from Ampleforth,                  7 they did not allow this to deflect them from their task.                  8 Nor, however, did they react aggressively, recognising                  9 that the best way of protecting pupils was by securing                  10 the cooperation of Ampleforth.</p> <p>11 This they sought to achieve by working with                  12 Ampleforth to get them to acknowledge the absolute                  13 priority of safeguarding children, whilst at the same                  14 time making clear the steps that would be taken if the                  15 necessary cooperation was not forthcoming.</p> <p>16 This work to change the mind-set of those in charge                  17 of Ampleforth continued in parallel to the criminal                  18 investigation. There is no doubt that by the end of                  19 Operation Ellipse this multi-agency effort had led to                  20 a greater understanding of safeguarding needs and to                  21 Ampleforth having introduced significant improvements to                  22 their safeguarding policies and practices. An                  23 illustration of just how far things have progressed can                  24 be seen from the decision by Ampleforth, which coincided                  25 with the end of Operation Ellipse, to arrange its first</p> <p style="text-align: center;">Page 100</p>

<p>1 safeguarding conference at which the police and various                  2 other agencies attended. The arranging of this                  3 conference was, to use the words of North Yorkshire's                  4 safeguarding manager David Molesworth, a real leap                  5 forwards.                  6 Since then, further progress has been made with the                  7 police and other statutory agencies assisting and                  8 working with Ampleforth to ensure it regularly updates                  9 its safeguarding policies and practices and attending                  10 Ampleforth's biannual safeguarding conferences.                  11 However, despite the many positive steps that have                  12 been achieved, there is still a great deal of work to                  13 do.                  14 This was recognised by Sue Proctor in her review of                  15 Ampleforth's safeguarding practices published                  16 in April 2017. She made a number of recommendations                  17 which the force endorsed. In particular, the force                  18 wholeheartedly agrees that there needs to be a greater                  19 structure to the safeguarding conferences with the role,                  20 purpose and remit of the conferences being clearly                  21 defined and the statutory agencies who attend given                  22 greater teeth to ensure that their recommendations are                  23 followed.                  24 Another significant issue that remains arises from                  25 the collocation of abbeys with schools and the</p> <p style="text-align: center;">Page 101</p>	<p>1 with criminal sanctions imposed for unreasonable                  2 failures to report. A feature of the evidence heard by                  3 the inquiry has been the complete lack of accountability                  4 of those who were aware of abuse or allegations of abuse                  5 and who did nothing.                  6 Another issue is whether the work undertaken by ISI                  7 will be more effective if, instead of prearranged                  8 inspections, it undertook unannounced inspections?                  9 In this regard, the inquiry will recall the evidence                  10 of A127 (sic) as to how Ampleforth was able to prepare                  11 for the inspections and pick the students who would talk                  12 to ISI. Whilst the force recognises that ISI have                  13 changed their approach to inspections, it is a matter                  14 that the inquiry may wish to consider further.                  15 Lastly, the inquiry may wish to consider whether                  16 greater efforts should be made to build on the work done                  17 by the inquiry to increase awareness, by further                  18 developing schemes that raise awareness and educate                  19 young people about inappropriate sexual behaviour and by                  20 making the avenues to report such behaviour more                  21 accessible to young people.                  22 For example, North Yorkshire and the City of York                  23 operate schemes such as "It is not Okay" and schemes                  24 reflecting a no-wrongdoer approach to reporting                  25 inappropriate behaviour, which has gone some way to</p> <p style="text-align: center;">Page 103</p>
<p>1 continuing involvement of those responsible for the                  2 abbey and the welfare of the monks with the running of                  3 schools. This undoubtedly complicates effective                  4 safeguarding. Introducing clearer boundaries between                  5 the abbeys and the schools with those responsible for                  6 the welfare of the monks having little or no involvement                  7 in the running of the schools would reduce the potential                  8 for conflicts of interest and would increase the                  9 confidence that all relevant information was being                  10 provided in a timely fashion to those operating the                  11 safeguarding policies and to the relevant statutory                  12 agencies.                  13 Other safeguarding matters which the inquiry may                  14 wish to consider include whether statutory provisions                  15 governing state schools should be extended to cover                  16 independent schools. As matters stand, there are                  17 significant lacunae. For example, independent schools                  18 are under no general legal obligation to allow agencies                  19 access to the school setting, nor to comply with the                  20 requests from public agencies to gather information on                  21 their pupils, even when the information may be relevant                  22 to assessing the level of risk faced by pupils.                  23 The inquiry may also wish to consider whether there                  24 should be a mandatory reporting law which obliges those                  25 involved in the schools to report allegations of abuse</p> <p style="text-align: center;">Page 102</p>	<p>1 achieving these objectives.                  2 In conclusion, the force is committed to developing                  3 and improving its approach to proactively protecting                  4 children from abuse and to carrying out effective and                  5 impartial investigations into allegations of abuse in                  6 a way that takes account of both the interests of                  7 victims and suspects.                  8 The force therefore welcomes any assistance the                  9 inquiry can provide in helping achieve those objectives,                  10 whether through its analysis of police investigation or                  11 any specific recommendations as to how the police can                  12 improve their input in multi-agency safeguarding. Thank                  13 you very much.                  14 THE CHAIR: Thank you, Mr Payne.                  15 I note the time, and as the next statement was going                  16 to run on, we would prefer to hear it in full following                  17 the lunchbreak, if that suits. We will return at                  18 1.45 pm.                  19 (12.48 pm)                  20 (The short adjournment)                  21 (1.47 pm)                  22 Closing statement by MS GRIFFITHS                  23 MS GRIFFITHS: Madam chair and panel, Mr King and I make                  24 these joint submissions on behalf of both Eileen Shearer                  25 and Adrian Child.</p> <p style="text-align: center;">Page 104</p>

<p>1 The task set for COPCA by the Nolan Commission from                  2 a standing start was to overcome several millennia of                  3 history, requiring institutions who are often                  4 unconnected and sometimes unknown to each other, albeit                  5 under one umbrella of the Roman Catholic Church, to work                  6 together to fulfil a common aim; to surrender their                  7 individual autonomies to external secular agencies; to                  8 look for secular bodies for support and guidance, as                  9 opposed to their religious leaders; to expend                  10 significant sums of church funds in doing so; to grapple                  11 with unwieldy structures with different systems of                  12 governance which were culturally and geographically                  13 disparate; to expect such ancient institutions to                  14 develop organisational structures commonplace in modern                  15 secular society but foreign to them. All based on                  16 a hope that goodwill would carry the day, without any                  17 procedure by which that was to be achieved or any real                  18 practical guidance.</p> <p>19 Eileen Shearer and COPCA. The size of her task and                  20 that of COPCA should not be underestimated. She had to                  21 set up her own physical working space, ensure compliance                  22 with internal regulations and procedures, including data                  23 protection and client confidentiality policies,                  24 negotiate appropriate salaries commensurate with                  25 properly skilled staff, interview and hire such staff.</p> <p style="text-align: center;">Page 105</p>	<p>1 the significant progress made by COPCA. However, they                  2 wanted to increase their independence and that was the                  3 main reason for the progression from COPCA to CSAS.                  4 Unfortunately, the practical effect of the changes made                  5 by Cumberlege achieved the opposite of what was                  6 intended. It made CSAS less independent, which                  7 seriously undermined its effectiveness. Moving it to                  8 the same physical premises as the Bishops' Conference                  9 fuelled the perception that it was a wing of the church                  10 and not an independent body. That damaged trust with                  11 victims.</p> <p>12 Adrian Child and CSAS. In July 2008, Adrian Child                  13 became the first director of CSAS and continued in that                  14 role until the spring of 2015 and has had no involvement                  15 with CSAS since the summer of that year. The role                  16 followed on from his role of director of COPCA,                  17 following Eileen Shearer's resignation in 2007. We                  18 submit that it was clear from his evidence that                  19 Adrian Child, too, possessed the determination and                  20 sincerity displayed by his former colleague and had the                  21 professionalism, courage and experience to drive forward                  22 his vision for the future as envisaged by Cumberlege.</p> <p>23 As with COPCA, the role of CSAS was an advisory one.                  24 Neither COPCA nor CSAS were responsible for individual                  25 safeguarding cases. Like COPCA, CSAS had no role in</p> <p style="text-align: center;">Page 107</p>
<p>1 She had to begin to tackle the job she was employed                  2 to do. Her first act was to recognise the need for                  3 organisational structures to ensure accountability and                  4 to draft job descriptions so everyone was aware where                  5 responsibility lay.</p> <p>6 She drafted child protection policies, publicised                  7 the work and aims of COPCA, reached out to religious                  8 organisations in the hope of engaging hearts and minds.                  9 She held conferences, offered advice and assistance and                  10 even visited every single bishop in the hope of                  11 reassuring them of the role and aims of COPCA, a role                  12 they had voluntarily accepted in principle if not in                  13 practice.</p> <p>14 When she gave evidence, we suggest she was the                  15 consummate professional: dynamic, committed and                  16 knowledgeable, and her sincerity to achieve the Nolan                  17 objectives shone through.</p> <p>18 In the evidence before the inquiry, there was almost                  19 universal praise for the work of COPCA or CSAS. The one                  20 criticism made of her was by Mr Molesworth for                  21 a perceived failure to report. His criticism was                  22 misplaced. It was based on a factual error and unfair.                  23 It was no part of COPCA's role to report to statutory                  24 authorities.</p> <p>25 Cumberlege. The Cumberlege Commission acknowledged</p> <p style="text-align: center;">Page 106</p>	<p>1 reporting to statutory authorities. That was generally                  2 the role of the safeguarding coordinator or others who                  3 were aware of concerns.</p> <p>4 It is understood it is not the function of this                  5 inquiry to celebrate progress made but to highlight and                  6 seek to eradicate deficiencies that remain. We submit,                  7 however, that it is only right and proper to pause to                  8 recognise and appreciate the progress made in what were                  9 difficult circumstances at times, and at times very                  10 difficult circumstances for the pioneers who made it                  11 happen. The likes of Eileen Shearer, Adrian Child and                  12 the COPCA/CSAS staff, Jane Dziadulewicz,                  13 Sister Raymunda Jordan, Father David Smolira and                  14 Father Cuthbert Madden, all people who valued their work                  15 and shared their values, truly believing in the                  16 Paramountcy Principle and respecting the rights of our                  17 children.</p> <p>18 But the safety of our children should not just be                  19 left to a committed few. Inevitably, there comes a time                  20 when these few must move on.</p> <p>21 Following Nolan, appropriate safeguarding structures                  22 are already in place. They just need to be implemented.                  23 That is where the problems that the inquiry has heard                  24 about have occurred.</p> <p>25 Up to now, matters have proceeded much on the basis</p> <p style="text-align: center;">Page 108</p>

<p>1 of winning over hearts and minds. The acknowledgement                  2 that a carrot is preferable to a stick because                  3 encouragement and support can take you where you want to                  4 be and keep you there. A stick means you fall back when                  5 the threat of the stick has gone. This is what is                  6 feared will happen now unless that is prevented.                  7 If the seismic effect of the Nolan Commission, the                  8 Cumberlege Commission, the Downside Inquiry in 2010,                  9 a series of scandals and prosecutions cannot drive                  10 forward the changes required, then matters need to be                  11 taken out of their hands so they cannot slip back when                  12 the dust has settled or take advantage of lax or                  13 inconsistent approaches by personnel who may come to                  14 occupy key positions in the future.                  15 We submit we have entered a new phase. The time for                  16 engaging hearts and minds has passed; a more structured                  17 response is now necessary. That can only be achieved by                  18 legislation. We submit that a system of registration                  19 similar to the model applied to registered child minders                  20 in schedule 7 of the Children and Young Persons Act                  21 2001, appropriately modified, would have the following                  22 advantage: it will remove damaging personal conflicts                  23 between individuals from safeguarding, clergy and lay                  24 professionals. The provisions will be mandatory,                  25 imposed independently of the safeguarding body. There</p> <p style="text-align: center;">Page 109</p>	<p>1 undertaken. It will ensure better collaboration locally                  2 in implementing mandatory steps necessary to achieve                  3 registration or maintain it. It will provide, in                  4 addition, for proper regard to health and safety                  5 regulations in ensuring the safety of the physical space                  6 which of course should already be in place pursuant to                  7 different legislation.                  8 But, most importantly of all, perhaps, it will                  9 provide a comprehensive support package to those in need                  10 as a fundamental part of the registration process                  11 without any determination of the status of                  12 the allegation. This will be funded by the levy and we                  13 intend to make a recommendation that that will be                  14 a condition of registration that they have                  15 a comprehensive support package.                  16 A successful safeguarding process needs all involved                  17 to engage with it. We need a system that is fair to                  18 all, and seen to be fair to all, to be a credible                  19 process, one that is open and transparent and one with                  20 which everyone will engage, safe in the knowledge that                  21 complainants will be listened to and that each party                  22 will receive a fair hearing and a professional                  23 investigation.                  24 The recommendations. In the spirit of seeking to                  25 assist the panel in its important objectives, we will</p> <p style="text-align: center;">Page 111</p>
<p>1 can be no lip service or failure to engage.                  2 It will remove the subjective assessment of risk by                  3 unqualified personnel. It will remove the risk of                  4 outdated policies or procedures being applied. It will                  5 remove the need for a preliminary inquiry following                  6 a decision by the police to NFA a matter or following                  7 a court acquittal, and therefore remove the                  8 undesirability of the 68-week and continuing                  9 second-phase investigation that we heard Cuthbert Madden                  10 was subject to.                  11 It will remove the burden on CSAS of                  12 a time-consuming review of national policies and                  13 procedures and good practice. This can be obtained from                  14 the new statutory body or modified statutory body, thus                  15 allowing the more targeted use of resources. It will                  16 reduce the burden on CSAS of ensuring consistency in                  17 approach. It will remove the need for any test of                  18 suitability.                  19 It also has the further advantages that it will be                  20 universally applicable to many, if not all,                  21 institutions, whether religious, sporting, volunteer or                  22 charitable groups.                  23 It will be self-funding by means of a levy. It will                  24 provide professional oversight of the value or otherwise                  25 of any therapies or psychological assessments</p> <p style="text-align: center;">Page 110</p>	<p>1 set out in writing suggestions which we hope the panel                  2 will regard as worthy of consideration as practicable,                  3 achievable aims in seeking to make our children safer.                  4 It is likely to be a work in progress, but                  5 Eileen Shearer and Adrian Child are willing and engaged                  6 to assist in developing their thoughts on the way                  7 forward, as the inquiry moves forward, through other                  8 studies in which they are involved.                  9 Not necessarily a matter for this, but it perhaps                  10 echoes something that we perhaps need to say moving                  11 forward: can we ask, in the interests of avoiding                  12 surprise, saving time and providing effective, informed                  13 evidence to the panel, can we please seek a direction on                  14 behalf of the core participants we represent that by                  15 31 May of next year, the inquiry disclose to us COPCA                  16 and CSAS files, including archived records of                  17 the relevant organisations being investigated                  18 in November 2018, which we understand are Birmingham,                  19 Ealing and Westminster, together with any files of named                  20 individuals from those dioceses.                  21 That will ensure -- I know it is not a matter for                  22 now, but we will be inviting the lawyers to consider                  23 that so that we can move forward and assist the panel in                  24 the best way we can in future hearings. Thank you very                  25 much, members of the panel.</p> <p style="text-align: center;">Page 112</p>

<p>1 THE CHAIR: Thank you. Now Mr Lawson?                  2 Closing statement by MR LAWSON                  3 MR LAWSON: Madam, members of the panel, thank you very                  4 much. I represent the Independent Schools Inspectorate.                  5 Over the last three weeks, the inquiry has heard                  6 difficult and upsetting testimony. The accounts of                  7 abuse will long remain in the memories of all of us in                  8 this room. The chair, the chief inspector, the chief                  9 executive and the legal team of the Independent Schools                  10 Inspectorate have between them attended almost every                  11 session across the three weeks of hearing and have                  12 listened carefully to the testimony, including that of                  13 the victims and survivors of abuse. The commitment of                  14 the senior leadership team to the work of the inquiry is                  15 clear. No doubt the same can be said of all of                  16 the other institutions here. The opportunity to listen                  17 to that testimony is itself one of the benefits of this                  18 inquiry.                  19 We therefore want to thank particularly the                  20 survivors who have given evidence. We recognise the                  21 strength that has taken and the dignity and courage with                  22 which the evidence was given.                  23 We seek now in this submission to do two things:                  24 first, to comment on the nature and the role of                  25 inspection and of the Independent Schools Inspectorate;</p> <p style="text-align: center;">Page 113</p>	<p>1 regulation have been improving since the early 2000s.                  2 The system is now better governed, clearer and better                  3 structured. It is noteworthy, perhaps, to recall that                  4 for much of the period about which the inquiry has                  5 heard, there was little or no systematic inspection of                  6 independent schools at all. ISI's work was put onto                  7 a statutory footing only in 2003, with ISI taking on the                  8 role of an integrated welfare and education inspectorate                  9 only in 2012. The annexes to the written note of this                  10 submission set out the history of inspection for each                  11 institution drawn from the statement already submitted.                  12 They show that over the last 25 years, the three                  13 schools, as I say, have been inspected by four                  14 inspectorates and the county councils, and only since                  15 2012 by ISI alone. It is important, therefore, in our                  16 submission, simply as a matter of fact, not to confuse                  17 inspection of an independent school with inspection by                  18 the Independent Schools Inspectorate over the period to                  19 which this inquiry relates.                  20 For example, during the time that A30 was at                  21 Ampleforth, the school was in fact inspected by three                  22 inspectorates.                  23 Child abuse raises particular difficulties for                  24 inspection: abusive behaviour may not emerge for many                  25 years, and there is, at the very least, an issue in how</p> <p style="text-align: center;">Page 115</p>
<p>1 and then to identify as discussion points at this stage                  2 possible areas for change discussed and identified by                  3 the ISI team.                  4 Firstly, we have three broad observations to make                  5 about inspection. Four inspectorates have produced                  6 reports on Ampleforth and Downside since the 1990s,                  7 along with inspections by the county councils. The                  8 views reached were similar. On occasion, the views were                  9 reached by two inspectorates working together. This                  10 suggests that any issues with inspection did not relate                  11 to the approach of one inspectorate, to the approach of                  12 any particular inspector, to the events in any                  13 particular inspection. I will return to ideas that may                  14 be before you as to what they do relate to.                  15 Secondly, inspection is a photograph, it is                  16 a picture, of an institution taken in two or three days.                  17 An inspectorate is not an investigatory body and its                  18 procedures, powers and resources aren't intended to                  19 match those of the police. Any inspectorate would be                  20 challenged by the issues the panel has heard about over                  21 the last few weeks. Taking one example, in order to                  22 investigate Downside, the police had to visit several                  23 times simply to build relationships and to facilitate                  24 investigation. Inspection does not do that.                  25 Thirdly, despite those difficulties, inspection and</p> <p style="text-align: center;">Page 114</p>	<p>1 it is then reflected in reports which are about the                  2 institution as it is at the date of the report.                  3 Institutional loyalty plays a role in limiting the                  4 openness of communication with outside agencies. The                  5 key investigative role when abuse does emerge is of                  6 local safeguarding authorities and the police, and there                  7 is of course a limit to what they can share with other                  8 bodies such as ISI in order to protect the integrity of                  9 the investigation. You can see from Kate Richards'                  10 first statement the information that the Independent                  11 Schools Inspectorate had at various times when carrying                  12 out its work, no doubt arising out of, at least in part,                  13 the context I have just set out.                  14 There are also particular difficulties for an                  15 inspectorate inspecting religious institutions, such as                  16 those you have been hearing about in the last three                  17 weeks. The inspection is of the school. The schools                  18 are closely linked to abbeys, but the abbeys are outside                  19 the remit of inspection. The understanding that school                  20 staff may have of educational provision may not have                  21 been reflected by monks from the abbeys. Part of                  22 the management and the staff have a strong bond of                  23 loyalty to each other and to an institution other than                  24 the school. And the abbeys, again, as we have heard                  25 through lengthy questioning about rules and ethos, have</p> <p style="text-align: center;">Page 116</p>

<p>1 their own complex history -- set of rules and ethos,                  2 which few outsiders will understand in detail.                  3 At a more immediate level, the inquiry has heard                  4 evidence about these particular institutions. It is for                  5 the inquiry to decide what to accept of the allegations                  6 made, and of course, as we set out that evidence, we are                  7 not taking a position on -- or inviting you to reach                  8 particular conclusions on it. However, we refer to some                  9 examples which would make inspection more difficult were                  10 you to find them established.                  11 As I have said, the need of police to visit                  12 repeatedly simply to get cooperation; difficulties that                  13 safeguarding institutions with ongoing contact, such as                  14 CSAS and the LADO, felt that they were having in                  15 obtaining information; schools and abbeys not recording                  16 information, not recording it for themselves, not                  17 passing it on within their own institution, not passing                  18 it on to each other, and a culture has been suggested,                  19 at least at some of the times covered by this inquiry,                  20 of separate files and brown envelopes; attempts made to                  21 manage situations internally rather than drawing on that                  22 outside support of CSAS, the LADO, the police and other                  23 institutions; and suggestions of records being                  24 destroyed.                  25 Obviously, if records aren't there or aren't made</p> <p style="text-align: center;">Page 117</p>	<p>1 sort of debate is one that can be turned in later                  2 strands of your inquiry. But it is a matter we would                  3 raise as a possible area for consideration.                  4 Secondly, statutory guidance could refer to the role                  5 of inspectorates and the need to cooperate fully with                  6 them.                  7 Thirdly, there has been considerable discussion of                  8 mandatory reporting. It is not something yet on which                  9 evidence has been directly heard, and so, without taking                  10 a position on the point, simply raising it for                  11 discussion, there is obviously the issue which would                  12 perhaps merit evidence of reporting -- the answers to                  13 those obvious questions: reporting of what and reporting                  14 to whom?                  15 So in discussing that, ISI staff have considered the                  16 duty of candour which arose out of the mid Staffordshire                  17 inquiry for medical personnel, and that is a duty in                  18 that context to share with patients difficulties in                  19 their treatment regime in a candid way so that the                  20 patient is fully aware of their situation, and by                  21 application to this context, perhaps part of                  22 the discussion of mandatory reporting might look at some                  23 equivalent of a duty of candour in the context of                  24 the Independent Schools Inspectorate to share with the                  25 inspectorate what the concerns are about safeguarding</p> <p style="text-align: center;">Page 119</p>
<p>1 available, they can't be inspected. Mr Stein referred                  2 to the process of triangulation, and I think in giving                  3 evidence Ms Richards mentioned hexagonalisation. If the                  4 sources of information aren't there, then multiple                  5 sources of information can't be compared.                  6 The second point I said I would turn to is                  7 discussion areas for future reform. They are put                  8 forward as that, as discussion areas, and we propose                  9 four for the inquiry to consider, and which we will seek                  10 to discuss with other statutory bodies.                  11 First, governance reforms. The relationship between                  12 schools and related organisations may need to change.                  13 Some simple -- by "simple" I mean clear -- standards may                  14 be appropriate for greater institutional separation of                  15 independent schools from other organisations. This                  16 would most obviously apply to schools connected to                  17 religious foundations, and that, over the last three                  18 weeks, is what we have and all that we have heard                  19 evidence about, but it might also apply to those                  20 connected to other institutions. It might also be                  21 appropriate to require schools to have some governors                  22 who are external to the school.                  23 There is a well-known debate in education circles                  24 between what might be called skills-based governance and                  25 governance based on stakeholder groups, and perhaps that</p> <p style="text-align: center;">Page 118</p>	<p>1 and for that to be the duty on the organisation.                  2 Fourthly, safeguarding training for schools could be                  3 strengthened through a scheme of national accreditation.                  4 When it was said then that someone had had training, one                  5 would know what training they had had, and that training                  6 should look to develop understanding of the nature of                  7 abuse as well as the management of particular issues.                  8 ISI is involved in other strands of your inquiry.                  9 One of those concerns over 400 residential schools and,                  10 at least at present, the role of inspection is expressly                  11 part of the remit of that strand. There will therefore                  12 be an opportunity to look at inspectorates further at                  13 that point, and ISI welcomes its involvement in that                  14 process and further developing ideas, putting forward                  15 those ideas in more concrete forms and with evidence in                  16 front of your inquiry and in collaboration with the                  17 other public bodies.                  18 I mention some points raised by my friend Mr Payne                  19 about ISI's procedure just by way of brief reply. It                  20 was suggested that that might change in respect,                  21 I think, of two points. One is selecting of pupils, and                  22 the other is notice of an inspection.                  23 You heard evidence from Ms Richards that the                  24 inspectors now select for themselves the pupils that                  25 they talk to. We could, if you wished, provide greater</p> <p style="text-align: center;">Page 120</p>

<p>1 technical detail about that process and the different 2 pupils who are spoken to on different days and to what 3 extent. 4 In terms of notice of inspections, the position is 5 not as it was at the time that A30 referred to and, 6 generally, in the education sector, two days' notice is 7 given of an inspection, but no-notice inspections can be 8 commissioned by the department where that is considered 9 appropriate, and, again, if you wished, further evidence 10 could be provided of that. But it might well be 11 a matter for when the inquiry returns to education in 12 due course. 13 I end, if I may, where I started, by emphasising 14 again the full and active engagement that the 15 Independent Schools Inspectorate has taken in coming and 16 listening to the evidence, and the learning and 17 understanding that they have taken from that, and their 18 gratitude for it. Thank you. 19 THE CHAIR: Thank you, Mr Lawson. 20 Before I finally turn to Ms Karmy-Jones, is there 21 anyone else who hasn't been heard yet who wishes to 22 speak? Ms Karmy-Jones? 23 MS KARMY-JONES: Thank you, chair. Chair, there is nothing 24 we wish to add in response to the closing statements 25 made on behalf of the core participants, but if I may</p> <p style="text-align: center;">Page 121</p>	<p>1 community -- I think it was F84 -- was sent to 2 Farnborough Abbey. We have received an email from the 3 Right Reverend Cuthbert Brogan of Farnborough Abbey 4 which has confirmed that, although the Abbot of Downside 5 did contact Farnborough for help with that matter, F84 6 never, in fact, went to Farnborough and they have not 7 received any of what he calls a "problem case" from the 8 English Benedictine Congregation. He also said he was 9 distressed that the assertion was made and so asked for 10 some clarification around that. So we do clarify it and 11 outline what he has said. 12 For completeness, it is important to note that there 13 are a number of statements that are yet to be adduced in 14 evidence by way of publication, and those will be 15 published in early January. There are also certainly 16 some documents that have been referred to during these 17 hearings, and some documents that perhaps have not, but 18 may be relevant to the proceedings and that you and the 19 other members of the panel may wish to review in order 20 to consider your final recommendations. 21 Any such documents will be published on the website 22 in the coming weeks. 23 Finally, the report into this investigation, we 24 anticipate, will be published in the months 25 following January, in due course.</p> <p style="text-align: center;">Page 123</p>
<p>1 just make four points of clarification. 2 First of all, I think that my learned friend 3 Mr Payne, during the course of his submissions, made 4 reference to A127, meaning A30. I see he is nodding in 5 confirmation. 6 MR PAYNE: Yes. 7 MS KARMY-JONES: I'm grateful. 8 Secondly, a number of submissions made reference to 9 Abbot Timothy Wright. I just wish to confirm that we 10 have received a medical report in respect of 11 Timothy Wright that has confirmed that he was unable, 12 due to illness, to attend and assist this inquiry. He 13 has, however, drafted a statement, and that statement 14 will be published in due course on the website. 15 Thirdly, my learned friend Ms Griffiths QC made 16 reference to the timetable of hearings coming up, and 17 I know, chair, you are going to be addressing something 18 around that shortly. There is a hearing in Birmingham 19 in November, in the Birmingham diocese limb of the case; 20 there is a hearing in respect of Ealing and, 21 potentially, Worth the following February; but no 22 hearing is currently planned in this investigation into 23 Westminster School. So I just wish to clarify that. 24 Finally, at one stage on 12 December, evidence was 25 called that suggested that a member of the Downside</p> <p style="text-align: center;">Page 122</p>	<p>1 That is all that I wish to add to those submissions 2 already made and the evidence, chair and panel, that you 3 have heard across the last three weeks. 4 MR STEIN: Madam, I am not replying to the points made. 5 I am just going back to where we started on matters of 6 disclosure. We referred to disclosure at the beginning 7 of this three-week period. We would ask that you, with 8 your panel members, consider before the next hearing 9 dates, working backwards from those dates and giving 10 final lines as to when disclosure must be complete. 11 That is not to say that exceptionally documents can't be 12 disclosed at a later stage. We are all very used to 13 that. But it should not be that we have, as we have had 14 through these three weeks, disclosure every night 15 I think -- I think it is much more the exception rather 16 than the rule that we have had nights without that. 17 Secondly, in relation to matters today, we have had 18 now the report from the Royal Commission in Australia. 19 Having had a little bit of time to look through the 20 recommendations, I think it is at pages 50 to 60, it 21 seems to me that the panel would profit from considering 22 the questions raised there that particularly refer to 23 canon law and the difficulties that they pose in child 24 protection, and if the panel does come to that 25 conclusion, it might be that there should be further</p> <p style="text-align: center;">Page 124</p>

<p>1 consideration in something like a preliminary hearing or                  2 submissions being made as to how that should be dealt                  3 with in this inquiry.                  4 THE CHAIR: Thank you, Mr Stein. Let me just confirm that                  5 myself and the panel members have closely followed the                  6 Australian Royal Commission throughout its business and                  7 activities.                  8 MR STEIN: I'm grateful.                  9 THE CHAIR: As Ms Karmy-Jones has said, this is obviously                  10 the last day of the hearing, and we are grateful to all                  11 of the witnesses who have come forward to testify before                  12 the inquiry during the three weeks, the victims and                  13 complainants who have given evidence, the witnesses from                  14 the institutions and others from whom we have heard, and                  15 we are also very grateful to all of those who have                  16 gathered and sent evidence in to the inquiry for the                  17 purposes of this investigation, even in the last few                  18 weeks. Your efforts in bringing information to the                  19 inquiry's attention are very much appreciated and it                  20 will all be considered.                  21 We would also like to extend our thanks to all of                  22 the hearing centre staff, including the hearing centre                  23 managers, the ushers, witness support staff and the                  24 security team who have helped facilitate this hearing.                  25 We will now review the material in evidence and</p> <p style="text-align: center;">Page 125</p>	<p style="text-align: center;">I N D E X</p> <p>1                  2                  3 Closing statement by MR O'DONNELL .....2                  4                  5 Closing statement by MR STEIN .....21                  6                  7 Closing statement by MR CHAPMAN .....46                  8                  9 Closing statement by MR RUCK KEENE .....61                  10                  11 Closing statement by MR KELLY .....75                  12                  13 Closing statement by MS GALLAFENT .....85                  14                  15 Closing statement by MR PAYNE .....95                  16                  17 Closing statement by MS GRIFFITHS .....104                  18                  19 Closing statement by MR LAWSON .....113                  20                  21                  22                  23                  24                  25</p> <p style="text-align: center;">Page 127</p>
<p>1 provide a report following this hearing, and we will aim                  2 to provide that report as soon as possible following the                  3 publication of the inquiry's interim report which is                  4 scheduled for publication in April 2018.                  5 As Ms Karmy-Jones has already said, the                  6 investigation continued with a hearing related to the                  7 Archdiocese of Birmingham scheduled for November next                  8 year and a hearing in relation to Ealing Abbey and                  9 St Benedict's School scheduled for February 2019. As                  10 I indicated at the end of the preliminary hearing                  11 in October, I will consider whether it is necessary to                  12 hear evidence in relation to Worth Abbey and School                  13 following the conclusion of this hearing. I anticipate                  14 providing my decision on that matter once the panel and                  15 I have had an opportunity to further reflect upon the                  16 evidence we have heard over the past three weeks.                  17 We expect there to be a more generic hearing in this                  18 investigation once these hearings have been completed,                  19 and that will be scheduled in due course.                  20 So with that, I will draw the hearings to a close                  21 and with grateful thanks to everybody for your                  22 assistance. Thank you.                  23 (2.20 pm)                  24 (The hearing concluded)                  25</p> <p style="text-align: center;">Page 126</p>	





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