

<p>1 Tuesday, 30 January 2018 2 (10.30 am) 3 Welcome and opening remarks by THE CHAIR 4 THE CHAIR: Good morning, everybody. I am Alexis Jay, and 5 I am the chair of the Independent Inquiry into Child 6 Sexual Abuse. Sitting with me are the other panel 7 members of the inquiry: Professor Sir Malcolm Evans, 8 Ivor Frank and Drusilla Sharpling. 9 On behalf of the inquiry, I welcome you all to this, 10 the fourth preliminary hearing in the Anglican 11 investigation. The investigation focuses on the 12 responses of the Anglican Church to allegations of 13 sexual abuse committed both by clergy, volunteers and 14 employees of the church over an extensive period of time 15 and also the experiences of the children and young 16 people of that abuse, including how they were dealt with 17 as adult survivors. 18 Today's preliminary hearing focuses upon the Diocese 19 of Chichester, but will also provide information 20 concerning the case study into Peter Ball as well as the 21 issues which the chair and panel will wish to hear 22 evidence about when dealing with the Church of England 23 general hearing. 24 The purpose of this hearing is to update core 25 participants and witnesses on the work that has been</p> <p style="text-align: center;">Page 1</p>	<p>1 Leading counsel for the Archbishops Council, 2 Mr Nigel Giffin QC. Good morning, Mr Giffin. 3 Leading counsel for Bishop Peter Ball, 4 Mr Richard Smith QC. Good morning. 5 Counsel for Bishop John Hind and Janet Hind and 6 Lord Carey of Clifton, Mr Robin Hopkins. 7 Leading counsel for the Crown Prosecution Service, 8 Mr Edward Brown QC. Good morning. 9 Leading counsel for the Chief Constable of Sussex 10 Police, Mr Ashley Underwood QC. 11 Leading counsel for the Gloucestershire 12 Constabulary, Mr Gerry Boyle QC. 13 Leading counsel for the Secretary of State for 14 Education, Ms Catherine McGahey QC. Good morning. 15 And finally, leading counsel for the Ecclesiastical 16 Insurance Office, Mr Rory Phillips QC. 17 Please go ahead, Ms Scolding. 18 Opening statement by MS SCOLDING 19 MS SCOLDING: Good morning, chair and panel. My name is 20 Fiona Scolding. I appear as counsel to this 21 investigation, along with Ms Nikita McNeill and 22 Ms Lara McCaffrey, who are to my left. 23 This is, as you have already identified, the fourth 24 preliminary hearing into the Anglican Church, the last 25 hearing having been held in October. Since that date in</p> <p style="text-align: center;">Page 3</p>
<p>1 done since the last preliminary hearing. It is also to 2 identify what information has not as yet been supplied 3 and when that will arrive to enable everyone to prepare 4 for the hearings. It will also provide some detail as 5 to what will happen at the hearing. 6 Before we hear from counsel, a couple of points on 7 this morning's arrangements. We will take a 15-minute 8 break at around 11.45 am and then a break for lunch, if 9 this hearing hasn't concluded before then, at 1.00 pm. 10 Any directions arising from the hearing will be 11 published on the inquiry's website, as will the hearing 12 transcript. 13 I will now invite leading counsel in the Anglican 14 investigation, Fiona Scolding QC, to provide us with an 15 update on the investigation. After Ms Scolding, I will 16 invite other representatives present to speak, if they 17 wish, in the following order: solicitor for the 18 complainants, victims and survivors represented by 19 Slater & Gordon, Mr Richard Scorer. Good morning, 20 Ms Hoyano and Mr Scorer. 21 Solicitor for the complainants, victims and 22 survivors represented by Switalskis, and also for the 23 Minister and Clergy Sexual Abuse Survivors organisation, 24 known as MACSAS, Mr Greenwood. Good morning, 25 Mr Greenwood.</p> <p style="text-align: center;">Page 2</p>	<p>1 time, the investigation team has undertaken extensive 2 disclosure of relevant documentation and received the 3 majority of witness statements sought for the Chichester 4 investigation, either in draft or in final form. The 5 inquiry team wishes to thank all core participants and 6 their legal teams in the cooperation they have shown in 7 providing information and responding to queries from the 8 inquiry team and also for all the ongoing work they have 9 undertaken in preparing for these case studies. This 10 work has been invaluable. 11 The purpose of today's hearing is to provide an 12 update on the work that the inquiry has been carrying 13 out since the last preliminary hearing and to discuss 14 the necessary preparations for the hearing which is due 15 to start on 5 March 2018. 16 I will deal with the topics as follows: firstly, 17 what disclosure is outstanding and the timetable for 18 such; secondly, which witness statements are outstanding 19 and the timetable for such; thirdly, preparations for 20 the hearing, including the fact that a provisional 21 witness list has been circulated, when the timetable for 22 the hearing may well be available, and practical 23 arrangements which need to be made. 24 I will then touch briefly on the main themes and 25 issues which are going to be discussed at the hearing.</p> <p style="text-align: center;">Page 4</p>

<p>1 I will then provide an update on the approach which 2 the inquiry is seeking to take to the Peter Ball case 3 study, which is listed for hearing on 23 July 2018 for 4 five days, and the approaches which the chair and panel 5 wish to take to any further hearing not yet scheduled in 6 respect of the Anglican Church. We can then deal with 7 any other business. 8 In what follows, I intend to: explain where we are; 9 set out what is going to happen at the hearing 10 in March 2018; set out the topics to be covered in the 11 hearing listed for July 2018; and set out the broad 12 issues for the further hearing into the Anglican Church 13 to be held at some point in 2019. Each core participant 14 has been provided with an agenda for today's hearing. 15 In line with other preliminary hearings, where it is 16 necessary to do so, I will generally refer to those who 17 have made allegations of sexual abuse as "complainants", 18 save where there has been a criminal trial which has 19 resulted in a conviction or where the fact of abuse has 20 otherwise been formally established, in which case the 21 description "victim" or "survivor" will be applied, 22 depending upon the individual's personal preference. 23 You have already identified the individuals who are 24 appearing at the hearing, so I will pass on to 25 disclosure.</p> <p style="text-align: center;">Page 5</p>	<p>1 organisation who originally provided it so that they can 2 review or make any comments on the proposed redaction. 3 This is an invaluable part of the redaction process and 4 serves to provide an additional level of checking to 5 ensure that the material is appropriately redacted 6 before it is disclosed to other core participants. All 7 material providers are encouraged to carefully review 8 the proposed redactions to ensure that inappropriate, 9 sensitive or confidential information is not 10 inadvertently disclosed. If there are any queries or 11 concerns relating to the redactions applied by the 12 investigation team to material which has been disclosed 13 to core participants, again, it would be useful for the 14 inquiry team to know of this as soon as possible so that 15 final decisions can be made in this respect. 16 As identified at the last hearing, the investigation 17 team has adopted guidance which is set out on the 18 inquiry's website. The investigation team also 19 circulated a note recently in order to emphasise the 20 issues. 21 I would remind everyone that the material disclosed 22 is subject to a confidentiality undertaking signed by 23 all core participants. Information must not be placed 24 in the public domain or used for other purposes prior to 25 it being adduced or following its introduction at the</p> <p style="text-align: center;">Page 7</p>
<p>1 As was identified in October 2017, the inquiry has 2 received a vast amount of material into the 3 Anglican Church. As a whole, we have received in excess 4 of 206,863 pages, or 28,677 documents, of which 5 approximately 75,000 pages related to the Chichester 6 case study. All of these pages have now been reviewed 7 for relevance. To date, we have disclosed approximately 8 32,000 pages, so approximately 3,000 documents, of 9 relevant material. An additional 242 documents of 10 material has at present been reviewed and redacted and 11 is currently with the relevant organisation or person 12 who provided them for their comments upon redaction. 13 That can, therefore, shortly be redacted. We are still 14 waiting to send out for comments 304 documents, which 15 will be disclosed as soon as possible, in 16 early February. 17 We accept that the timetable has slipped from that 18 which we hoped at the hearing in October, for which we, 19 as the inquiry team, apologise. This is, in part, 20 albeit it is only ever an excuse, due to over 21 7,000 pages of new material coming into our possession 22 since the last hearing, including 1,931 pages arriving 23 since Christmas. 24 We provide material which has been provisionally 25 redacted by the inquiry to the individual or</p> <p style="text-align: center;">Page 6</p>	<p>1 inquiry hearing. 2 As can be identified and as has already been said, 3 we are hoping to finalise the disclosure process as 4 early any in February as is possible. 5 We should also identify that we have also disclosed 6 a study prepared by Professor Berridge, an academic with 7 knowledge of the history of regulation within 8 residential care and social care settings, which 9 provides some useful background material about the 10 legislation and standards applicable during the second 11 half of the 20th century. We are not intending to 12 adduce this evidence at the hearing, but it is simply 13 provided to help fill in the background legislative 14 picture. 15 We are also awaiting a literature review from the 16 College of Policing, which will also identify the 17 relevant legislation and circulars provided to the 18 police during the second half of the 20th century in 19 respect of the investigation of child sexual abuse and 20 which also seeks to explain how policing has altered 21 during that period by examining the advice and 22 information which police forces were given by the 23 Home Office during that time. 24 Turning now to witness requests, we have received 25 35 witness statements in final form, and a further 15 in</p> <p style="text-align: center;">Page 8</p>

<p>1 draft. We have recently sought a small number of 2 additional rule 9 statement requests following on from 3 the publication of the Carlile Report, which we have 4 asked to be provided by the end of today where possible. 5 In order so that everybody is clear what witness 6 statements the inquiry is still waiting for, we would 7 identify that the following witness statements are still 8 awaited: firstly, a witness statement from 9 Bishop John Hind, former Bishop of Chichester; secondly, 10 a witness statement from Shirley Hosgood, a former 11 diocesan safeguarding adviser for Chichester; thirdly, 12 a witness statement from the Independent Schools 13 Inspectorate; fourthly and fifthly, witness statements 14 from Elizabeth Hall and Pearl Luxon, who are both former 15 national safeguarding advisers for the 16 Church of England. We know that there are good reasons 17 why both of those individuals have been unable to 18 provide witness requests to date. 19 Next, a witness statement from the Department of 20 Education; then a witness statement from MACSAS; and, 21 lastly, a witness statement from Lord Carey of Clifton, 22 the former Archbishop of Canterbury. 23 We are still waiting for signed statements, but we 24 recognise that individuals, shortly before today, or 25 today, have indicated that the vast majority of these</p> <p style="text-align: center;">Page 9</p>	<p>1 and the hearing will be largely paperless. All 2 materials disclosed will be available electronically 3 with sufficient notice within the hearing room on the 4 computer system. It will be possible to display 5 materials on screens located at the advocates' benches, 6 in the witness box and around the hearing room. 7 Advocates will need to identify materials in the hearing 8 room by using their unique reference number or URN, 9 which is found on Relativity. We would particularly ask 10 that everybody seeks to adopt that practice. Those of 11 you who have appeared in previous inquiry investigations 12 will already be familiar with this. 13 The investigation team has sent out a list of core 14 documents which it is hoped is a synthesis of the policy 15 material which is likely to be referred to both during 16 the hearing into the Diocese of Chichester but also the 17 hearing into Bishop Peter Ball, and which provides 18 background to the case studies. It was sent out late 19 last night. 20 This includes past national safeguarding policies 21 from 1995 to date; present national safeguarding 22 policies, including relevant Clergy Discipline Measure; 23 Diocese of Chichester safeguarding policies as they 24 appeared through time; and a list of key internal 25 reports which have been commissioned by the</p> <p style="text-align: center;">Page 11</p>
<p>1 are likely to be signed in the next few days, for which 2 we are grateful. We are still waiting for signed 3 statements from the following, however: former 4 Bishop Wallace Benn, the former Bishop of Lewes, 5 Philip Jones; Martin Warner, the current Bishop of 6 Chichester; Edward Hick a police officer with Sussex 7 Police; the Diocesan Board of Education; Roger Meekings, 8 who carried out a review into the Diocese of Chichester 9 in or around 2009 to 2011; Keith Akerman, former chair 10 of the Chichester Diocesan Safeguarding Advisory Board; 11 Colin Perkins, diocesan safeguarding adviser for 12 Chichester; the most Reverend Justin Welby, current 13 Archbishop of Canterbury; Gemma Marks-Good, an 14 independent domestic and sexual violence adviser, who 15 worked within the Diocese of Chichester; 16 a representative from the Diocesan Board of Finance; and 17 Bishop Peter Ball, the former Bishop of Lewes and former 18 Bishop of Gloucester. 19 Again, I would urge everyone to carry on with the 20 useful and cooperative approach to date and we would 21 seek that those witness statements are signed and with 22 us as quickly as is possible. 23 Organisation of documents in advance of and at the 24 hearing. The investigation team will not be preparing 25 hard copy materials for core participants to the inquiry</p> <p style="text-align: center;">Page 10</p>	<p>1 Church of England. 2 In addition, we have disclosed a chronology which is 3 lengthy in nature and which seeks to identify both 4 changes in underlying legislation but also key events 5 which happened within the Diocese of Chichester. 6 Hopefully, by the end of next week or the beginning 7 of next week, there will also be a dramatis personae to 8 which everyone can have access so that everybody knows 9 who is who when they are discussed during the course of 10 the hearing. That is currently with solicitors for the 11 Archbishops Council to check for the accuracy of 12 nomenclature of various clerical individuals. 13 Each witness will have a bundle prepared for them 14 and ready at the hearing. This will include their 15 inquiry witness statement, their key exhibits, any 16 previous witness statement or interview they may have 17 given, and witness evidence from other individuals which 18 they may be asked about and any documents which are not 19 currently included in their exhibits but which they may 20 well be referred to by the inquiry team. 21 The indices for these witness bundles will be 22 circulated to the relevant witnesses and core 23 participants as soon as we are able, and certainly 24 a reasonable amount of time before they are due to give 25 evidence.</p> <p style="text-align: center;">Page 12</p>

<p>1 Witnesses will also be provided with a list of 2 ciphers relevant to their evidence so that they can 3 identify who is being discussed, even if there are 4 redactions made to their documents or to their 5 statement. 6 Turning now to logistics and evidence at the 7 hearing, counsel to the inquiry will provide an oral 8 opening on the morning of the first day of the hearing. 9 In accordance with rule 11 of the Inquiry Rules, the 10 recognised legal representative of a core participant or 11 any unrepresented core participant may make an opening 12 and closing statement to the inquiry panel. Given the 13 number of core participants, this will, by necessity, be 14 limited in time. Each core participant who wishes to 15 make an opening statement should notify the inquiry at 16 least seven days in advance of the hearing of both the 17 fact that they wish to make one and its proposed length, 18 taking into account time restraints. It is proposed 19 that the statements of core participants will be heard 20 on the afternoon of 5 March 2018 and their closing 21 statements will be made on 23 March 2018. 22 At the moment, the penultimate day of the hearings, 23 ie, 22 March 2018, is sought to be used as a reading 24 day, but, again, all representatives and witnesses 25 should be prepared that if there is slippage in the</p> <p style="text-align: center;">Page 13</p>	<p>1 the inquiry will make reference to either within her 2 opening or during the course of the hearing but which 3 will not either be read or called as live evidence. We 4 will endeavour to ensure that the witnesses will have 5 circulated to them at least seven days before they are 6 due to give evidence the topics and areas of questioning 7 which counsel to the inquiry will pursue. This will not 8 be a list of every question to be asked, but will 9 identify the broad issues to be covered. For example, 10 whether or not changes to the Clergy Discipline Measure 11 have created a safer system for children because of 12 a more effective enforcement of disciplinary breaches. 13 References will also be included for any documents 14 to which witnesses may be referred to which have not 15 been included in their witness bundle and those 16 documents will be provided to them in advance of 17 the hearing. There may be the odd exception to that 18 rule, but I very much hope it will be an exception 19 rather than the rule. 20 Turning now to the questioning of witnesses at the 21 hearing, at the public hearings, each witness will be 22 questioned either on oath or by affirmation by either 23 leading or junior counsel to the inquiry. It is 24 anticipated that the bulk of questioning of witnesses 25 will be conducted by counsel to the inquiry and the</p> <p style="text-align: center;">Page 15</p>
<p>1 timetable or overrun, this may well be used for witness 2 evidence. 3 Turning now to oral evidence at the public hearing, 4 as chair, you have a wide discretion to decide which 5 witnesses will be called, what evidence will be given 6 orally and what evidence may be read out. A witness 7 list has already been circulated of the witnesses that 8 the inquiry has provisionally decided to hear from 9 orally. This may well be subject to some change. 10 A timetable will be circulated once witnesses have 11 confirmed their availability. All witnesses have now 12 been contacted whom we propose to call for the rough 13 week in which they are due to give evidence. 14 As core participants will be aware, we are awaiting 15 submissions as to whether or not any additional 16 witnesses should be called live or be read, and so the 17 chair will make decisions as quickly as possible once 18 those submissions have been finalised. 19 Some witness statements will also be read at the 20 hearing. It is not proposed that we will read many of 21 those statements in full, but those portions which are 22 of direct relevance to the issues to be considered at 23 the Chichester case study. 24 There will be other witness statements which have 25 been gathered for background material which council to</p> <p style="text-align: center;">Page 14</p>	<p>1 inquiry panel, as is provided for under rule 10 of 2 the Inquiry Rules. Pursuant to both rule 10(3) and 3 10(4), however, legal representatives of a witness or 4 core participant may apply to the chair for permission 5 to ask questions of a witness giving oral evidence. 6 Under rule 10(5), such applications must state: the 7 issue in respect of which the witness is to be 8 questioned; any additional documents which they consider 9 the witness should be taken to; whether or not the 10 questioning will raise new issues over and above those 11 which have been identified in the topic list circulated 12 by counsel to the inquiry and, if not, why the 13 questioning should be permitted. 14 We are asking that all rule 10 requests be forwarded 15 to the solicitor to the inquiry at least four days 16 before the witness is timetabled to give evidence. Core 17 participants or the legal representatives for witnesses 18 are also asked to provide the inquiry's unique reference 19 numbers with specific page numbers, if appropriate, for 20 any documents relevant to their proposed questions so 21 that, if necessary, these can be provided to the witness 22 in good time. 23 On receipt of any application under rule 10, the 24 chair will consider if the topics outlined are relevant 25 and, if so, whether the witness should be asked about</p> <p style="text-align: center;">Page 16</p>

<p>1 them in their evidence by counsel to the inquiry or 2 rather by the recognised legal representative. 3 Permission will be granted for the recognised legal 4 representative to ask questions only if the chair is 5 satisfied that there is good reason to do so and 6 questioning by counsel to the inquiry is not adequate 7 for these purposes. 8 If, however, particular core participants know at 9 this stage or wish to provide such questions earlier, 10 that would obviously be welcomed. It would also be 11 useful to know in advance of four days if it is 12 anticipated that such requests will be made and, if so, 13 of which witnesses. 14 There will obviously be exceptional circumstances 15 which may arise where it is necessary at the hearing for 16 either a recognised legal representative or an 17 unrepresented core participant to seek permission orally 18 from the chair to question a witness at the hearing. 19 That should very much be the exception rather than the 20 rule, and it is expected that all questions will be 21 circulated and approved in advance. 22 I now turn to broadcasting and special measures. In 23 a ruling available on the inquiry's website dated 24 13 April 2016, the former chair confirmed that the 25 public hearings would be broadcast. This is via</p> <p style="text-align: center;">Page 17</p>	<p>1 they have informed the chair and panel that they have 2 waived their right to anonymity. There are individuals 3 coming to give oral evidence to whom these measures will 4 apply. The following are intended to be the measures 5 likely to be implemented where anonymity is to be 6 preserved. 7 Firstly, anonymised witnesses will give their 8 evidence in the hearing room without a screen. The 9 witnesses will be visible to the chair, panel, counsel 10 to the inquiry, core participants and their legal 11 representatives. 12 Secondly, anonymised witnesses will not be filmed 13 during their testimony. The camera will be directed 14 towards the inquiry panel and/or counsel to the inquiry. 15 The press and members of the public will be excluded 16 from the hearing room during the course of this 17 testimony. They will be able to watch proceedings in 18 the waiting area of the hearing centre. 19 There may be occasions where witnesses may require 20 a support person to assist them during oral evidence. 21 In your discretion, chair, you have indicated that there 22 are occasions, based upon the particular circumstances 23 of the individual, where you are willing to permit this. 24 The support person shall not be allowed to prompt nor 25 otherwise seek to influence the witness in the course of</p> <p style="text-align: center;">Page 19</p>
<p>1 a live-stream link to the inquiry website. The previous 2 chair ordered that a five-minute delay be applied to 3 that link so that the broadcast can be edited to remove 4 material which would either be: a breach of 5 a restriction order; would violate the right to 6 anonymity granted to those who so qualify under the 1992 7 Sexual Offences (Amendment) Act; or which accuse 8 a person of criminal conduct without warning. 9 Chair, you are asked today to formally amend this 10 ruling to provide for only a three-minute delay to 11 broadcast. I will remind you of this again at the 12 beginning of the Chichester hearing, but I invite you to 13 make a formal order at this time. This is because five 14 minutes has, in other investigations, led to those 15 watching proceedings outside the hearing room missing 16 important evidence when the broadcast resumes. 17 Hearing transcripts will be uploaded to the inquiry 18 website at the end of each day. This usually happens 19 around 6.00 pm. Videos of each day's hearing are also 20 posted on the inquiry website. 21 I turn now to special measures. In the April 2016 22 ruling I have already mentioned about broadcasting. The 23 previous chair confirmed that protective measures are to 24 be made available to anonymised witnesses. All victims, 25 survivors and complainants are anonymised, save where</p> <p style="text-align: center;">Page 18</p>	<p>1 giving evidence. The support person is not a witness to 2 the inquiry and shall not be identified by name. 3 The restriction order in respect of anonymised 4 witnesses shall apply to those who give evidence, 5 whether in person or by videolink. No anonymised 6 witness shall be identified by name or through other 7 information which would lead to the identification of 8 that individual during the hearing. If such does occur, 9 the live link will be broken and will need to be reset. 10 Each anonymised witness will only be referred to by 11 means of the cipher that they are given by the inquiry. 12 Any observations about any additional measures which 13 are specifically required during this hearing by any 14 core participant should be provided by way of written 15 letter to solicitor to the inquiry by 4.00 pm on 16 6 February 2018. Any submissions or letters lodged 17 shall be circulated to all core participants and may in 18 due course be provided to the media if they wish to make 19 submissions on these proposals. 20 Hearing dates. As I have already identified, the 21 panel will sit for three weeks from 5 March 2018 to 22 23 March 2018 inclusive. Normal sitting hours will be 23 from 10.30 am to 4.15 pm, and the panel will sit five 24 days a week, save for 22 March, which I have already 25 identified. There will be breaks for lunch and there</p> <p style="text-align: center;">Page 20</p>

<p>1 are also breaks for the transcribers during both the 2 morning and afternoon sessions.</p> <p>3 The inquiry will make arrangements to ensure that 4 all witnesses have a chance to familiarise themselves 5 with the hearing room here at Pocock Street.</p> <p>6 Appropriate counselling and psychological support is 7 available if required, both before, during and after any 8 evidence which is given. The inquiry will also not 9 compel anyone who is a complainant, victim or survivor 10 to give oral evidence if they do not wish to do so.</p> <p>11 I set out at the previous hearing the themes and 12 issues which arose within the Diocese of Chichester 13 which the chair and panel wishes to explore at the 14 hearing in March. To summarise, the hearing will 15 involve examination of how the Diocese of Chichester 16 behaved when faced with a number of members of clergy 17 and volunteers working either within the diocese or 18 within Chichester Cathedral who were subsequently 19 convicted of child sexual abuse or where the individuals 20 accused of such abuse died prior to this being 21 established but credible allegations of such abuse 22 exist.</p> <p>23 There have been a significant number of internal 24 investigations of the diocese carried out both by child 25 protection individuals and individuals within the church</p> <p style="text-align: center;">Page 21</p>	<p>1 organisation mean that it acts secretly and as what 2 researchers would call a closed institution? Does that 3 therefore make it harder for individuals both to report 4 abuse and for effective responses to such reports to be 5 made?</p> <p>6 Did the authorities choose to place their own 7 reputation and that of the church above the interests of 8 those who were the subject of sexual abuse and the 9 extent to which the processes which the church followed 10 when such abuse was disclosed was transparent and 11 appropriate?</p> <p>12 Is it the case that lesser sanctions were provided 13 to individuals within the church than should have been 14 the case?</p> <p>15 How far does the nature and structure of the church 16 make it more difficult for the hierarchy, and in 17 particular for the senior membership of the church, to 18 be able to undertake effective monitoring? How far was 19 the church able to accept criticism about safeguarding 20 issues and respond appropriately?</p> <p>21 Are there power imbalances which inhibit the 22 reporting of abuse and how did, or does, the church deal 23 with this?</p> <p>24 How far does the church's attitude towards same-sex 25 relationships, sexual orientation and gender contribute</p> <p style="text-align: center;">Page 23</p>
<p>1 itself. The Chichester hearing will examine those 2 investigations, what they found and what has changed as 3 a result.</p> <p>4 The Chichester hearing will also examine what steps 5 the Church of England as a whole has taken to improve 6 its practice and to respond to the experiences 7 discovered within the Diocese of Chichester.</p> <p>8 Of importance to the focus to the hearing will be 9 the accounts of disclosure of abuse by complainants from 10 within the Diocese of Chichester: both whether they were 11 believed, how they were treated, and what happened as 12 a result of the complaint. If they were unable to 13 disclose their abuse at the time, why they were so 14 unable and what steps they consider the church could and 15 should have made to improve the processes in respect of 16 safeguarding where they consider that the response given 17 was not adequate.</p> <p>18 The case study will investigate, amongst other 19 things, the following: the culture of the church, by 20 which the investigation team means its behaviours, 21 values and beliefs, and if those behaviours, values and 22 beliefs inhibited or continued to inhibit the 23 investigation, exposure and prevention of child sexual 24 abuse. This in particular will involve asking: does the 25 very structure of the church and the nature of its</p> <p style="text-align: center;">Page 22</p>	<p>1 to difficulties with cultural change necessary to 2 promote effective safeguarding?</p> <p>3 How were individuals recruited by the church, in 4 particular when they had convictions for child sexual 5 abuse, and have such systems been changed?</p> <p>6 What steps were taken when the church found out at 7 the beginning of this century about the abuse by 8 a significant number of perpetrators, including the 9 Reverend Roy Cotton, the Reverend Colin Pritchard and 10 the Reverend Gordon Rideout, and in particular how those 11 practices and procedures in respect of safeguarding and 12 child protection were judged by subsequent reviews and 13 reports.</p> <p>14 The responses to victims and survivors when 15 disclosures were made and the reparations offered, by 16 which we mean both financial compensation but also how 17 individuals were treated by those within the church and 18 how and whether they were offered counselling or other 19 forms of pastoral support.</p> <p>20 When internal investigations were undertaken into 21 the offending behaviour of individuals, whether or not 22 those reports were acted on appropriately and whether or 23 not the church authorities changed their practice and 24 procedure in the light of those. Where changes were 25 made, were they implemented speedily?</p> <p style="text-align: center;">Page 24</p>

<p>1 The practice and procedure in particular for the 2 grant of permission to officiate, in particular whether 3 or not grants of permission to officiate were made when 4 outstanding allegations of abuse were still to be 5 investigated.</p> <p>6 How far did the structure of the granting of 7 permission to officiate mean that investigations could 8 not take place into abuse or that permission to 9 officiate was granted in circumstances where it should 10 not have been.</p> <p>11 In respect of the offending of both Peter Ball and 12 Vickery House, how far the church was able to, did and 13 could have effective supervision over the actions of 14 the religious communities operating within the Diocese 15 of Chichester at that time and whether or not the 16 church's practices and procedures enabled abuse to go 17 unchecked and unnoticed within the context of such 18 monastic orders.</p> <p>19 In respect of the offending of Terence Banks, how 20 far did Chichester Cathedral and the Prebendal School 21 act appropriately when such offending was discovered and 22 whether or not there was training, supervision and 23 standards in place in respect of safeguarding to 24 minimise the risk of offending in the context of 25 children and young people who were in the choir of</p> <p style="text-align: center;">Page 25</p>	<p>1 to provide a system of satisfactory redress and 2 reparation by adults who are survivors of abuse.</p> <p>3 I turn now to the Peter Ball hearings. As I have 4 already identified, a hearing is currently listed for 5 23 July 2018 for five days to hear evidence into the 6 case study of the former Bishop of Gloucester and Lewes, 7 Bishop Peter Ball. I will now identify the themes of 8 that hearing and the organisation and preparation 9 required to identify what we have done and what we will 10 be doing to prepare for it.</p> <p>11 As most individuals in this room will know, the 12 church commissioned a report from Dame Moira Gibb about 13 the institutional deficiencies and problems which 14 permitted Peter Ball to delay facing justice on a number 15 of charges of misconduct in public office until 2014. 16 She published her report in June 2017. We have examined 17 carefully its findings and conclusions. We propose that 18 the focus of the hearing in July 2018 should not be so 19 much upon what happened, which now seems tolerably clear 20 and for which the church has apologised, but why things 21 happened in the way that they did. This will involve 22 examination of the following.</p> <p>23 Why the church failed to take steps in 1992 and 1993 24 to refer further information within its possession in 25 relation to Peter Ball's offending to the police; why</p> <p style="text-align: center;">Page 27</p>
<p>1 the cathedral and members of the cathedral congregation.</p> <p>2 The internal investigations carried out from 1992 to 3 the present, and whether or not the recommendations, for 4 example, of Ms Edina Carmi were implemented and, if not, 5 why not; whether or not the past cases review carried 6 out between 2007 and 2009 was sufficient; whether or not 7 the diocese and the wider church acted upon the numerous 8 reports undertaken by individuals into the Diocese of 9 Chichester, including the reports undertaken by Baroness 10 Elizabeth Butler-Sloss, Roger Meekings and the 11 Archbishop's Visitation commissioned by the Archbishop 12 of Canterbury in 2011/2012, as well as the reports into 13 Peter Ball by Dame Moira Gibb in 2017 and the recent 14 report of Lord Carlile in respect of the case of the 15 Bishop of Chichester, George Bell, in order to examine 16 the recommendations within that report and how the 17 church is intending to deal with posthumous allegations 18 of sexual abuse going forward. The inquiry is not, 19 however, going to examine the truth or substance of 20 the allegations made concerning Bishop George Bell.</p> <p>21 Lastly, how far and to what extent the current 22 church, both nationally and within the Diocese of 23 Chichester, has amended its policies, practice and 24 procedures and what further steps it is continuing to 25 take to reduce the risk to children and young people and</p> <p style="text-align: center;">Page 26</p>	<p>1 the CPS chose to give Peter Ball a caution rather than 2 prosecute him for his offending behaviour in 1992; to 3 what extent Gloucestershire Police investigated, in 4 1992, any other possible further offending and/or 5 whether or not they sought other allegations; where 6 further allegations were made, what action 7 Gloucestershire Police took in relation to them and to 8 compare the nature of that investigation with that 9 carried out by Sussex Police from 2012 onwards; what 10 material was available about Peter Ball's case during 11 the past cases review of 2008, the review carried out by 12 Roger Meekings within the Diocese of Chichester, again 13 in 2008/2009, and the preparation of the report by 14 Baroness Butler-Sloss in 2011; what information was 15 known about Peter Ball's case during the Archbishop's 16 Visitation of 2011/2012 and the extent to which material 17 was reviewed at that time and what action was taken 18 then; why Peter Ball was granted an informal permission 19 to officiate after his resignation, even given his 20 offending, and the circumstances in which the church 21 permitted such permission to officiate to continue; 22 whether any steps were taken to assess the risk that 23 Peter Ball may have posed to young people between his 24 resignation in 1992 until 2009, when a risk assessment 25 did take place; whether or not a similar senior figure</p> <p style="text-align: center;">Page 28</p>

<p>1 would be treated in a similar way and for similar 2 reasons today, and, if not, why not; whether or not 3 individuals in places of prominence attempted or did use 4 their influence inappropriately to prevent Peter Ball's 5 exposure or to lessen it; whether or not there are any 6 cultural factors arising in respect of Peter Ball's 7 case, including the culture of deference within the 8 church and the culture of what has been called 9 clericalism; the difficulties in dealing with those in 10 positions of power accused of sexual abuse; the placing 11 of the church's reputation above that of those who have 12 been abused; an institution which is inwardly focused 13 rather than outwardly focused, ie, the impact of 14 a closed institution; questions of sexuality and whether 15 or not this contributed to overlooking serious 16 safeguarding issues, and whether or not differences of 17 theological perspective within the dioceses of 18 Chichester or within the Anglican Church at the time 19 contributed to overlooking serious safeguarding 20 failures; what steps the church has taken in response to 21 the Dame Moira Gibb report and to the other internal 22 investigations, and what further steps does it need to 23 take in order to ensure that these issues no longer 24 impede, inhibit or frustrate the reporting and 25 management of safeguarding.</p> <p style="text-align: center;">Page 29</p>	<p>1 been gathered to try to both seek efficiency and avoid 2 duplication. This already includes: corporate evidence 3 from the Church of England about permission to officiate 4 and religious communities; secondly, corporate evidence 5 about safeguarding practices and procedures which were 6 in place in 1992 when Peter Ball's resignation occurred, 7 and changes in such practices and procedures subsequent 8 to that date; thirdly, corporate evidence about 9 structure and governance of the church; fourthly, 10 evidence from past and current Archbishops of Canterbury 11 about their involvement with Peter Ball, both before and 12 after his resignation and, in particular, the events 13 between 1992 and 2012 which took place within 14 Lambeth Palace; fifthly, evidence from staff working at 15 Lambeth Palace between 1992 and 2012 about the 16 circumstances in which correspondence was received but 17 not forwarded to the police in 1992/1993 and then the 18 steps that Lambeth Palace did or did not take in respect 19 of Peter Ball between then and 2012; next, evidence from 20 individuals within the Diocese of Chichester about what 21 they knew and what involvement they had with Peter Ball 22 both before and after his resignation; and we have also 23 received evidence in writing from David Bentley, the 24 former Bishop of Gloucester. 25 We are very fortunate in having had the material</p> <p style="text-align: center;">Page 31</p>
<p>1 Preparations to date. The investigation team has 2 received all the relevant documentary evidence and 3 witness material which Dame Moira Gibb had in order to 4 prepare her report. It has also sought separately all 5 the relevant documentary material about Peter Ball, both 6 whilst he was an active member of the clergy and his 7 relationship with the church after his resignation in 8 1992 from the Church of England. It also has 9 information from Gloucestershire Police, 10 Northamptonshire Police, Sussex Police and the Crown 11 Prosecution Service about their investigation and 12 involvement with Peter Ball. 13 I identified at the previous preliminary hearing the 14 process which the investigation takes about determining 15 the relevance of the material and then the process of 16 redaction and redaction checking when that has been 17 undertaken. The inquiry has received around 18 88,000 pages of material for the Peter Ball case study, 19 of which it has already reviewed 43,000 to determine 20 their relevance. 21 The investigation team hope to be able to provide 22 all this documentation to all relevant core participants 23 in good time before the hearing. 24 Some witness evidence has already been sought and 25 received which touches upon Bishop Ball and which has</p> <p style="text-align: center;">Page 30</p>	<p>1 upon which Dame Moira Gibb reached her conclusions 2 within her report. We intend to use this underlying 3 material to stand as the evidence of the majority of 4 individuals who gave evidence to the Gibb Inquiry, ie, 5 we will treat the interview or information they gave to 6 be their witness evidence without making a separate 7 rule 9 request for a statement to be produced. There 8 are, however, some individuals who were interviewed by 9 Dame Moira Gibb of whom we will be asking further 10 questions under rule 9, both from our own perusal of 11 the documentation and from the information which 12 Dame Moira Gibb has supplied. 13 There is also a small number of witnesses who either 14 were not interviewed by Dame Moira Gibb or who did not 15 wish to give evidence to her, but whom we wish to obtain 16 evidence from. 17 The majority of requests for witness statements will 18 be with relevant witnesses by the end of February 2018 19 with a view to having them all disclosed by the end 20 of May 2018. 21 A further preliminary hearing has been listed for 22 Wednesday, 6 June 2018 at 10.30 am, where further 23 information will be given about that hearing. 24 I now turn to the national church. It is the 25 intention of the chair and panel to hold a further</p> <p style="text-align: center;">Page 32</p>

<p>1 hearing into Anglican Church at a date to be determined 2 in 2019. The panel considers that this hearing should 3 focus upon the following issues. 4 Firstly, an examination of the views of victims and 5 survivors as to what gaps it sees in the church's 6 current practices in respect of safeguarding and what 7 steps they consider should be taken to improve 8 safeguarding practice. 9 Secondly, an examination of the appropriateness of 10 reparations made, and continuing to be made, by the 11 church and the role of insurers within that. 12 Thirdly, an examination of the current safeguarding 13 policies and practices of the church, both in England 14 and Wales, with an emphasis upon identifying whether or 15 not the changes which have been made are adequate to 16 protect children and young people from the risks of 17 sexual abuse. This will include an examination of 18 the current auditing system and whether or not it is 19 sufficient to identify failures in practice or procedure 20 and what steps the church is intending to take over the 21 next few years and what differences that may make to 22 safeguarding processes. 23 Fourthly, an examination of how more recent 24 referrals are currently being dealt with, including 25 reparations.</p> <p style="text-align: center;">Page 33</p>	<p>1 evidence assessment into the current academic literature 2 available in respect of sexual abuse both within the 3 Anglican and the Catholic churches. That was disclosed 4 to core participants in late November and is available 5 on the inquiry's website. 6 Chair, nobody has identified any other particular 7 forms of business. I don't know whether or not you wish 8 to ask if any core participants or legal representatives 9 wish to say anything to you at this time? Thank you 10 very much. 11 THE CHAIR: Thank you, Ms Scolding. Does anyone wish to 12 address me on any of the issues that have been raised? 13 Submissions by MS HOYANO 14 MS HOYANO: Thank you, chair. I just wanted to indicate 15 that we are content with the scope of the Chichester 16 Diocese as set out today very helpfully by leading 17 counsel. On the scope of the Peter Ball hearing, we 18 will await disclosure and instructions from our clients 19 before we take a position on that. 20 I would just like to thank counsel to the inquiry 21 and the solicitor to the inquiry for being so helpful 22 and open to our suggestions, and in particular for 23 providing us with road maps through the avalanche site 24 of disclosure, and we hope very much that that will 25 continue. Thank you.</p> <p style="text-align: center;">Page 35</p>
<p>1 Fifthly, an inquiry into whether or not the current 2 structures of the Church of England and Wales for 3 dealing with cases of sexual abuse, both current and 4 non-recent, are working to keep children safe and, if 5 not, what changes may or should be made. 6 I turn, last, to the core participant determinations 7 and the rapid evidence assessment. Since the hearing 8 in July 2016, there have been four core participant 9 determinations designating AN-A87, AN-A88, AN-A89 and 10 AN-A90 as core participants in respect of the wider 11 investigation. These will be published on the website 12 and a summary of their applications and determinations 13 can be found in your bundle. The inquiry has also 14 received another application for core participant status 15 from another complainant in relation to the wider 16 Anglican Church investigations. We will invite you to 17 determine this application, chair, as soon as is 18 practicable. 19 Last, but by no means least, on behalf of 20 the inquiry, we would indicate that there is a dedicated 21 research team whose role is both to undertake original 22 research in respect of aspects of child sexual abuse to 23 provide assistance both to the inquiry but also to the 24 public as a whole. As part of its scoping work into 25 religious institutions, the inquiry undertook a rapid</p> <p style="text-align: center;">Page 34</p>	<p>1 THE CHAIR: Thank you, Ms Hoyano. Mr Greenwood? 2 Submissions by MR GREENWOOD 3 MR GREENWOOD: Madam chair, just a couple of points as to 4 how we are seeing things at the moment. We are 5 satisfied that counsel to the inquiry and the team are 6 doing a good job at redacting and getting through this 7 documentation. I spoke to counsel to the inquiry and 8 her colleague just before you came in about a couple of 9 matters. One is the potential disclosure of strategic, 10 legal and PR advice. I am going to put that in writing 11 to her because I haven't seen any of that so far and 12 I think that is important to be scrutinised, at least. 13 There are a couple of issues around John Treadgold 14 and Roger Meekings which I can deal with with counsel to 15 the inquiry direct on as well. 16 Lastly, on the witness list, the former Detective 17 Eddie Hick of Sussex Police is down at the moment as 18 a witness to read. We would like to see him or have the 19 opportunity for him to give live evidence. I just set 20 that down as a marker now, but I will write in to my 21 colleague to make that clear. Thank you. 22 THE CHAIR: Thank you, Mr Greenwood. 23 Submissions by MR GIFFIN 24 MR GIFFIN: Chair, may I echo what others have said. We are 25 grateful both for the information this morning and for</p> <p style="text-align: center;">Page 36</p>

<p>1 the help that we have from Ms Scolding and others when 2 we have queries going forward. 3 May I ask, if this is something you can tell us 4 anything about this morning: we know we have the 5 hearing -- the Chichester case study in March, the Ball 6 hearing at the end of July and a wider church hearing at 7 a date to be determined next year. Does the inquiry at 8 present have a view as to at what point it may publish 9 any reports or interim reports touching on this stream 10 of the investigation? 11 THE CHAIR: Thank you, Mr Giffin. Ms Scolding, would you 12 care to address that issue? 13 MS SCOLDING: It is proposed that an interim report will be 14 written about Chichester following the April hearing and 15 then one about Peter Ball following the July hearing. 16 The exact precise timescales of when they will be 17 published and whether or not they will be published 18 together or separately are yet to be determined. But 19 that's the current proposal, chair. 20 THE CHAIR: Thank you. If there are no further submissions 21 to be made, can I for the record -- 22 MS SCOLDING: Chair, sorry to interrupt. There is one minor 23 issue, which is, although I asked you to make a formal 24 order amending the broadcasting, I didn't then give you 25 a chance to do so, so if you may do that now.</p> <p style="text-align: center;">Page 37</p>	
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<p>1 THE CHAIR: Yes, I was just about to do so. 2 I will make the formal order regarding the 3 three-minute delay in the broadcast transmission of 4 the inquiry. We will carefully consider all the 5 submissions that will be made following this hearing and 6 will make decisions as quickly as possible after the 7 deadlines have passed. Thank you all very much for your 8 attendance today and we look forward to seeing you when 9 the hearings begin. Thank you. 10 (11.30 am) 11 (The hearing concluded) 12 13 14 I N D E X 15 16 Welcome and opening remarks by THE1 17 CHAIR 18 19 Opening statement by MS SCOLDING3 20 21 Submissions by MS HOYANO35 22 23 Submissions by MR GREENWOOD36 24 25 Submissions by MR GIFFIN36</p> <p style="text-align: center;">Page 38</p>	
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