

<p>1 Monday, 5 March 2018</p> <p>2 (10.30 am)</p> <p>3 Welcome and opening remarks by THE CHAIR</p> <p>4 THE CHAIR: Good morning to everyone. My name is</p> <p>5 Alexis Jay, and I'm the chair of the Independent Inquiry</p> <p>6 into Child Sexual Abuse. With me are the other panel</p> <p>7 members of the inquiry: Ivor Frank, Professor Sir</p> <p>8 Malcolm Evans and Drusilla Sharpling.</p> <p>9 On behalf of the inquiry, I welcome you all to the</p> <p>10 first day of the substantive hearing on the</p> <p>11 Anglican Church investigation and in particular the</p> <p>12 Chichester Diocese case study hearing. This hearing</p> <p>13 will run for 14 days with one non-sitting day, finishing</p> <p>14 Friday, 23 March 2018.</p> <p>15 The investigation into the Anglican Church is a part</p> <p>16 of the inquiry's wider investigation into institutional</p> <p>17 failures in connection with the abuse of children in</p> <p>18 England and Wales.</p> <p>19 This is an important day for the work of the inquiry</p> <p>20 and for the core participants and the witnesses taking</p> <p>21 part in this investigation and case study.</p> <p>22 Today marks not only the first day of this hearing</p> <p>23 in this investigation, but the opening of the fourth</p> <p>24 public hearing in which the inquiry will hear live or</p> <p>25 read evidence from complainants about their experiences</p> <p style="text-align: center;">Page 1</p>	<p>1 participants who will give evidence before the inquiry</p> <p>2 during this hearing and to those who have given written</p> <p>3 testimony, we are grateful to you all for coming forward</p> <p>4 to bear witness and we are conscious of the great</p> <p>5 challenges that many of you have encountered as a result</p> <p>6 of your experiences as children.</p> <p>7 I also wanted to take this opportunity to say in</p> <p>8 public how important it is that the information which</p> <p>9 the inquiry shares with core participants is kept</p> <p>10 confidential in accordance with the confidentiality</p> <p>11 undertaking which all core participants have signed.</p> <p>12 This includes details about arrangements for the</p> <p>13 hearing, the witness timetable and evidence topics, as</p> <p>14 well as the disclosure material.</p> <p>15 The inquiry takes very seriously any breaches of</p> <p>16 these undertakings or unauthorised sharing of</p> <p>17 information regarding forthcoming hearings and</p> <p>18 investigations. Given the sensitive nature of</p> <p>19 the information and material which the inquiry shares</p> <p>20 with core participants, it cannot pick and choose what</p> <p>21 information they keep confidential and what information</p> <p>22 they make public in breach of that undertaking. I am</p> <p>23 aware that during a press conference at Lambeth Palace,</p> <p>24 the Archbishop of Canterbury recently confirmed to</p> <p>25 journalists that he would be giving evidence at this</p> <p style="text-align: center;">Page 3</p>
<p>1 of sexual abuse.</p> <p>2 As you all know, the task of the chair and panel of</p> <p>3 the inquiry is to examine the extent to which public and</p> <p>4 private institutions in England and Wales have failed to</p> <p>5 protect children from sexual abuse in the past and to</p> <p>6 make meaningful recommendations to keep children safe</p> <p>7 today and in the future.</p> <p>8 The definition of the scope of this case study is</p> <p>9 published on the inquiry website.</p> <p>10 The inquiry's broader programme of work was</p> <p>11 published in its December 2016 report. The hearings in</p> <p>12 this investigation follow the completion of the hearings</p> <p>13 in July 2017 into the child migrants programme, part of</p> <p>14 the Children Outside the UK investigation, and the</p> <p>15 Catholic Church hearings in relation to the English</p> <p>16 Benedictine Congregation in December 2017.</p> <p>17 Already this year, the inquiry has held its first</p> <p>18 week of hearings on the Internet investigation and they</p> <p>19 are part of the timetable of substantive hearings and</p> <p>20 seminars in a number of the inquiry's investigations,</p> <p>21 the detail of which we have published up to and</p> <p>22 including March 2019.</p> <p>23 To all the core participants and their legal teams,</p> <p>24 we thank you for the hard work you have done in</p> <p>25 preparing for this hearing. To the complainant core</p> <p style="text-align: center;">Page 2</p>	<p>1 hearing and also the date of his appearance. In</p> <p>2 correspondence between the solicitor to the inquiry and</p> <p>3 those representing the Archbishops' Council, Mr Smith</p> <p>4 was informed that the archbishop did confirm to</p> <p>5 a journalist that he would be giving evidence to the</p> <p>6 inquiry. The church has apologised for this breach of</p> <p>7 confidentiality.</p> <p>8 Whilst the panel is grateful for this apology, it is</p> <p>9 most disappointing that confidential matters were shared</p> <p>10 by the archbishop in breach of the undertaking.</p> <p>11 I therefore wish to remind publicly each of</p> <p>12 the individual and institutional core participants and</p> <p>13 the officers of such institutional core participants</p> <p>14 involved in this hearing and the inquiry's wider work of</p> <p>15 the importance of maintaining confidentiality</p> <p>16 throughout.</p> <p>17 I would now like to introduce the core participants</p> <p>18 and, where appropriate, their representatives as</p> <p>19 follows.</p> <p>20 Counsel for the complainants, victims and survivors</p> <p>21 represented by Slater & Gordon, Ms Laura Hoyano.</p> <p>22 Solicitors for the complainants, victims and</p> <p>23 survivors represented by Switalskis, Mr David Greenwood.</p> <p>24 Mr Greenwood is also representing the Ministers and</p> <p>25 Clergy Sexual Abuse Survivors Organisation, known as</p> <p style="text-align: center;">Page 4</p>

<p>1 MACSAS, also represented here by Mr Greenwood and 2 Switalskis. 3 Leading counsel for the Archbishops' Council 4 Mr Nigel Giffin QC. 5 Leading counsel for the Ecclesiastical Insurance 6 Office, Mr Rory Phillips QC. 7 Leading counsel for Bishop Peter Ball, 8 Mr Richard Smith QC. 9 Counsel for Bishop John Hind and Janet Hind and 10 Lord Carey of Clifton, Mr Charles Bourne QC. 11 Leading counsel for the Crown Prosecution Service, 12 Mr Edward Brown QC. 13 Leading counsel for the Chief Constable of Sussex 14 Police, Mr Ashley Underwood QC. 15 Leading counsel for the Gloucestershire 16 Constabulary, Mr Gerry Boyle QC. 17 And finally, leading counsel for the 18 Secretary of State for Education, Ms Cathryn McGahey QC. 19 Before we hear from leading counsel to the inquiry, 20 Fiona Scolding QC, some details of the practical 21 arrangements. We will sit each day from 10.30 am. 22 Ordinarily, we will take a 15-minute break at around 23 11.45 am and break for lunch at 1.00 pm, returning at 24 2.00 pm. 25 We intend to sit until between 4.00 pm and 4.30 pm</p> <p style="text-align: center;">Page 5</p>	<p>1 material to the inquiry inevitably leads to delays in 2 disclosure to core participants and thus preparations 3 for the hearing. I'm grateful to all of you for your 4 understanding and patience in these circumstances. 5 I will now invite Ms Scolding to address the panel 6 on any preliminary matters. Please go ahead, 7 Ms Scolding. 8 Opening statement by MS SCOLDING 9 MS SCOLDING: Good morning, chair and panel. I am 10 Ms Fiona Scolding, lead counsel to the Anglican 11 investigation. Next to me sits Ms Nikita McNeill, 12 Ms Lara McCaffrey and Mr Olinga Tazhib, junior counsel 13 to the Anglican investigation. Today we begin the first 14 substantive hearing into the institutional response of 15 the Anglican Church to allegations of child sexual 16 abuse. 17 This investigation is just one of 13 so far launched 18 by the statutory Independent Inquiry Into Child Sexual 19 Abuse established by the Home Secretary in March 2015, 20 offering an unprecedented opportunity to examine the 21 extent to which institutions and organisations in 22 England and Wales have been able to respond 23 appropriately to such allegations of child sexual abuse. 24 This hearing focuses upon the response of 25 the Diocese of Chichester to allegations made to it</p> <p style="text-align: center;">Page 7</p>
<p>1 each day. By way of an agenda, we rely on the hearing 2 timetable which sets out the order in which witnesses 3 will be called. The hearing transcript is recorded 4 simultaneously on screens throughout the room and will 5 be published at the end of each day on the inquiry 6 website. Any directions arising from the day's hearing 7 will also be published on the website. 8 There are anonymity arrangements in place for the 9 complainant core participants who will be giving 10 evidence throughout the hearing. Ciphering and 11 redactions have also been used in relation to the 12 evidence in accordance with the inquiry's redaction 13 protocol and restriction order, both of which are 14 available on the website, except for complainant 15 witnesses who have waived their right to anonymity. 16 If there is any inadvertent breach of a restriction 17 order, I will ask that the simultaneous recording be 18 stopped briefly so that the issue can be addressed as 19 appropriate. 20 Finally, I am aware that some witness statements 21 have been received by the inquiry and thus disclosed to 22 core participants somewhat late in the day. Whilst the 23 inquiry appreciates the amount of work involved from 24 witnesses in preparing statements for a hearing such as 25 this, the late provision of statements and other</p> <p style="text-align: center;">Page 6</p>	<p>1 about various individuals, both clergy and volunteers. 2 Some of the abuse you will hear about occurred during 3 the 1950s and 1960s. Some of it is much more recent. 4 A series of allegations came to light from the late 5 1990s onwards and then engulfed the diocese in the first 6 decade of the 21st century. The role of this hearing is 7 to examine what happened and what it demonstrates about 8 the response of the church to child sexual abuse. 9 It is also to ask about the church's abilities to 10 learn lessons and implement change from that which it 11 has already largely acknowledged were mistakes. 12 This hearing will also seek to examine how the 13 church dealt with those who, having been abused as 14 children, came to speak to the church as adults to tell 15 their story, and of the inadequacies of the response by 16 the church to those disclosures which, again, the church 17 has largely acknowledged. Most of those from whom you 18 will hear were abused, or make allegations of abuse, 19 from very many years ago. The laws and practices of 20 the Church of England have altered, even in the past 21 five years, in response to the information that these 22 individuals have brought to light. It is still in the 23 process of evolution. 24 We will hear about this from the current Bishop of 25 Bath and Wells, Peter Hancock. The law, guidance and</p> <p style="text-align: center;">Page 8</p>

<p>1 views of society have changed even more radically since 2 the time when much of the offending took place. 3 However, as this inquiry well knows, the pain of 4 those who were abused as children does not go away or 5 end simply because society's views about it have 6 altered. Sometimes their lives have been thoroughly 7 blighted by such abuse. Others have become activists 8 for a more open and transparent culture both within our 9 society and within the church, using their own 10 experience as a basis for promoting change and often 11 compelling the church to look at some very uncomfortable 12 truths. We will be hearing evidence from some of those 13 victims, survivors and complainants, all of whom are 14 seeking to use their own experiences as a way for us, as 15 an investigation, to learn and make recommendations. 16 The feelings of shame and inadequacy associated with 17 sexual abuse within childhood can leave an indelible 18 scar for even those with the most courageous and 19 optimistic personalities. The inquiry wishes to thank 20 all of the victims, survivors and complainants for their 21 openness, their honesty and their desire to assist us. 22 The more that all of us can speak about abuse and expose 23 it, the more that society as a whole can change. 24 There have been a number of internal inquiries into 25 the actions of the Diocese of Chichester and individuals</p> <p style="text-align: center;">Page 9</p>	<p>1 difficult truths. 2 So what, then, is the purpose of embarking on this 3 investigation within this inquiry? 4 First of all, these events did not happen so long 5 ago as to consign them to history. The institutional 6 response of the church, which we are examining, happened 7 largely in the last decade of the 20th century and in 8 the first decade of the 21st, a time when sexual abuse 9 was recognised as a problem by society and where the 10 state had systems in place to investigate it. 11 Second, the response of the church assists us in 12 examining how society as a whole and in particular its 13 established institutions have dealt with abuse to date. 14 The church is the established church of England, the 15 national church. I will explain in a little more detail 16 exactly what that means in a moment, but it is a very 17 important and powerful institution within our society. 18 Its internal laws have to be approved by parliament; the 19 queen is the supreme governor of the church and its 20 bishops still sit in the House of Lords. It provides 21 spiritual sustenance for many and is seen as a leader 22 not just in terms of religious questions, but related 23 issues of social justice and ethics. Its management of 24 allegations of child sexual abuse reflect not just 25 society's difficulties in coming to terms with it, but</p> <p style="text-align: center;">Page 11</p>
<p>1 who spent time as clergy there, even if their offending 2 took place elsewhere. This inquiry will not hear much 3 which has not been aired previously, either within the 4 criminal courts, the civil courts or the internal review 5 processes commissioned by the church itself. What is 6 different is that the focus of this investigation is 7 upon the themes and issues which emerge from the reviews 8 and trials: to seek to draw them together and synthesise 9 them; to examine the extent to which the church has been 10 able to change many of the deep-rooted structural, 11 governance and cultural problems identified within those 12 reviews. Our primary role is to listen and to enquire. 13 As a society, we have, over the past ten years, had 14 to examine uncomfortable truths about our wilful 15 blindness to such abuse. We have gone from a situation 16 where sexual abuse was not heard, discussed or taken 17 seriously; where, in many people's eyes, it was even 18 inconceivable that it could exist, let alone that 19 individuals who were otherwise pious, holy and 20 charismatic people could have engaged in it. We now 21 have to recognise as a society that abuse can occur 22 everywhere and can involve individuals who otherwise 23 would be considered to be trusted leaders of their 24 community. This inquiry is part of the continuing 25 conversation that our society is having about such</p> <p style="text-align: center;">Page 10</p>	<p>1 also how even institutions dedicated to good can both 2 harbour individuals who are malign and can sometimes be 3 institutionally incapable of effective responses to 4 concerns about the sexual abuse of children. 5 It has a place close to the centre of almost every 6 community and in times of crisis it is often where many 7 of us turn. The church is widely seen as a champion of 8 social justice, a position which entails great 9 responsibility. It has occupied a central position of 10 trust within our nation. When it breaches such trust, 11 the repercussions are grave. 12 Third, it is a very significant provider of 13 voluntary services for children, everything from the 14 Cubs through to youth groups and mother and baby 15 classes, even for large numbers of individuals who do 16 not worship within its churches. It is also by far and 17 away the largest sponsor of state education within this 18 country. One in six children attend an Anglican school. 19 Whilst the church does not directly fund many of these 20 institutions, clergy and volunteers from parishes and 21 dioceses often sit on the governing body or board of 22 trustees, and the Diocesan Board of Education still 23 plays a significant role in the supervision of religious 24 education within those schools, much of which has 25 a social and ethical dimension.</p> <p style="text-align: center;">Page 12</p>

<p>1 Fourth, it allows the panel to consider whether 2 deference to individuals in a position of authority, not 3 so very long ago, may have put children at risk of 4 abuse. The wider question is whether the church, in its 5 responses to allegations, was too willing to believe 6 those who subsequently turned out to be abusers and too 7 slow to interrogate information that ought to have given 8 rise to significant concern.</p> <p>9 Fifth, the themes emerging from this investigation 10 are relevant and will contribute to the panel's ability 11 to put the contemporary problems of child sexual abuse 12 in context, both within the church but also within other 13 institutions where similar problems no doubt arise and 14 are replicated.</p> <p>15 Those who will be giving evidence and the available 16 documentation suggests that the following may be 17 problems within the church.</p> <p>18 Firstly, a tendency to make children responsible for 19 their sexual abuse instead of the adults around them.</p> <p>20 Secondly, a tendency to let difficult issues drift 21 rather than to confront them.</p> <p>22 Thirdly, an inability to believe that those whose 23 lives were ostensibly dedicated to good could be capable 24 of great harm towards children and young people.</p> <p>25 Fourthly, an inability to spot grooming behaviours</p> <p style="text-align: center;">Page 13</p>	<p>1 who identifies that an absence of management expertise 2 can cause problems within the running of an effective 3 diocese.</p> <p>4 Ninth, an emphasis upon forgiveness at the expense 5 of justice and redress for the victims.</p> <p>6 Tenth, an institution which, possibly unsure of 7 itself and its role within the late 20th century, was 8 frightened of criticism from the outside and which, on 9 some occasions, put its own reputation as an institution 10 above the need to safeguard children.</p> <p>11 Eleventh, an institution where differences in 12 approach to church order and religious form may have 13 sustained personal distrust and difficulties in 14 interpersonal relationships which worked against 15 cooperation and action.</p> <p>16 Twelfth, an institution which is grappling with the 17 role of women, both ordained but also as employees and 18 volunteers in senior positions. The church's voluntary 19 services have always been dominated by women, but before 20 1992 when the ordination of women was permitted, women 21 were not in clerical positions of authority and some 22 approaches to them by some clergy may have been infected 23 by bias, conscious or unconscious.</p> <p>24 An institution grappling with human sexuality and 25 sexual orientation, which was, and still is, the subject</p> <p style="text-align: center;">Page 15</p>
<p>1 or even understand what grooming behaviours may be.</p> <p>2 Fifth, an inability to understand that those who 3 were abused as children would still feel such abuse 4 acutely as adults and require redress and reparation, no 5 matter how long ago the events occurred.</p> <p>6 Sixth, a culture of excessive deference to those at 7 the top of the hierarchy and an unwillingness to 8 challenge them.</p> <p>9 Seventh, an institution which can sometimes put 10 loyalty to your tribe or faction above safeguarding 11 concerns.</p> <p>12 Eighth, a culture of amateurism: a non-professional 13 or largely, until very recently, non-professional 14 safeguarding organisation with very limited external 15 oversight run largely by clergy who were willing but had 16 limited experience of such matters within their 17 professional lives and where training was patchy and not 18 embedded, record keeping was not standardised and the 19 sums of money spent upon safeguarding were, until very 20 recently, small. Bishops, with largely no professional 21 management qualifications or experience are running 22 multi-million-pound institutions with significant 23 numbers of office holders and employees, as well as 24 a vast number of volunteers. You will hear evidence 25 from a canon who was previously a management consultant</p> <p style="text-align: center;">Page 14</p>	<p>1 of fervent debate within the church itself.</p> <p>2 An institution running to catch up with safeguarding 3 changes taking place in other parts of society, and 4 sometimes falling behind to a significant degree.</p> <p>5 An institution which, despite internal reviews, 6 moves slowly and in some quarters with reluctance to 7 embrace change.</p> <p>8 An institution which may, by its culture and 9 structure, have been unable to react as quickly and as 10 decisively as it would have wished.</p> <p>11 An institution which, at its grass roots level has 12 found it difficult at times to grapple with some of 13 the basic changes that most institutions now accept are 14 necessary for the management of risk, namely, the 15 provision of criminal records checks and vetting and 16 barring information. You will hear of parishes where 17 individuals resign rather than face such checks, not 18 because they have perpetrated any criminal offending, 19 but because they consider that it is a slur on their 20 character to even be asked such questions. These sorts 21 of beliefs require a sustained and systemic campaign of 22 education and a societal shift which can be unfeasibly 23 slow.</p> <p>24 An institution which does not have direct lines of 25 control and which is largely a collection of autonomous</p> <p style="text-align: center;">Page 16</p>

<p>1 bodies which can cooperate but can also compete. 2 The church sought this statutory inquiry and met 3 with the Home Secretary to urge her to launch it in 4 2014. The panel will hear from the current Archbishop 5 of Canterbury who stated in a letter to the 6 Home Secretary that: 7 "Public authorities all need to be open about our 8 own failures and not be perceived as hiding in the 9 undergrowth of other institutions' shortcomings and that 10 such failures need to be faced in order to move forward 11 and to have more effective institutions in setting 12 a better path for the future." 13 We seek during the course of this investigation to 14 ask the church, its office holders and employees to be 15 open about their own failings. This will involve 16 confronting uncomfortable truths, matters which we have 17 no doubt are embarrassing and awkward both to the 18 institutions and to the individuals concerned. The 19 Bishop of Bath and Wells, Peter Hancock, when answering 20 questions at General Synod in February 2018 recognised 21 that this would be the case. This investigation 22 acknowledges that this process is painful and difficult. 23 What we seek is to try to learn from these mistakes in 24 order to minimise the risk that they will be made again 25 in the future. We can but hope that this investigative</p> <p style="text-align: center;">Page 17</p>	<p>1 with certain criticisms. 2 There is a need to go straight to the key issues 3 within the context of this investigation. There is an 4 absolute torrent of documentary material. Witnesses 5 have often given very many accounts of their involvement 6 in statements and interviews. They have given, on the 7 whole, detailed and thought-provoking responses to the 8 questions which this investigation has asked them. The 9 purpose of calling these witnesses is to ask them to 10 address the most significant points at issue, and to 11 explore why things happened. There will not be the 12 opportunity to introduce every piece of every part of 13 documentary evidence on which the panel will in due 14 course be invited to base their conclusions and 15 recommendations. Indeed, witnesses may not even be 16 asked about much of the documentary material to which 17 I shall be referring in this opening statement, but by 18 referring to it here, I ask that it is put in evidence 19 by being posted on the inquiry's website. 20 In order to understand why certain decisions were 21 made and how the church operates, this investigation has 22 sought evidence from a wide range of institutional 23 participants. The church's organisation could be 24 described as Byzantine and often uses language that some 25 may think is still redolent of Trollope. We will seek</p> <p style="text-align: center;">Page 19</p>
<p>1 process provides, if not catharsis, then at the very 2 least a greater appreciation of what we, as a society, 3 can do. 4 As the most recent document from some victims sent 5 to members of the General Synod in February 2018 6 identifies, what should be unique about the 7 Church of England is that, when faced with abuse in its 8 own ranks, it should act with urgency, compassion, 9 transparency and professionalism. You will hear 10 evidence that some of those qualities may have been 11 absent in some of the responses in the past. 12 We will also ask the victims and survivors of abuse 13 how they think the church responded to their abuse at 14 the time and how and what steps they think the church 15 has yet to take to deal with it. We must listen to them 16 and have deep regard for what they have to tell us about 17 what still needs to be changed within the church. Very 18 often, their voices have been marginalised. This must 19 not be the case within this investigation. 20 The purpose of this opening statement is to 21 introduce some of the materials that the investigation 22 will ultimately ask the panel to consider. We want to 23 set the scene so that, when witnesses come to give 24 evidence, it is understood why they are being asked 25 certain questions or why they are being asked to deal</p> <p style="text-align: center;">Page 18</p>	<p>1 during this opening to try to provide for members of 2 the public a basic understanding of the way in which the 3 church's organisations and structures work. We will 4 also seek during the course of this hearing to ask for 5 explanations about those parts of church institutions, 6 governance and structures which are arcane, both to the 7 outsider and even in some cases to the average 8 parishioner. This opening statement will deal with the 9 following material: firstly, a background explanation of 10 the Church of England and its structure; secondly, 11 a background explanation of the evolution of 12 safeguarding practice and procedure within the church 13 over time; and, thirdly, an explanation briefly of what 14 happened in the Diocese of Chichester. 15 I'm turning now to a background explanation of 16 the church's structure. I am sure that canon lawyers 17 amongst you will wail and gnash their teeth at some of 18 these explanations, but I have sought, from 19 a layperson's perspective, to try to explain the way the 20 church operates. A very detailed explanation of 21 the structure of the church and its history is set out 22 in the witness statement of William Nye. He is 23 currently the Secretary General of 24 the Archbishops' Council and the Secretary General of 25 the General Synod. I understand that this means he is</p> <p style="text-align: center;">Page 20</p>

<p>1 the chief administrator for the organisation which runs 2 some, but not all, aspects of the central church 3 structure and is also the chief administrator of 4 the body which makes legislative decisions for the 5 Church of England. I will explain both in due course. 6 This investigation cannot do justice to the detailed 7 explanations provided particularly within Mr Nye's 8 statement, but also that of Mr Slack, an ecclesiastical 9 lawyer, Mr Hubbard, who is in charge of recruitment and 10 training, and Ms Foster, the Director of Ordinands. 11 Some basic information, however. Just over 12 1 million people attend Anglican Church services 13 regularly of whom around 20 per cent are children. 14 A third of all worshipers are over 70. The church still 15 plays a very significant role, as I have already 16 mentioned, in the education of our children and young 17 people. There are 4,435 primary schools and 227 18 secondary schools in the state sector which have 19 a Church of England ethos. The sites and buildings are 20 therefore usually owned by the church but the running of 21 the school falls to the board of governors or trustees. 22 At least in some schools the majority of governors are 23 appointed by a church entity. There are also 24 independent schools which have an Anglican character, 25 165 of whom say that this is what they are.</p> <p style="text-align: center;">Page 21</p>	<p>1 for example, the diocese of Europe which covers both 2 large parts of Europe but also Central Asia and Turkey. 3 There are some 7,253 full-time paid clergy operating 4 within various capacities within the Church of England. 5 There are also some 3,230 unpaid clergy, known as 6 non-stipendiary clergy, or self-supporting ministers. 7 A stipend is what the clergy receive, as they are not 8 employees but, rather, office holders. There are 9 therefore significant numbers of clergy administering in 10 parishes who do so as a voluntary, part-time vocation 11 whilst pursuing other careers. Not being an employee 12 can cause difficulties by way of control and direction 13 of their duties. There are also nearly 6,000 clergy who 14 are retired but have what is known as permission to 15 officiate, which is a licence which allows them to 16 conduct church services. 17 The parish is described by Mr Nye as the "heart of 18 the Church of England". Working up, a group of parishes 19 is known as a deanery, which are run by clergymen who 20 have been elected or appointed as deans. The next 21 structure is the archdeaconery, with individuals acting 22 as archdeacons. Again, these are larger geographic 23 groupings of parishes, the archdeacon having been chosen 24 for the task by the bishop, providing in effect 25 day-to-day assistance and oversight to what happens in</p> <p style="text-align: center;">Page 23</p>
<p>1 The church also plays a role in voluntary provision. 2 It provides youth groups and community activities in the 3 vast majority of dioceses, it provides nursery and 4 preschool settings, it provides holiday clubs and Sunday 5 school. Approximately 4,500 parishes during the last 6 meaningful statistical exercise carried out by the 7 church said that they undertook some form of pastoral 8 biblical work with children. The church has also some 9 involvement in the church Lads' and Girls' Brigade 10 organisations as well as organisations such as 11 Soul Survivor, which, although independent charities, 12 are designed to encourage young people to have 13 a relationship with Jesus. The Church of England has 14 also a Youth Council. 15 I turn now to how the church works. To the 16 outsider, the church looks like a centralised monolith 17 with the Queen as its supreme governor. The reality is 18 somewhat different. It is a group of semi-autonomous 19 bodies over whom the Archbishop of Canterbury may have 20 some indirect influence but no direct power of either 21 direction or control. The building blocks of the church 22 are parishes and dioceses. Within the 23 Church of England, there are some 12,459 parishes and 24 some 42 dioceses. A diocese is a geographic area. This 25 varies from the small to the geographically enormous,</p> <p style="text-align: center;">Page 22</p>	<p>1 a certain area. You will hear from individuals who have 2 acted both as deans and also as archdeacons within the 3 diocese. 4 The overall structure is that of the dioceses. Each 5 is headed by a bishop. Some have more than one bishop, 6 as is the case in Chichester, which are sometimes called 7 an assistant or a suffragan or even an area bishop, but 8 there is an overall diocesan bishop in charge. You will 9 hear from both area and diocesan bishops. The diocese 10 is described by Mr Hubbard who provides us with evidence 11 about recruitment and training, but also by Mr Slack, 12 Mr Nye and even the Archbishop of Canterbury as the key 13 institutional unit of the church. 14 Whilst the church operates by way of dioceses, as 15 one witness will say at the hearing, each priest is 16 a Pope in his or her own parish. A bishop also has 17 a significant degree of autonomy from the 18 superstructures of provinces that I will describe in 19 a moment. The bishop is a legal entity known as 20 a "corporation sole but with perpetual succession", 21 a concept which dates back to before the Reformation and 22 which I will not attempt to explain in this opening 23 statement. The bishop, however, is under Canon law, the 24 chief pastor of all those that are within his diocese 25 and each diocese has its own policies and practices, but</p> <p style="text-align: center;">Page 24</p>

<p>1 he is not, however, the manager of each parish. Each 2 diocese also has its own administration and central 3 secretariat. You will hear evidence from 4 Canon Ian Gibson, who performed one of these roles, and 5 also from a diocesan secretary who is the equivalent of 6 the chief operating officer within the diocesan 7 administration. 8 The church is described as a federation of 9 essentially autonomous office holders and bodies. As 10 a panel, you may well be interested to see how changes 11 to practices and procedures to strengthen safeguarding 12 can succeed within the context of a disparate number of 13 institutions which have no overarching line of direct 14 control. 15 Since 1995 and the publication of the church's first 16 national safeguarding policy, every diocese should have 17 had diocesan safeguarding advisers. These are 18 individuals who were tasked within the diocese with the 19 management of safeguarding. One of them, Janet Hind, 20 who was both the first child protection adviser in the 21 Diocese of Chichester but then became the first, as we 22 understand it, national safeguarding adviser within the 23 Church of England, will tell us about her experience 24 both in the diocesan and national background. She 25 identifies that when she first came into this role, she</p> <p style="text-align: center;">Page 25</p>	<p>1 Chichester were qualified social work or probation 2 professionals with a track record of experience in child 3 protection. 4 To provide assistance to the diocesan safeguarding 5 adviser, from 2004 onwards each diocese should have had 6 a Diocesan Safeguarding Advisory Panel, which was 7 a multi-agency group chaired by a layperson and 8 including professionals, for example, from the police, 9 social services and health. This should have met at 10 least annually to review policy or more often as 11 required. You will have evidence read from 12 Keith Akerman, who was chair of this group for a time 13 and who was a senior police officer, and from former 14 police officer Edmund Hick, who was also part of 15 the safeguarding advisory group. 16 The role of this group is something for you, as 17 a panel, to examine to see if it can be an effective 18 critical friend or if it has the power to prompt change. 19 At a parish level, responsibility for safeguarding 20 rests with the clergy responsible for the parish and the 21 parish council. This now includes a parish safeguarding 22 officer who should have had additional training and be 23 responsible for enforcing parish safeguarding policies 24 and procedures. 25 As far as the national picture is concerned, there</p> <p style="text-align: center;">Page 27</p>
<p>1 had no specific guidance or training issued nationally 2 by the church or template policies, so had to devise 3 them herself. She worked part time only in this role. 4 She was succeeded in Chichester by Tony Selwood, who 5 tragically died in a car accident, so cannot give us 6 evidence. Following Mr Selwood is Ms Shirley Hosgood, 7 who was in post between 2008 and 2010. She resigned not 8 long after having expressed concerns about safeguarding 9 within the diocese. She was then replaced on an interim 10 basis by Kate Wood, who was an independent safeguarding 11 consultant already based at Lambeth Palace, which I will 12 tell you about in a moment, and from whom you will 13 receive read evidence during this hearing. 14 Colin Perkins has been the diocesan safeguarding adviser 15 since 2011, and you will hear evidence from him as to 16 what he does and how safeguarding has worked during his 17 tenure. He was for a time joined both by Ms Wood and an 18 individual called Ms Marks-Good, whose evidence will be 19 read, whose work was primarily to support victims and 20 survivors who report abuse. 21 As Bishop Hancock says within his witness statement, 22 the vast majority of safeguarding takes place at the 23 diocesan level. There has been criticism of 24 the expertise of some diocesan safeguarding advisers, 25 although it should be noted that all individuals within</p> <p style="text-align: center;">Page 26</p>	<p>1 was no full-time national safeguarding lead until 2015. 2 You will hear from everyone who we understand has 3 performed the national safeguarding role within the 4 church. Firstly, Janet Hind, then Pearl Luxon, whose 5 evidence will be read because her ill-health prevents 6 her from attending, then Elizabeth Hall and, lastly, 7 Graham Tilby, who now performs this role on a full-time 8 basis and with a significantly expanded staff. 9 Since 2015, there has been, according to 10 Bishop Hancock, more money and personnel dedicated to 11 safeguarding at a national level, including the 12 employment of two specific provincial safeguarding 13 advisers, one for each archbishop, on a full-time basis. 14 There has also been the creation of a national 15 safeguarding panel of outside experts now called the 16 National Safeguarding Steering Group or NSSG. You will 17 hear evidence from Sir Roger Singleton, who is a member 18 of this group, and also Philip Johnson, about their 19 work. 20 Sir Roger has also been involved in examining the 21 church's undertaking of a past cases review which took 22 place in 2007 to 2008, which I will talk of later. 23 In order to run any organisation, money needs to be 24 spent upon it. In Chichester, the annual sum spent on 25 safeguarding in 2010 was around £59,000. Now it is</p> <p style="text-align: center;">Page 28</p>

<p>1 £226,000. John Hind, the previous bishop in Chichester, 2 will tell you that the sums spent on safeguarding were 3 not sufficient in his eyes. Nationally, the best 4 estimate of the church is that national expenditure, 5 including those of dioceses, has gone from £1.6 million 6 in 2011 to £5.1 million in 2017.</p> <p>7 I also mention at this stage two other institutions 8 which every diocese has and which are relevant to 9 different aspects of church structure: the Diocesan 10 Board of Finance and the Diocesan Board of Education. 11 You have witness evidence from Mr Nye and Mr Slack which 12 explains this in more detail and also witness statements 13 from the current head of the Board of Finance and Board 14 of Education within the Diocese of Chichester. These 15 provide details about what the boards do but, 16 ultimately, the Diocesan Board of Finance is in charge 17 of the money and controls the purse strings. The Board 18 of Education provides advice and guidance and deals with 19 appointments to church schools which are voluntary 20 aided, voluntary controlled or academies, ie, schools 21 which are funded by the state in some way or another.</p> <p>22 I now turn to how dioceses supervise parishes and 23 how archbishops supervise the dioceses.</p> <p>24 The dioceses do have power to visit parishes and the 25 bishop is entitled to correct matters which are amiss</p> <p style="text-align: center;">Page 29</p>	<p>1 is identified, he cannot direct a diocese as a result of 2 this, but is entitled to suspend aspects of its working 3 while the visitation is being undertaken.</p> <p>4 You will hear that such a visitation took place in 5 2011 at the behest of the then Archbishop of Canterbury, 6 Dr Rowan Williams, within the Diocese of Chichester 7 because of safeguarding concerns. This was the first 8 such occasion upon which a visitation was used in over 9 100 years.</p> <p>10 You will hear from the visitors Canon 11 Dr Rupert Bursell QC and Bishop John Gladwin. You will 12 also hear from Lord Williams, the then Archbishop of 13 Canterbury, as to why it was commissioned.</p> <p>14 There are other bodies which run centrally within 15 the church which are collectively known by the church as 16 national church institutions. Mr Hubbard, Mr Slack and 17 Mr Nye explain what they are. This includes 18 organisations which you will hear about during this 19 hearing: the secretariat based at the palace at Lambeth 20 and York, the one at York being known as Bishopthorpe, 21 the Archbishops' Council, which provides support to 22 dioceses and archbishops, and which is, for example, the 23 body which is instructing Mr Giffin, and just to 24 identify that the national safeguarding team sits within 25 the Archbishops' Council secretariat.</p> <p style="text-align: center;">Page 31</p>
<p>1 under his common law powers which, again, date back 2 probably to before the Reformation or shortly after the 3 church was created. Archdeacons also carry out 4 visitations to each parish once every three years.</p> <p>5 There is nothing which equates to line management in 6 which those who work in employment would recognise.</p> <p>7 There are two archbishops. The Archbishop of York 8 and Canterbury. That of Canterbury is described as the 9 "Primate of All England", that of York being the 10 "Primate of England". However, it would be wrong, 11 according to the evidence given by the church, to think 12 that they are or have any direct line management 13 responsibility over bishops. As the current incumbent 14 of the post, the Most Reverend Justin Welby, explains 15 within his witness statement, whilst individual bishops 16 have to swear an oath of obedience to the archbishop, he 17 has no legal powers to direct that bishops take specific 18 action and has no power, absent disciplinary 19 proceedings, to dismiss a bishop. The power of 20 the archbishop is, therefore, primarily one of 21 influence.</p> <p>22 The only mechanism for an archbishop to intervene if 23 he considers that matters within a diocese are going 24 substantially awry, for whatever reason, is to carry out 25 what is known as an Archeiscopal Visitation. Again, as</p> <p style="text-align: center;">Page 30</p>	<p>1 It should be noticed that cathedrals are often, but 2 again not always, run separately and autonomously to 3 a diocese with their own clergy and their own staff, 4 called a "Chapter", headed usually by someone called 5 a "Dean" of the cathedral. Bishops, again, have the 6 power to visit cathedrals and may give directions to the 7 Chapter about how they should be run and can make 8 recommendations but such visitations have been, until 9 recently, very rare and such directions are also rare.</p> <p>10 Some clergymen are employed or hold office as 11 chaplains -- for example, in prisons, hospitals, schools 12 or universities. These individuals, whilst they hold 13 a licence to practise from the bishop within the area 14 where they work, operate autonomously from parishes and 15 the diocese. They are regulated by those from whom they 16 hold office or by whom they are employed. So if there 17 were to be a complaint about inappropriate behaviour by 18 a school chaplain, this would be subject to the 19 employment terms of the institution rather than the 20 diocese.</p> <p>21 There are a couple of other issues relating to the 22 structure of the church which are worth explaining at 23 this stage. First, there are some institutions called 24 Royal Peculiars, the best known of which is 25 Westminster Abbey, which are not governed by dioceses at</p> <p style="text-align: center;">Page 32</p>

<p>1 all but are completely autonomous bodies exempt from the 2 jurisdiction of both the geographic bishop that they sit 3 under but also the relevant archbishop. They are 4 subject to the direct supervision of the Crown. Members 5 of the clergy who are appointed to them are not subject 6 to the same processes as other clergy. 7 Second, the Church of England has a small number of 8 religious communities about whom you will hear more when 9 we hear the evidence of Bishop David Walker. He is 10 currently bishop with lead responsibility for these 11 communities on the Bishops' Council and is also a member 12 of the Advisory Council for Religious Communities, 13 a Church of England body which recognises them. Again, 14 they operate autonomously from dioceses and from 15 national church institutions. The church has at present 16 very limited oversight over such communities and 17 practically no realistic enforcement powers, unless 18 those who are members of the community are also 19 ordained. Until 2015, there was no express guidance for 20 them about safeguarding, although obviously the national 21 policies, by inference, did apply to them. Religious 22 communities, whilst very small in number within the 23 church, are important in this investigation because the 24 Community of the Glorious Ascension, founded and run by 25 former Bishop Peter Ball, operated within the Diocese of</p> <p style="text-align: center;">Page 33</p>	<p>1 General Synod and how ecclesiastical law works in 2 general. It also identifies how legal advice and 3 advisers operate within the Church of England. This 4 inquiry will have to examine various legislative 5 measures passed in the past decade by the church which 6 they say has improved and created greater teeth for the 7 enforcement of concerns about safeguarding. The panel 8 will have to consider if what has been done to date is 9 good enough. 10 The church has various ways in which it regulates 11 itself, both its clergy and lay members. Prior to the 12 early 20th century, it was parliament, in fact, which 13 passed legislation about and concerning the 14 Church of England. 15 Now, if the church wishes to pass what we lawyers 16 would call a statute, but which is called a measure 17 within the context of Canon law, it does so by way of 18 passing such through the General Synod. The matter is 19 then still, however, passed to parliament for scrutiny 20 and approval. 21 Measures impose binding obligations on clergy and 22 lay people alike, within the context of worship within 23 the church, and can, in some cases, amend or repeal even 24 acts of parliament. For example, the Ordination of 25 Women Measure in 2014 amended the Equality Act to allow</p> <p style="text-align: center;">Page 35</p>
<p>1 Chichester. 2 I now turn to the governance of the church. 3 The governance of the Church of England consists of 4 the institutions I have set out above and also councils 5 of individuals, both clergy and lay people, who make up 6 deliberative decision-making bodies at different levels 7 of the church. At the grass roots, there is the parish 8 council, a body elected by members of the parish to 9 represent them. There are then deanery synods which are 10 deliberative bodies at the deanery level and then 11 diocesan synods which meet at least annually. Lastly, 12 there is the General Synod. This is a deliberative body 13 which has three houses: that of bishops, the clergy and 14 the laity, ie, lay people. 15 Its membership is prescribed by Canon law. Most of 16 the house of clergy and laity are elected by either 17 clergy within their dioceses or by members of 18 the deanery synods. There are now 467 members of 19 the synod. Elections take place every five years. The 20 synod meets twice a year -- it recently met -- 21 in February and July and has two main functions: one, to 22 express views on matters of religious or public 23 interest, and the second to pass the laws of the church. 24 The witness statement of Mr Slack identifies in some 25 detail how legislation is introduced and passed by the</p> <p style="text-align: center;">Page 34</p>	<p>1 women to become bishops within the Church of England. 2 Measures only extend to matters which touch and 3 concern the church and so their provisions will only 4 deal with and concern individuals whose activities 5 relate to the Church of England. There is a flowchart 6 attached to Mr Slack's witness statement, which I will 7 not display, but if it is of any interest it is at 8 ACE025207, which identifies how both measures and 9 canons, which I will come to below, are passed. 10 The church makes extensive use of canons. Amongst 11 other things, they provide a broad framework to identify 12 how bishops, priests and deacons perform their duties, 13 including how ministry, ie, the performance of religious 14 rituals and duties, is to occur and the norms of life 15 for the clergy. 16 Canons have to have the assent of the Queen, just 17 like Acts of Parliament, before they come into force. 18 This comes from the Submission of Clergy Act 1553. You 19 will hear in particular about the introduction in 2015 20 of a canon specifically about safeguarding known as 21 Canon C30. Mr Slack deals with this in his witness 22 statement, but his intent was to deal with some of 23 the issues which arose from the Chichester visitation. 24 It imposes a duty upon bishops to appoint a diocesan 25 safeguarding adviser. It makes provision about what</p> <p style="text-align: center;">Page 36</p>

<p>1 that safeguarding adviser should do and their expertise. 2 It also makes mandatory risk assessments of clergy where 3 required if there have been allegations of child sexual 4 abuse. 5 The introduction of this will be dealt with in 6 evidence by Mr Iles, Bishop Hancock and Mr Tilby, 7 however, I should identify that these witness statements 8 also set out a wealth of information as to the other 9 sorts of legislation that the church can pass and also 10 the workings of the synod. 11 Canon law, in effect, sits alongside secular law. 12 It forms part of the law of the land. Where there is an 13 ecclesiastical statute, statutory instrument or canon 14 which requires an office holder or layperson within the 15 Anglican context to do something, they are compelled to 16 comply with that provision. The panel may wish to 17 consider whether or not the current provisions are 18 adequate. 19 Canon law also provides a route for exercising 20 discipline over clergy, but not over lay individuals or 21 volunteers within the church, which may be a troubling 22 lacuna. There are a wealth of other internal 23 ecclesiastical courts which deal with other matters such 24 as property law, chancel rights, ritual and doctrine 25 which we need not be concerned with within this context.</p> <p style="text-align: center;">Page 37</p>	<p>1 already stated. There is still a system of patronage 2 which exists within the church so that some individuals 3 have something called benefices. This means they are 4 not in fact appointed by the diocese, but are appointed 5 by individual patrons to the living of the parish, which 6 is the property and other matters of the church. You 7 will hear, for example, that even after Bishop Ball 8 resigned from the Episcopacy, he still held a patronage 9 of a church within the Diocese of Chichester. Patrons 10 can be the bishop of the diocese but could also be the 11 Crown, charities or other institutions or even 12 individuals. You will hear examples of a parish church 13 near Rye for which the patron was just an individual 14 lady who lived in the area. 15 The right of patronage is very often an inherited 16 right. Some parishes have benefices that are based, for 17 example, upon a specific style of worship, such as 18 Anglo Catholicism. 19 Whilst the bishop does have some input into the 20 appointment, the patron also continues to have influence 21 as well. 22 Traditionally, incumbents have held their office 23 with freehold tenure, ie, they had unlimited tenure and 24 so their right to be removed was extremely limited. In 25 practice, this meant that it was often very difficult to</p> <p style="text-align: center;">Page 39</p>
<p>1 I come now to the status of clergy. A peculiarity 2 of the Church of England which I have already identified 3 is that its clergy are office holders and not employees. 4 This has, in the past, caused difficulties in respect of 5 both who gets to appoint the individual and also how 6 they can become dismissed. Mr Nye explains the position 7 within his witness statement. Clergy must be ordained. 8 If they are a monk and have taken holy orders, 9 I understand there is no legal basis upon which they can 10 be divested of such orders, but they can voluntarily 11 relinquish them. If they are clergy, the church does 12 have the power to divest them of holy orders and you 13 will hear of a number of individuals later against whom 14 the church has done so. There is a requirement for the 15 office holder, when ordained, to take an oath of 16 canonical obedience. That obedience is, however, to the 17 bishop in the area where someone is licensed and not to 18 the Archbishop of Canterbury. The basis upon which 19 someone can be appointed to a parish depends upon their 20 tenure, something which is either freehold or common. 21 It is important to understand these distinctions because 22 it affects the ability of individuals to be disciplined, 23 managed and controlled. 24 Parish clergy are office holders in their own right 25 and therefore have considerable autonomy as I have</p> <p style="text-align: center;">Page 38</p>	<p>1 get rid of those who held benefices, save on 2 disciplinary grounds, and those grounds did not, at 3 least until 2003, in effect adequately enable removal 4 because of concerns around safeguarding. 5 Most importantly, there was no basis prior to 2013 6 to suspend someone from office without their consent 7 even whilst safeguarding investigations were ongoing 8 unless they had been arrested for a criminal offence. 9 In 2009, the church introduced the concept of common 10 tenure which creates a much more employment-type 11 relationship with dismissal being permitted and with an 12 ability for someone who is unhappy with the disciplinary 13 action taken against them to have a right to complain to 14 the employment tribunal. This does make it easier for 15 individuals to be dismissed for gross misconduct which 16 could not, in effect, happen before to those who were 17 incumbents. 18 These former practices represented, the panel may 19 consider, a significant impediment to the removal of 20 clergy, even where very serious allegations had been 21 made against them. 22 As to recruitment, appointment and criminal record 23 checks, we have a statement from Ms Foster, director of 24 human resources for the national church, and also from 25 Mr Hubbard. They explain how someone is recruited,</p> <p style="text-align: center;">Page 40</p>

<p>1 which again operates on a diocesan rather than 2 a national basis, so that it is for each bishop to 3 recruit and organise the recruitment process, at least 4 in the first stages. 5 Ms Foster tells us that it was only in 1995 with the 6 introduction of a policy on safeguarding that it was 7 identified that all future candidates had to declare 8 whether or not they had been the subject of criminal or 9 civil proceedings concerning children or if they had 10 caused harm to them. This also applied to others from 11 1995, whether volunteers or lay people. 12 The Department of Health, which at that time ran 13 a list for those who were not considered suitable to 14 work with children, undertook a screening process after 15 1995. Prior to this time, Mr Hubbard tells us, there 16 was no central process for vetting applicants for the 17 clergy and only local arrangements with the police -- by 18 "vetting", I mean use of criminal records checks. It 19 was the case, however, that clergy have always meant to 20 have declared their convictions and that references were 21 sought about them. It was only in 2004, with the 22 introduction of a further safeguarding policy, that 23 those who were currently in post had to declare whether 24 or not they had been convicted of an offence and to seek 25 an enhanced CRB check for all such individuals. The</p> <p style="text-align: center;">Page 41</p>	<p>1 is or is not a regulated activity and therefore who does 2 or who does not need to be subject of such checks. 3 There is currently discussion about whether 4 regulated activities should be extended to include 5 a larger cohort of individuals who may well not work 6 with children on a full-time basis but who may have some 7 dealings with them. This is something which the panel 8 will no doubt have to consider not just within this 9 investigation but also within others. 10 It is still the case that there is not a specific 11 criterion that an individual has to demonstrate a good 12 understanding of safeguarding to be or become a member 13 of the clergy, although the selection criteria do refer 14 to the need to be able to have maturity, integrity and 15 the capability to exercise power responsibly. The 16 theological training for those who wish to be clergymen 17 includes academic study but also practical assistance. 18 This does now include some safeguarding training, but, 19 again, this has been introduced relatively recently, on 20 a compulsory basis, and the church is considering 21 introducing further training to this effect. 22 It was also the case, as Ms Foster and Mr Hubbard 23 identify, that prior to 1995, individuals were not 24 routinely asked about safeguarding when being 25 interviewed for ordination. This now does happen, the</p> <p style="text-align: center;">Page 43</p>
<p>1 position for the church since 2013 is that all ordained 2 ministers require enhanced criminal record checks and 3 checks against the vetting and barring list run by 4 central government, which I will come on to in a moment. 5 You will hear that it was the introduction of 6 declarations in 2004 that brought to line within the 7 Diocese of Chichester that some individuals had previous 8 convictions for child sexual abuse which were not known 9 about or not widely known. Who knew what and when is 10 the subject of considerable dispute between individuals 11 who are coming to give evidence. 12 We also have a witness statement from 13 Ms Adele Downey of the Disclosure and Barring Service 14 who sets out some of the history of vetting and barring 15 nationally, identifying that such checks only became 16 compulsory nationally for regulated activities in 2002. 17 Furthermore, it is still the case that some acts which 18 involve contact with children within the church would 19 not be regulated activities, the most obvious of which 20 may well be an organist or somebody who is involved with 21 music on an adult basis. More information about the 22 operation of the Disclosure and Barring Service can be 23 found in Ms Downey's statement. She identifies that 24 there are currently concerns not just within the church 25 but in other institutions and much confusion as to what</p> <p style="text-align: center;">Page 42</p>	<p>1 inquiry is told. As for appointments to more senior 2 positions, it has only been, so it appears, very 3 recently, in line with the church's most recent safer 4 recruitment guidance, that such happens as a matter of 5 routine. There has also been, we are told, 6 since September 2014, a more structured programme for 7 senior leaders which includes expressly a course on the 8 need to create psychologically safe teams where openness 9 and challenge are welcomed and responded to. 10 It should be remembered that it is for the Crown to 11 nominate bishops and other senior clergy to their post. 12 Before 2004, it was the government which in fact oversaw 13 the administration and nomination of all bishops, with 14 those decisions having been organised via the Crown 15 Appointments Commission. From 2007 onwards, the 16 government indicated that it would no longer do so. 17 Prior to 2007, therefore, the government had the choice 18 to choose between candidates put forward by the church 19 or to decide that it would appoint neither. The 20 recruitment of bishops has only required panel 21 interviews since 2009. Job roles were also only created 22 in 2009. It is also only in 2017 that the church has 23 issued comprehensive, specific guidance on what the 24 responsibilities are of those throughout the church, 25 from Archbishop of Canterbury downwards, in respect of</p> <p style="text-align: center;">Page 44</p>

<p>1 safeguarding. This is a document called "Key Guidance 2 for Office Holders", which we will no doubt come to 3 several times during the course of this hearing. 4 For information or interest, appendix 1 of 5 the witness statement of Mr Hubbard sets out in some 6 detail both how individuals come to be recruited and 7 then appointed to more senior roles. 8 As for training, this has been recognised as a need 9 within the church since the turn of this century. But, 10 again, it is only relatively recently that extensive 11 national training documents have been issued which apply 12 to all levels of those working and worshiping within 13 churches. We will hear both from Bishop Hancock and 14 Mr Tilby, the current national safeguarding adviser, 15 about such training. Training materials were launched, 16 as we understand it, in January 2016 and updated again 17 in January 2017, now providing a standardised set of 18 national training materials which apply from parish to 19 archbishop and at which there are different levels 20 depending upon how sophisticated the understanding needs 21 to be. Again, appendix 2 and 3 of the witness statement 22 of Mr Hubbard sets this out in more detail. 23 Further, the church has, since 2015, introduced 24 a form of external audit of dioceses, and this is still 25 being tested. An organisation called the Social Care</p> <p style="text-align: center;">Page 45</p>	<p>1 and these were guidance. A revised version was 2 introduced in 2015, which does identify that it 3 represents minimum standards which clergymen should 4 adhere to and should be used in disciplinary proceedings 5 to see if someone has fallen below the standards set out 6 in guidance. Mr Iles will provide oral evidence about 7 these guidelines. 8 The Clergy Discipline Measure is the legal mechanism 9 by which the church seeks to exercise internal 10 discipline and is the basis upon which clergy can be 11 removed from ordained office. Mr Iles and 12 Bishop Hancock will give us evidence about this and in 13 particular the changes to this process over the past 14 20 years. Prior to 2003, next to no disciplinary cases 15 were brought to a full trial and the church itself 16 decided that the system of discipline was inflexible, 17 complex and costly, such that bishops in effect were 18 reluctant to use it and rarely did so. This came from 19 a report called "Under Authority: Report on Clergy 20 Discipline". It is ACE025226. 21 As a result of this report, a Clergy Discipline 22 Measure was passed in 2003, which identified a new 23 tribunal disciplinary system. This is known as the 24 Clergy Discipline Commission which exercises statutory 25 functions, including issuing codes of practice and</p> <p style="text-align: center;">Page 47</p>
<p>1 Institution for Excellence, a charity which carries out 2 such work, has carried out audits of every diocese in 3 England between 2015 and 2018 and has produced some 4 overarching reports identifying areas which are still of 5 concern. You will hear evidence from Ms Edina Carmi, an 6 independent social work practitioner, who has written 7 the overview reports on behalf of SCIE as to her views 8 as to the strengths and weaknesses of the current 9 safeguarding system within dioceses. You will also hear 10 a critique as to whether or not the SCIE system does or 11 does not provide an adequate window onto the 12 identification of good or bad practice. There have, as 13 yet, been no audits of either monastic communities or of 14 cathedrals. There is also no auditing of parishes on 15 any structured external level. Audits of cathedrals by 16 SCIE are due to start later this year. There are also 17 proposals for self-assessment forms for parishes and 18 there is currently, as we understand it, consideration 19 of how effective auditing work could be undertaken. 20 I now turn lastly, before the break, to clergy 21 discipline. Given that before 2009 there were very 22 limited processes for removal from office by other 23 means, the usual process for removal by necessity 24 involved professional discipline. The church introduced 25 a series of professional conduct guidelines only in 2003</p> <p style="text-align: center;">Page 46</p>	<p>1 advice to create consistency of approach. Ultimately, 2 a disciplinary process can result in a hearing before 3 full-time judges or ex-judges who are also communicant 4 members of the Church of England. For example, 5 Lord Justice McFarlane, I understand, is the current 6 chair of the Clergy Disciplinary Commission. 7 As you will hear during the course of the next three 8 weeks, the 2003 measure, despite making changes, was not 9 felt to be satisfactory, and so was amended in 2013 and 10 then again in 2016. It was amended in 2013 to extend 11 the 12-month limitation period on bringing a complaint 12 in cases concerning safeguarding, as it had been found 13 that the measure was not enabling appropriate redress 14 where individuals have been abused or manipulated by 15 adults into not reporting such offending until many 16 years later. This change was in direct response to the 17 problems found in Chichester and to the Chichester 18 visitation response. One of the further amendments made 19 in 2013 was to extend the powers of the bishop to 20 summarily remove someone from office if they had been 21 convicted of criminal offences. Whilst, in 2003, the 22 measure enabled those who had been imprisoned for an 23 offence to be removed from office, this was not the case 24 for those who had not been imprisoned. This enabled 25 individuals, for example, who had been found to have</p> <p style="text-align: center;">Page 48</p>

<p>1 downloaded obscene material relating to children but who 2 had not been given a term of imprisonment not to be 3 automatically removed from office. It was only in 2013 4 that the measure provided that someone could be removed 5 from office as well because they were on the vetting and 6 barring list operated from the DBS. Before that time, 7 they could not be automatically removed. 8 In 2016, through Canon law 30, an express ground of 9 misconduct was introduced. It is now the case that 10 failing to have regard to the bishop's guidance on 11 safeguarding children is a disciplinary offence in and 12 of itself. Further, in 2016, new powers were introduced 13 to suspend both a member of the clergy who potentially 14 presents a significant risk to children or vulnerable 15 adults and also creates disqualification and suspension 16 provisions on church wardens and other members of parish 17 councils on safeguarding grounds. Before that, this was 18 not possible. 19 As you will hear, it was the events within 20 Chichester which have largely prompted and brought to 21 light the need for these changes. It is understood that 22 yet further work is being done to consider whether or 23 not this current form of discipline really works in the 24 case of safeguarding and we will wish to hear from 25 witnesses about what is currently being envisaged.</p> <p style="text-align: center;">Page 49</p>	<p>1 (A short break) 2 (12.01 pm) 3 MS SCOLDING: I turn now to the issue of permission to 4 officiate. This is something which appears to have 5 caused difficulties in Chichester and is the system 6 which permits clergy who have retired permission to 7 continue to be licensed to carry out services. 8 Permission to officiate, as it is known, or PTO, is 9 significant as retired clergy often provide substantial 10 support to parishes and deputise when individuals are 11 unwell. They also hold themselves out as being 12 respectable and having integrity by having this office. 13 The granting or not granting of permission to officiate 14 has now been changed within both Chichester and 15 nationally, as we understand it, with significantly 16 stricter controls on who in the diocese can grant it and 17 also to identify that all individuals who wish to have 18 PTO must now both undertake safeguarding training in 19 order to get it and also have CRB checks. Again, 20 however, this has only been the case relatively 21 recently. Who was or was not granted permission to 22 officiate and on what basis is a source of concern 23 within the past practices of the Diocese of Chichester. 24 Turning now to the national picture in respect of 25 safeguarding, the national picture cannot be forgotten</p> <p style="text-align: center;">Page 51</p>
<p>1 Lastly, before the break, reference will be made by 2 various witnesses to something which is now called the 3 Archbishops' List. These are individuals prohibited 4 from office or with black marks against their name for 5 various disciplinary reasons. Prior to 2006, who went 6 on this list and for what reason was not clear, save for 7 those who had been the subject of censure or who had 8 been deposed from holy orders. This was changed in 2006 9 to make it clearer who went on this list and why. You 10 will hear evidence about whether or not this system was 11 adequate, and certainly, until late 2017, it was the 12 case that only bishops and not lay safeguarding advisers 13 could routinely access this list within all dioceses. 14 In fact, you will hear, within Chichester, area bishops 15 did not have access necessarily to this list and so 16 people could slip through the net. What there is not as 17 yet is a central case management system which plainly 18 identifies to all those who may need to appoint or 19 promote individuals of any allegations or issues 20 relating to children which may be relevant. 21 I think we now pause for a break for the 22 transcribers for the next ten minutes. Thank you. 23 THE CHAIR: Thank you, Ms Scolding. We will return at 24 12 noon. 25 (11.45 am)</p> <p style="text-align: center;">Page 50</p>	<p>1 when we are investigating potential failings in the 2 church. It seems to be widely acknowledged by 3 distinguished individuals who give evidence to this 4 inquiry that there was a widespread culture of denial, 5 both within the whole of society and within the church, 6 as to the existence of child abuse and the seriousness 7 of it, until the 1990s or even later. We have read 8 evidence from Baroness Butler-Sloss, who carried out an 9 internal investigation in 2011 into the Diocese of 10 Chichester, who identifies within her witness statement 11 a lack of understanding and also a view that individuals 12 did not understand the impact that abuse could have well 13 into adulthood, which we now recognise and acknowledge. 14 The inquiry has disclosed to all core participants 15 a chronology of significant safeguarding events which 16 took place over the past 50 years. There is common 17 ground between individuals who have given evidence to 18 this investigation and who have historic knowledge of 19 safeguarding practice prior to the late 1980s that there 20 was very little discussion of child sexual abuse in 21 those terms even amongst childcare professionals. The 22 DHSS issued a circular which mentioned sexual abuse only 23 in 1982. I could pause to say the DHSS was in charge of 24 such circulars at the time. It was only in 1998 that 25 the British Association of Social Workers issued</p> <p style="text-align: center;">Page 52</p>

<p>1 a pamphlet identifying that children who told adults 2 about sexual abuse were not routinely believed if they 3 reported it. 4 The Home Office introduced checks for those who 5 wanted to work in children in care settings, even in 6 residential care settings, only in 1989. The 7 Children Act 1989 and the statutory guidance called 8 Working Together which accompanied it seems to be the 9 first time that non-statutory organisations such as the 10 church were mentioned by central government as needing 11 to have adequate policies and procedures in place to 12 deal with safeguarding. This was reinforced by a 1993 13 document, "Safe from Harm", issued by the Home Office 14 which included express guidance that religious 15 organisations both needed to be alive to child sexual 16 abuse and to have some systems in place to identify 17 where such may have occurred and to provide reports to 18 the local authorities when such abuse was discovered. 19 Evidence from the Department of Education given to 20 the inquiry identifies in fact that it conceived of 21 a system called the LADO system, the local authority 22 designated officer role, in the early part of this 23 century to try to bring consistency and handling to 24 cases of child sexual abuse between authorities because 25 of the differing standards in operation at that time.</p> <p style="text-align: center;">Page 53</p>	<p>1 which will manage serious case reviews where 2 particularly complex or entrenched issues arise. 3 You will hear evidence from Mr Tilby, who will 4 describe current policy within the Church of England. 5 His written statement at paragraph 136 onwards sets out 6 the history and background of safeguarding within the 7 church and annex 1 to his statement has a chronology of 8 the documents published by the national church in which 9 they dealt with child protection. 10 The first national policy on child protection was 11 issued in 1995 by the Church of England. A further 12 policy was then issued in 2004, which set out in more 13 detail the professional skills required of diocesan 14 safeguarding advisers. 15 A further policy was issued in 2010, and in 2011, 16 a specific policy was issued about responding well to 17 those who have been sexually abused. 18 This is something which, again, may have been 19 provoked at least in part by the difficulties we will 20 hear about within Chichester. 21 From 2013 onwards, there have been a large series of 22 amendments to policies and practices and safeguarding 23 has been discussed at least annually at the 24 General Synod. The structure of who provides 25 safeguarding advice within the national church has also</p> <p style="text-align: center;">Page 55</p>
<p>1 It should be identified that section 10 and 2 section 11 of the Children Act 2004 introduced as 3 a result of Lord Laming's report into the death of 4 Victoria Climbié created general duties on some public 5 sector bodies to cooperate with local authorities and to 6 promote the welfare of children. This does not apply to 7 the Church of England, despite it being a national body. 8 The church, in the various iterations of 9 governmental guidance called Working Together, the most 10 recent of which was published in 2015, does identify and 11 set out that churches should have appropriate 12 arrangements to safeguard and promote the welfare of 13 children. We understand from evidence given to the 14 inquiry by the Department of Education that from the 15 date of implementation of the Children and Social Work 16 Act 2017, the Church of England, along with other 17 religious institutions, will be included in a list of 18 safeguarding partners which will then have to work with 19 each other on a local geographic basis to safeguard and 20 promote the welfare of children in their area and that 21 they will also have to act within the arrangements which 22 are made by the local authority at that point. 23 They will also be under a duty to make referrals in 24 certain circumstances to a national safeguarding panel 25 which the Department for Education is setting up and</p> <p style="text-align: center;">Page 54</p>	<p>1 altered. 2 The current suite of policies is set out at 3 paragraph 213 of Mr Tilby's witness statement, much of 4 which has been published since 2015. Mr Tilby also 5 identifies the future work which is taking place at 6 paragraphs 222 onwards. Bishop Hancock also gives us 7 detailed information about safeguarding developments 8 within the church and the current picture in respect of 9 safeguarding. 10 In 2007/2008, as a result of concerns expressed from 11 various quarters about child protection, the then 12 Archbishop of Canterbury, Lord Williams, ordered 13 a review by every diocese of all past and historic cases 14 where abuse may have occurred. It was as a result of 15 this review that some further information was found out 16 about Chichester. Significant concerns have been 17 expressed from a number of quarters about the efficacy 18 of this review process and Sir Roger Singleton will give 19 evidence both about the process itself but also whether 20 or not it may need to be repeated or rereviewed. 21 The church has been the subject of criticism, 22 including by various core participants to this 23 investigation, about the way that it has managed 24 disclosures made to its staff by adults who were abused 25 as children. The inquiry will hear from those</p> <p style="text-align: center;">Page 56</p>

<p>1 individuals and also from MACSAS, an organisation 2 devoted to dealing with adult survivors of abuse within 3 a clerical setting. The inquiry will hear from senior 4 clergy as to how they responded to disclosures of abuse 5 and from the national safeguarding team as to what work 6 has been, and is being, undertaken to improve this 7 response, including potentially setting up a national 8 helpline service to be run potentially along with other 9 churches. It will hear from diocesan safeguarding 10 advisers around the responses they have made. It will 11 also read evidence from Ms Marks-Good, an independent 12 domestic violence and survivor coordinator who has 13 worked on a daily basis with survivors during the course 14 of criminal and civil proceedings.</p> <p>15 Some of the major criticisms of the church by 16 various survivors are that the responses to disclosures 17 have not resulted in any action; that individuals who 18 made disclosures were told to forget about it or get 19 over it; that individuals were not offered counselling 20 or pastoral support or not adequate counselling or 21 pastoral support when the perpetrators of the abuse were 22 offered such pastoral support; and that they were not 23 always treated with dignity and compassion. It is also 24 alleged that there has been victim blaming when cases 25 have come to light. The inquiry has also sought</p> <p style="text-align: center;">Page 57</p>	<p>1 Chichester is unique or different to other parts of 2 the Church of England. The publicity surrounding the 3 events in Chichester would undoubtedly have encouraged 4 individuals to come forward, whereas the shame and 5 stigma in other areas may well still be greater.</p> <p>6 There are, for example, 30 claims notified in the 7 Diocese of London, so it should not be thought of as 8 a Chichester-only problem.</p> <p>9 Having introduced the corporate background and 10 structure, I now turn to a precis of the events in 11 Chichester which have led to many of the changes I have 12 described above. This is designed as an introduction to 13 what happened and to explain a little about the diocese 14 itself so that you, chair and panel and members of 15 the public, can have a broad understanding of both the 16 context and the chronology.</p> <p>17 To give a brief context of what happened when, 18 I will identify some of the major reviews and other acts 19 which led to mounting concerns about safeguarding within 20 Chichester. These are: 1997 to 2001. The diocese 21 appoints a part-time safeguarding adviser, Mrs Hind, 22 whose role is to develop policy and training for the 23 diocese. Cases come to her attention and she is 24 informed in 1997 of the arrest of the Reverend 25 Roy Cotton and the Reverend Colin Pritchard for alleged</p> <p style="text-align: center;">Page 59</p>
<p>1 evidence and information from the Ecclesiastical 2 Insurance Office. This is the body which insures the 3 vast majority of church institutions. Criticisms have 4 been made of the church's approach to civil litigation, 5 namely, that it is hostile, it does not permit 6 counselling to take place at the same time as claims are 7 being pursued, and that its approach to reparations is 8 unfair. The Ecclesiastical Insurance Office, or EIO, as 9 I will call it, deals with this from the perspective of 10 the insurers in its written evidence of 11 Mr David Bonehill and Mr Michael Angell. Whilst it is 12 a separate body from the church, some clergymen still 13 sit on some aspects of its senior boards.</p> <p>14 The evidence of Mr Bonehill and Mr Angell describe 15 their practices and procedures. As identified within 16 the preliminary hearing in January 2018, we will be 17 dealing further with these issues within the context of 18 the national church investigation.</p> <p>19 We have received basic claims information from the 20 EIO which suggests that there have been 48 potential 21 claims notified to them concerning sexual abuse within 22 the context of the Diocese of Chichester, the majority 23 of which were notified subsequent to 2009. This is more 24 claims than have been identified in other dioceses, but 25 it would be far too simplistic to identify that</p> <p style="text-align: center;">Page 58</p>	<p>1 child sexual offending. In 2000, an individual called 2 Philip Johnson, from whom you will hear evidence, 3 self-publishes a document outlining the offending 4 against him which he distributes within the Eastbourne 5 area because of frustrations about the way that the 6 police and church had handled his allegations against 7 the Reverend Cotton and the Reverend Pritchard.</p> <p>8 2000 to 2005. Mr Terence Banks is convicted of 9 sexual abuse against multiple young men. His offending 10 took place while he volunteered at Chichester Cathedral 11 and the Bishop of Chichester, John Hind, commissioned 12 a case review led by Edina Carmi, a social worker. Her 13 report criticises aspects of safeguarding within the 14 cathedral. Other individuals are arrested and 15 complaints are made about them to the diocese about 16 non-recent sexual abuse allegations.</p> <p>17 2005 to 2010. Growing numbers of individuals are 18 the subject of arrest or reporting for sexual abuse. 19 The church announces the past case review, which I have 20 already mentioned. Within Chichester, this involves 21 engaging a gentleman called Roger Meekings who produces 22 a report in 2008. As a result of arrests, complaints by 23 individuals and the past cases review, Mr Meekings also 24 undertakes an addendum review into the cases of 25 Reverends Cotton and Pritchard. This addendum report</p> <p style="text-align: center;">Page 60</p>

<p>1 identifies concerns at safeguarding within the diocese 2 but is controversial within senior clerical circles as 3 it is seen by some of them as partial and inaccurate. 4 You will hear evidence from Mr Meekings. 5 2010 to 2015. Bishop Hind, the then Bishop of 6 Chichester, commissions a further report to review the 7 report of Mr Meekings from Baroness 8 Elizabeth Butler-Sloss who reports in 2011. She is 9 critical of both the church and the local police in 10 their handling of non-recent abuse cases. You will read 11 evidence from her. 12 This report is criticised by some individuals for 13 not mentioning in particular Bishop Peter Ball. 14 In 2011, with mounting difficulties emerging, the 15 Archbishop of Canterbury commissions the Archepiscopal 16 Visitation. This produces an interim report in 17 August 2012 and a final report in April 2013. In 2012, 18 Bishop Benn retires as does Bishop Hind. Bishop Warner 19 is appointed and you will hear evidence from him. 20 The police engage from 2011 onwards in significant 21 numbers of reinvestigations as a result of what is known 22 as Operation Dunhill and Operation Perry, both run by 23 the Sussex Police. These were created following the 24 criticisms raised within the Elizabeth Butler-Sloss 25 review. A number of convictions were obtained, which</p> <p style="text-align: center;">Page 61</p>	<p>1 has a significantly higher than average population of 2 retirees, particularly amongst clergy, of which there 3 are over 400 within the diocese. It is largely rural. 4 Bishop Warner provides us with a history of the dioceses 5 within his witness statement. If I could ask you to 6 turn to ANG000221 now. This, again, this map, shows the 7 different parishes. So you can see there are a large 8 number of parishes spread over a very wide geographic 9 area. There is a structural feature which is identified 10 by some of those who give evidence as a potential 11 barrier to effective safeguarding in practice. There 12 are three bishops in the Diocese of Chichester: those in 13 one of Chichester, Lewes and Horsham. Those in Lewes 14 and Horsham were, prior to 2012, area bishops. The 15 overall bishop is that of Chichester, who also sits in 16 the House of Lords as a senior bishop in clerical terms. 17 Until 2012, an area scheme was in place. That meant 18 that the Bishops of Lewes and Horsham had far greater 19 autonomy than may otherwise have been the case. For 20 many of the events in question, Bishop Eric Kemp, who 21 was bishop for 27 years, from 1974 to 2001, was the 22 Bishop of Chichester. He is described in evidence by 23 Bishop Warner as "much loved, but aged" during the last 24 half of his service, retiring only at 86, and the 25 combination of the area scheme plus his age, according</p> <p style="text-align: center;">Page 63</p>
<p>1 will be explained in a moment. 2 2013 onwards. The national church undertakes 3 significant revisions and expansions of the Clergy 4 Discipline Measure and other safeguarding changes in the 5 light of the visitation. 6 2017. Dame Moira Gibb publishes a report called an 7 Abuse of Faith concerning the case of Bishop Peter Ball 8 and the Carlile Review, operated by Lord Carlile of 9 Berriew, reports in December 2017 commenting upon the 10 church's handling of a posthumous allegation made 11 against a former Bishop of Chichester, 12 Bishop George Bell. 13 The panel will hear from Dr Warner, the current 14 Bishop of Chichester, about how the diocese was and is 15 organised, as many witnesses consider that the structure 16 of the diocese was one reason why the church's response 17 to safeguarding may not have been as effective as may 18 have been expected. Chichester is a large diocese which 19 geographically stretches from Hastings in the east to 20 Chichester in the west. If I could ask the evidence 21 handler to privilege up ANG000219, please. This 22 encompasses East and West Sussex and also Brighton. Its 23 major urban centres are near London, being Crawley, 24 Redhill and Brighton and Hove. It has pockets of 25 significant deprivation but also pockets of wealth. It</p> <p style="text-align: center;">Page 62</p>	<p>1 to the current Bishop of Chichester, led to what is 2 considered to be, as is identified at paragraph 13 of 3 Bishop Warner's statement, a loss of energy in defining 4 and implementing shared vision and policy. 5 There are also a couple of cultural features which 6 some of those who worked or knew about in Chichester 7 comment upon in their evidence and which features 8 prominently in individuals' views as to why certain 9 relationships and dynamics may have been difficult. 10 Committees is seen, rightly or wrongly, to be both 11 Anglo Catholic in its tradition and also conservative. 12 Part of the conservative label which may or may not be 13 correct is because of the prominence of Bishop 14 Wallace Benn, former Bishop of Lewes, who was also at 15 one time chair of an evangelical movement called Reform. 16 Bishop Hind was also seen within the press to be 17 a senior member of the Anglo Catholic movement. Both 18 Anglo Catholicism and evangelicals may have considered 19 themselves to have been under threat in the church at 20 the time in question. In those circumstances, some 21 witnesses tell us that feelings of defensiveness may 22 have come to the fore. Both traditions, which I will 23 ask senior members of the clergy to explain in their 24 evidence, have had significant numbers who oppose the 25 ordination of women and the ordination of women as</p> <p style="text-align: center;">Page 64</p>

<p>1 bishops, albeit from different theological standpoints. 2 The conservative evangelical tradition represented by 3 the Reform group also has what could be described as 4 traditional views about homosexuality. Bishop Warner 5 and Lord Williams, former Archbishop of Canterbury, in 6 their evidence both identify that the Anglo Catholic 7 tradition, however, has been welcoming of, and has 8 strong undercurrents of, homosexuality amongst its 9 number. Issues of gender and sexual orientation 10 therefore may have had more prominence in Chichester 11 than may have been the case elsewhere, but they may 12 simply reflect in microcosm the difficulties and 13 divisions of the church as a whole.</p> <p>14 Some people who have given evidence to this inquiry 15 indicate that, in those circumstances, people may have 16 put loyalty to their faction above dealing with 17 safeguarding and that in some cases ignorance or naivety 18 about homosexual practices may have wrongly equated 19 homosexuality with child abuse and so nothing happened. 20 There are also allegations made that some individuals 21 may have been uncomfortable being challenged by women in 22 positions of authority.</p> <p>23 I now turn to a discussion of the perpetrators. 24 There have been a number of convictions of clergy and 25 other individuals associated with the Diocese of</p> <p style="text-align: center;">Page 65</p>	<p>1 convicted in 1954 of gross indecency whilst a child was 2 present as he exposed himself in the organ loft. We 3 understand that he was at that time acting as 4 a Scoutmaster. He was band by the Scouting movement 5 after his conviction as unsuitable to be involved in 6 scouting and his ecclesiastical training -- we 7 understand he was undertaking some form of it at that 8 time -- was stopped. He then founded a school at some 9 point in the 1960s which he was dismissed from after 10 allegations of abuse came to light. However, the police 11 were not involved. Inquiries made by this investigation 12 of the Department for Education identifies that whilst 13 there was a list operating by the Board of Education of 14 those who had been deemed unsuitable to work in schools, 15 there was no such list for volunteers for a long period 16 of time, and so, as his conviction was whilst 17 volunteering, it would not have been transferred to 18 List '99 or its forerunners, nor would the church have 19 had to consult this list before very recently. There 20 was therefore nothing to stop someone deemed unsuitable 21 to be, for example, a teacher, retraining to be 22 a clergyman and the church may never have known.</p> <p>23 From around 1988, the Department of Health kept 24 a list of those who were dismissed or resigned from 25 childcare work or were convicted of certain offences</p> <p style="text-align: center;">Page 67</p>
<p>1 Chichester since 2000. I will now take you through some 2 of those individuals and identify what issues their 3 particular case raises in respect of the institutional 4 response to such abuse.</p> <p>5 Firstly, Reverend Noel Moore. Mr Moore was 6 convicted of child sexual abuse in 1951 and jailed until 7 1955. Despite this, upon his release he returned to 8 work as clergy in the Diocese of Chichester and 9 allegations of abuse were made against him whilst 10 working as a chaplain at a children's home in the Sussex 11 area and also within a school. In the mid 2000s, 12 individuals who alleged that they had been subject to 13 abuse by him did not receive any substantive response 14 from the Church of England and the correspondence 15 between victim and survivor was seen as legalistic, 16 defensive and less than helpful by them. His case may 17 demonstrate that the church plainly did not take sexual 18 offending as a permanent bar to office, or did not know 19 about such. The panel may view this as a surprise as 20 even at the time, in the 1950s, criminal convictions for 21 sexual offending against children may have acted as 22 a de facto, if not actual bar to further work that may 23 involve them. Mr Moore is now dead and very little 24 information remains about him and his activities.</p> <p>25 Secondly, the Reverend Roy Cotton. Roy Cotton was</p> <p style="text-align: center;">Page 66</p>	<p>1 whilst working in childcare, but, again, it is not clear 2 whether or not such a list operated in that time in 3 a wider childcare setting rather than just teaching and 4 if it would have included individuals working in 5 voluntary positions.</p> <p>6 Despite his conviction, the Diocese of Portsmouth, 7 in 1967, considered him suitable for ordination as 8 a "man of considerable ability ... free of any trouble 9 for 12 years". The Archbishop of Canterbury at the 10 time, Michael Ramsey, permitted him to be ordained. 11 Because of his criminal record, the then Bishop of 12 Portsmouth ensured he did not have to undertake the 13 usual recruitment processes which would have involved an 14 interview by a panel and, despite knowing of his 15 convictions, references were given in the 1970s to 16 various bishops which identified that individuals 17 remained convinced of his innocence and that there had 18 been no further signs of trouble. He died before he 19 could be convicted of further child sexual offending.</p> <p>20 In 1997, Mr Johnson, from whom you will hear 21 evidence, accused Reverend Cotton of committing serious, 22 sustained and very significant sexual offending against 23 him whilst a child and young person. He went to the 24 police to make his complaint. Unfortunately, as 25 Assistant Chief Constable Laurence Taylor of Sussex</p> <p style="text-align: center;">Page 68</p>

<p>1 Police confirms in his witness statement, portions of 2 which will be read to you, no records exist from that 3 period of time within Sussex Police, so it is not clear 4 what led them to drop the prosecution in 1999, although 5 it is suggested by the police that it was the CPS who 6 decided not to proceed. The CPS state in their witness 7 statement that they have no records of this. Mr Johnson 8 was written to by the police and told that the 9 statements made by Mr Johnson and another would remain 10 on file and the information would be invaluable if 11 Reverend Cotton were to try to involve himself with 12 children in the future. The police, however, have 13 disposed of their records and it is difficult to know 14 why those records were not kept, although at the time 15 the policy of the police force was not to keep such 16 records beyond three years.</p> <p>17 It is not just Mr Johnson and also his brother who 18 made credible allegations, other individuals have also 19 made credible allegations against Reverend Cotton. An 20 individual gave evidence at a recent trial against the 21 Reverend Colin Pritchard, who is now known by another 22 name, and alleged that Reverend Cotton abused him for 23 a number of years while he was vicar of Brede within 24 Udimore and that Reverend Cotton also facilitated access 25 to Reverend Pritchard for him to undertake sexual abuse</p> <p style="text-align: center;">Page 69</p>	<p>1 Reverend Cotton wrote a confidential declaration at that 2 time which identified the nature of the conviction.</p> <p>3 This information was not found on the personnel 4 files for the Reverend Cotton when investigations came 5 to take place by both Roger Meekings and by 6 Baroness Butler-Sloss, who was then asked to perform 7 a review in the circumstances I have already outlined. 8 The issue of who knew what and when raises a series of 9 questions about who should have been responsible for 10 such matters, the nature and standard of record keeping 11 and the importance of some form of central record or 12 recording system to avoid the difficulties which arose 13 in this case.</p> <p>14 The following factors do seem to be in dispute 15 between various individuals. There is a dispute as to 16 whether or not, once it came to light that 17 Reverend Cotton had a conviction, his permission to 18 officiate was amended or withdrawn. His permission to 19 officiate was meant only to cover his celebration of 20 the Eucharist in a nursing home. In fact, it transpires 21 that he was not living in a nursing home at that time 22 and because permission to officiate cannot in reality be 23 supervised in this way, he continued to take occasional 24 services until his death. This was despite the fact 25 that Mr Johnson was assured that there was no question</p> <p style="text-align: center;">Page 71</p>
<p>1 of him by ferrying him to Reverend Pritchard's home for 2 such abuse to take place. This was between 1987 and 3 1992.</p> <p>4 Reverend Cotton was an alleged abuser hiding in 5 plain sight. Individuals knew, for example, that 6 Mr Johnson and Reverend Cotton would holiday together 7 but did not think that odd or unusual, which, had his 8 past been fully known, may have been treated with 9 significantly more wariness.</p> <p>10 Reverend Cotton retired in 1999 and was granted 11 permission to officiate in May of that year. This was 12 when at least some individuals knew he had been arrested 13 for child sexual abuse but in the light of no 14 prosecution being brought. It is not clear what the 15 diocese was or was not told by the police at that time 16 about the nature of the offences but evidence to be 17 given to the inquiry from senior clergy is that they 18 definitely thought he was a villain.</p> <p>19 There is then a factual dispute between various 20 senior members of the clergy, from whom you will hear 21 evidence, about what was or was not known about 22 Roy Cotton's 1954 conviction and what steps were then 23 taken. The following facts seem not to be in dispute, 24 however.</p> <p>25 His 1954 conviction was known in 2001, as</p> <p style="text-align: center;">Page 70</p>	<p>1 of his having further ministry as he was ill.</p> <p>2 There is a dispute as to whether or not someone 3 informed the vicar of the parish where Reverend Cotton 4 lived after his retirement that he had been both 5 arrested for sexual offending and had a conviction of 6 such or provided him with any information. This is 7 identified within the witness evidence of the Reverend 8 Duncan Lloyd James, who took over from Reverend Cotton.</p> <p>9 It is not in dispute that Mr Johnson was not told 10 until 2008 that his abuser had a criminal conviction, 11 despite making it clear by way of correspondence between 12 himself and the then Bishop of Lewes from 2002 to 2005 13 that he wanted answers, and also by publishing an open 14 document, as we have already heard about, to the people 15 of Eastbourne about Reverend Cotton's abuse.</p> <p>16 Further allegations are allegedly made in 2002 by 17 another individual about the Reverend Cotton which some 18 members of the diocese may have known about and which 19 were not pursued by the police.</p> <p>20 The issues which these allegations raise concerning 21 the church involve how communication takes place between 22 safeguarding advisers and members of the clergy; how 23 effective the system of permission to officiate then 24 was; the limited role that the Clergy Discipline Measure 25 did play and the fact that it was not used for someone</p> <p style="text-align: center;">Page 72</p>

<p>1 against whom serious allegations, which were viewed as 2 credible, had been made; the absence of internal 3 investigations within the church even if the police did 4 not pursue the matter. 5 There are also a number of issues which this case 6 raises about the treatment of adult survivors of abuse 7 by the church. 8 You will hear from many of the individuals who were 9 involved in handling this case. The seriousness of 10 the problem, as I have already identified, led to the 11 commissioning both of the review by Roger Meekings and 12 the review of Baroness Butler-Sloss. 13 The visitation, which again I have already 14 mentioned, raised a series of concerns about how 15 safeguarding was run within the Church of England both 16 within Chichester but also as a whole. The inquiry has 17 asked questions about why the visitation was 18 commissioned, what its conclusions were, if they were 19 sound and what changes came from them. Those in post at 20 the time of the visitation do not agree with all the 21 conclusions reached by it and consider that some of them 22 are unfair. 23 The internal reviews of both Meekings and 24 Baroness Butler-Sloss led to an acknowledged breakdown 25 in the relationship between various senior members of</p> <p style="text-align: center;">Page 73</p>	<p>1 Reverend Pritchard was the parish priest at St Andrew's 2 church in Northamptonshire. 3 Reverend Pritchard, who is now known by the name of 4 Ifor Whittaker, was convicted on 22 February 2018 of 5 several counts of indecent assault and rape against 6 a teenage boy between the ages of 10 and 15 for which he 7 received a sentence of 16 years' imprisonment. The 8 allegations included that he conspired with Roy Cotton 9 to commit these offences. The individual concerned did 10 not tell anyone whilst a child because he thought he 11 would not be believed. His family were involved with 12 the parish church at the time in question. 13 There have been suggestions made that many knew, or 14 should have known, about the culture of abuse operated 15 by the Reverend Pritchard and that Bishop Peter Ball, 16 whom I will discuss further, knew or turned a blind eye 17 to that abuse. 18 It should be noted that Mr Johnson made allegations 19 against Reverend Pritchard in 1997 and 1998. As with 20 Reverend Cotton, there are no longer any records of this 21 investigation held by Sussex Police or why decisions 22 were not taken to prosecute or charge Reverend Pritchard 23 at the time. 24 Northamptonshire Police have provided a statement to 25 the inquiry which sets out the details of their</p> <p style="text-align: center;">Page 75</p>
<p>1 staff within the diocese and contributed to the decision 2 by the Diocesan Safeguarding Advisory Group to bring 3 a disciplinary complaint against the then Bishop of 4 Lewes, Wallace Benn, in 2012, which was ultimately 5 dismissed by the Clergy Discipline Tribunal. You will 6 hear about this breakdown from Bishop Benn and from 7 Bishop Hind, and we will read evidence from 8 Keith Akerman, who was chair of the safeguarding 9 advisory group at the time. You will also hear from 10 Shirley Hosgood, who was the then diocesan safeguarding 11 adviser, and Colin Perkins. Why this is important to 12 a panel is not because individuals did not get on with 13 each other or had different approaches, but because 14 those approaches may have stymied or led to a less than 15 appropriate management of safeguarding during that 16 period of time to a detrimental effect. 17 Running alongside the case of Reverend Cotton is 18 that of the Reverend Pritchard, who was his friend. He, 19 too, abused Mr Johnson during his teenage years. He was 20 the vicar of St Barnabas, Bexhill until 2007 and had 21 previously been the vicar of Seddlescombe in the 22 Diocese of Lewes during the early 1990s. He pleaded 23 guilty in 2008 to seven counts of sexual assault against 24 two boys and was jailed for five years. The offences 25 took place during the 1970s and 1980s whilst</p> <p style="text-align: center;">Page 74</p>	<p>1 investigation carried out into Reverend Pritchard in 2 2007 and the liaison they had within the church at the 3 time. 4 As the focus of this investigation is upon the 5 institutional responses, it is the case that 6 Northamptonshire Police informed the diocesan 7 safeguarding adviser, Mr Selwood, that 8 Reverend Pritchard had been arrested for sexual 9 offending in 2007. He was not suspended from ministry 10 as a result of this arrest. He was -- no, 1997, 11 I apologise. He was not suspended from ministry as 12 a result of his 1997 arrest. He was not in reality, 13 however, ministering at that time, as he had signed 14 himself off work with ill-health. 15 No steps were taken to subject him to the Clergy 16 Discipline Measure or to take interim steps to lay 17 a complaint pending the police investigation. 18 He was granted permission to officiate 19 in February 2007 upon his retirement, despite having 20 been re-arrested at that time for child sexual 21 offending. 22 There were no restrictions upon his ability to 23 attend church or be involved in ministry with children 24 from his arrest until July 2007, when steps were taken 25 to discuss this with the parish priest where he</p> <p style="text-align: center;">Page 76</p>

<p>1 worshipped or was involved. But no formal safeguarding 2 agreement was then put in place. 3 His permission to officiate was revoked on 4 12 September 2007 and a safeguarding agreement was then 5 put in place on a formal basis. 6 There are factual disputes as to whose 7 responsibility it was to do what and at what times. 8 Again, these uncertainties and disputes led to the 9 internal reviews I have already mentioned. 10 I should mention at this stage an internal review 11 carried out by Ian Sandbrook, safeguarding consultant, 12 in May 2011. We have a witness statement from 13 Mr Sandbrook which audits the practices of Chichester at 14 that time and outlines how he carried out his report and 15 what he found, which identified in brief a number of 16 the same issues as identified by other reports in the 17 visitation, namely, an ambivalent culture at which the 18 needs of alleged perpetrators come above those of 19 complainants and, secondly, that procedures for those 20 who report abuse, particularly non-recent abuse, was not 21 as well established as they should be, and that such an 22 ambivalent culture can lead to ambivalent safeguarding, 23 and that the diocese needed to be clear that abuse would 24 not be tolerated and that past mistakes would not and 25 cannot be repeated.</p> <p style="text-align: center;">Page 77</p>	<p>1 about in the parish but nothing was done or said about 2 this during the period between 1998 and 2012. 3 While much is disputed about who within the senior 4 clergy within Chichester knew what about Reverend Coles 5 and when, the following appears to be undisputed. 6 It is accepted that Bishop Wallace Benn accompanied 7 Reverend Coles to the police station when he was 8 arrested in 1997. 9 It is accepted that senior clergy, including the 10 Archdeacon of Lewes, the Bishop of Lewes and the Bishop 11 of Chichester, as well as the diocesan safeguarding 12 adviser, knew of this arrest. 13 Senior clergy also intimate within their evidence 14 that even before his arrest there was some concern about 15 his inappropriate behaviour towards children. 16 The Bishop of Lewes, Wallace Benn and Nicholas Reade 17 met with Reverend Coles when he had decided to retire, 18 but before his actual retirement, at which he admitted 19 sexual activity with a child, describing it, depending 20 upon which witness is giving evidence, as either 21 "inappropriate fondling", "buggery" or that he had 22 accidentally sat down on a boy's penis while the boy 23 stayed overnight at his house. He also told this to 24 Janet Hind, the then diocesan safeguarding adviser. 25 Bishop Nicholas Reade believes that this disclosure</p> <p style="text-align: center;">Page 79</p>
<p>1 I now turn to the Reverend Robert Coles. 2 In May 1997, Reverend Robert Coles who had been in 3 charge at St Wilfrid's, Chichester from 1982 to 1987 and 4 had been a curate at St John's Church, Horsham, from 5 1979 to 1982, was interviewed by the police following an 6 individual reporting that he had been sexually abused by 7 him as a child. Reverend Coles denied the allegations. 8 Again, for reasons which are not clear, there was no 9 prosecution. It would appear that as there was no 10 independent evidence and no corroboration, a prosecution 11 at that time was not seen as feasible. In 1997, 12 Reverend Coles retired on the grounds of ill-health. It 13 subsequently transpired that, without having permission 14 to officiate, but with no-one checking, he had taken 15 over 100 services at a church in East Sussex and no-one 16 had informed the parish of his previous arrests. In 17 fact, the vicar within the parish at the time, 18 Jonathan Graves, has subsequently been convicted of 19 child sexual abuse himself. It would appear that during 20 this period of time, according to a serious case review 21 carried out in 2015, he had sexually groomed a child in 22 2007/2008 within this parish and that he had taken boys 23 out, both collectively and individually. He apparently 24 befriended families with teenage boys, taking them out 25 alone and giving them keys to his flat. This was known</p> <p style="text-align: center;">Page 78</p>	<p>1 was made just before Reverend Coles was interviewed by 2 the police in May 1997. Bishop Benn believes it was 3 later than this, after his police interview, and 4 Janet Hind's diary has a note of this information having 5 been passed to her in September 1997 and then reiterated 6 by Reverend Coles himself in March 1998. Whatever the 7 date, it is agreed that none of them told the police 8 about this disclosure. 9 Furthermore, for whatever reason, he was not subject 10 to any risk assessment and was permitted to continue in 11 his ministry until December 1997. No disciplinary 12 action was taken against him and he was not placed on 13 the Lambeth list for those clergy who were deemed to 14 have been unfit. He was not given permission to 15 officiate after his retirement because of his perceived 16 risk to others, but also because he refused to undertake 17 a risk assessment. However, he was not the subject of 18 any formal safeguarding agreement and when it was found 19 in December 2000 that he was attending the parish church 20 with Reverend Graves, about whom it was said that he had 21 engaged in inappropriate sexual conversations with 22 a 17-year-old, nothing was done to prevent him 23 worshipping at that parish or to put anything in place. 24 It plainly troubled Bishop Benn that there was 25 a relationship or friendship between Reverend Graves and</p> <p style="text-align: center;">Page 80</p>

<p>1 Reverend Coles, but nothing was done about it. 2 Bishop Benn also received a letter from a rector in 3 Chichester referring to Reverend Coles fondling two 4 8-10-year-old boys in 1979 to 1982. Again, this was not 5 referred to the police. Archdeacon Reade and 6 Bishop Benn did inform Reverend Coles that he must not 7 go on tour with a school party in 1999, but did not tell 8 the school that he should not attend the school trip. 9 It also appeared that Reverend Coles took school 10 assemblies. Reverend Robert Coles pleaded guilty to 11 11 counts of indecent assault and two of attempted 12 buggery and was sentenced in February 2013 to eight 13 years' imprisonment. Three further complainants came 14 forward as a result of the publicity from these 15 convictions. Two of the three complainants were not 16 proceeded with. The third complainant related to 17 a period between 1974 to '77 where there was an 18 allegation of indecent assault. Reverend Coles pleaded 19 guilty to two further counts of indecent assault upon an 20 individual aged 12 to 14 and was sentenced to a further 21 16 months' imprisonment. 22 Reverend Jonathan Graves. He was vicar at 23 St Luke's, Stone Cross until 2002. On 24 14 September 2017, he was convicted of 12 offences 25 including indecent assault and cruelty to a child and</p> <p style="text-align: center;">Page 81</p>	<p>1 working with children from that time. 2 Reverend Gordon Rideout. Reverend Rideout was 3 convicted of 34 counts of indecent assault and two 4 counts of attempted rape against a total of 16 victims 5 from May 2013. He was sentenced to 10 years' 6 imprisonment. He also pleaded guilty in December 2016 7 to a further count of indecent assault against someone 8 under the age of 16 and was sentenced to nine months' 9 imprisonment. Reverend Rideout's sexual abuse ranged 10 from the 1960s to the 1970s. They involved indecent 11 assaults against female and male residents of 12 Ifield Hall, a residential care home where Rideout was 13 a regular visitor, which was situated within the Diocese 14 of Chichester. He moved to be chaplain at Barnardo's 15 residential care home at Barkingside, where allegations 16 again were made against him of indecent assault. He 17 moved to be a chaplain of an army base between 1967 and 18 1973. In 1972, he was tried and acquitted of indecent 19 assault against three girls who alleged that he had 20 indecently assaulted them while they were members of 21 the choir. You will hear evidence tomorrow from someone 22 who alleges that they were sexually assaulted by 23 Reverend Rideout whilst part of that choir. 24 Four individuals made allegations against 25 Reverend Rideout shortly after his acquittal at the</p> <p style="text-align: center;">Page 83</p>
<p>1 was sentenced to 12 years' imprisonment. He was 2 acquitted of some counts. This activity was alleged to 3 have occurred from 1987 to 1992 and then at the turn of 4 the century in respect of two adults. 5 Janet Hind will give evidence to state that she had 6 warned Jonathan Graves in 2000 that he must not have 7 under 18s in the house, as it was known that he spent 8 a lot of time with the young, having boys in the house 9 and giving them special attention. No further 10 investigations took place, despite all being suspicious 11 of Reverend Graves' predilections and no referral was 12 made to the LADO or the police for investigation. 13 Reverend Graves' sexual activity included sadism and 14 masochism. These matters were first reported to the 15 Sussex Police in 2005 but no charges were brought. No 16 evidence exists as to why this decision was made at this 17 time, but it appears to be because there was no 18 corroboration of events and because one of 19 the complainants had significant mental health problems. 20 In 2009, after a CRB check upon his applying for 21 a post involving him undertaking a risk assessment 22 interview at which he disclosed both his interest in 23 humiliation during sexual activity and his sexual 24 activity with a young person, he was referred to the 25 independent safeguarding authority and barred from</p> <p style="text-align: center;">Page 82</p>	<p>1 court martial as it had attracted a great deal of 2 publicity. Evidence was taken from the army prosecuting 3 authorities at the time but they took no further steps. 4 In 2001, an individual complained to Sussex Police 5 who recorded it as "no crime" on the grounds that it had 6 already been investigated by the Royal Military Police 7 and nothing had happened. 8 Bishop Wallace Benn accompanied Reverend Rideout to 9 the police station in 2002 to be interviewed. Both 10 Bishop Hind and Bishop Benn were aware of 11 the allegations made against Reverend Rideout from at 12 least 1998 when Reverend Rideout had disclosed them as 13 part of a confidential declaration to the diocese. 14 The panel may wish to note the following: 15 Reverend Rideout was not dealt with as part of the past 16 cases review carried out by Roger Meekings in respect of 17 the rest of Chichester. 18 There was no safeguarding file ever opened on him 19 despite the historic allegations being known about. 20 Reverend Rideout had permission to officiate to 21 which no restrictions were attached, despite there being 22 knowledge of previous allegations and arrests, albeit no 23 convictions. 24 The diocesan safeguarding adviser, Shirley Hosgood, 25 only became aware of the previous allegations during</p> <p style="text-align: center;">Page 84</p>

<p>1 a routine CRB check.</p> <p>2 His permission to officiate was withdrawn</p> <p>3 in September 2010 after the case had been referred to</p> <p>4 the Diocesan Safeguarding Advisory Group. When the</p> <p>5 group initially recommended withdrawing PTO, they were</p> <p>6 asked to reconsider on the basis that the allegations</p> <p>7 were so historic. The group repeated their advice.</p> <p>8 Even though permission to officiate was withdrawn,</p> <p>9 this did not lead to the Diocesan Board of Education</p> <p>10 from terminating his acting as governor of Bishop Bell</p> <p>11 School nor did they have the power to do so. It appears</p> <p>12 that separately a CRB check was obtained by the school.</p> <p>13 The DSA sent this information to the LADO. We have</p> <p>14 a statement from the Diocesan Board of Education which</p> <p>15 identifies that even though the school had received the</p> <p>16 blemished CRB check for Reverend Rideout at around the</p> <p>17 time, they did not provide this information to the</p> <p>18 diocese until November 2010. Following on from the</p> <p>19 review carried out by Baroness Butler-Sloss,</p> <p>20 Sussex Police reinvestigated the case of Rideout and</p> <p>21 Coles as well as others. Witnesses were recontacted and</p> <p>22 charges were brought. The statement of the police sets</p> <p>23 out how Operation Perry worked and the police identified</p> <p>24 that, at the time, the Diocese of Chichester gave the</p> <p>25 fullest cooperation to them and provided them with</p> <p style="text-align: center;">Page 85</p>	<p>1 should have been a referral from the school to</p> <p>2 social services so that the school could take advice and</p> <p>3 that the governor would have been under an obligation to</p> <p>4 disclose that information to the school. The Department</p> <p>5 for Education also identify that when a CRB check in</p> <p>6 2010 disclosed alleged sexual offending, then there</p> <p>7 should have been a prompt withdrawal from the</p> <p>8 establishment pending further enquiries and referrals to</p> <p>9 the Independent Safeguarding Authority.</p> <p>10 In 2010, it was found by the local authority who</p> <p>11 carried out DBS checks on behalf of the school that</p> <p>12 Reverend Coles had a blemished CRB check. East Sussex</p> <p>13 County Council brought this to the attention of the then</p> <p>14 headmaster, who indicated that he was aware of this. It</p> <p>15 is not clear whether or not specific information about</p> <p>16 the allegations made against Reverend Rideout were</p> <p>17 brought to the attention of the head. He continued to</p> <p>18 be a governor at this school until November 2011, when</p> <p>19 he resigned. He was also a governor of a special school</p> <p>20 in the area between 2005 and 2009.</p> <p>21 A CRB check carried out by this school in 2005 had</p> <p>22 not disclosed the earlier arrest for child sexual</p> <p>23 offences and the school were not told of them by</p> <p>24 Reverend Rideout or others. The statement of Diocesan</p> <p>25 Board of Education identifies that, despite knowing that</p> <p style="text-align: center;">Page 87</p>
<p>1 access to all files. In particular, the police pay</p> <p>2 tribute in their witness statement to Colin Perkins, the</p> <p>3 current diocesan safeguarding adviser.</p> <p>4 Reverend Rideout was a governor at various state and</p> <p>5 independent schools which had an Anglican connection and</p> <p>6 to which he was appointed because of his role as</p> <p>7 a clergyman in the diocese of Chichester. Until 2009,</p> <p>8 the governing body of the secondary school where he was</p> <p>9 a longstanding governor, and from whom the evidence of</p> <p>10 the current chair of governors, David Jeffries, has been</p> <p>11 sought, did not carry out DBS checks. The Department of</p> <p>12 Education within their evidence to this inquiry identify</p> <p>13 that individuals have always been disqualified from</p> <p>14 being members of governing bodies of a state-run school</p> <p>15 if they have been convicted of a serious offending since</p> <p>16 1986. From 2002, those who were chairs or members of</p> <p>17 a proprietary independent school body would have</p> <p>18 required CRB checking. From 2003 onwards, governors</p> <p>19 could be disqualified from holding office if they</p> <p>20 refused to undergo a CRB check and, from 2016, this</p> <p>21 included an enhanced CRB check. However, there was no</p> <p>22 mandatory requirement for governors to have CRB checks.</p> <p>23 The Department of Education in their evidence</p> <p>24 identify that if someone was arrested but not charged in</p> <p>25 2001 of sexual offences against children then there</p> <p style="text-align: center;">Page 86</p>	<p>1 Reverend Rideout had had his PTO withdrawn by the</p> <p>2 diocese, the head of the school at the time was</p> <p>3 resistant to removing him and the LADO had to become</p> <p>4 involved to do so. However, because neither the diocese</p> <p>5 nor the local authority could compel the resignation of</p> <p>6 a governor, they could do no more than request that he</p> <p>7 resigned. Reverend Rideout eventually resigned.</p> <p>8 I turn lastly, before the luncheon adjournment, to</p> <p>9 the cases of Keith Wilkie Denford and Michael Mytton.</p> <p>10 Keith Denford was vicar at St John the Evangelist</p> <p>11 Church, Burgess Hill. Two brothers alleged that when</p> <p>12 they were members of the choir in the 1980s,</p> <p>13 Reverend Denford sexually abused them. They reported</p> <p>14 matters to the police when told as adults that</p> <p>15 Reverend Denford had returned to the church.</p> <p>16 Reverend Denford was convicted of three counts of</p> <p>17 indecent assault in April 2013 and sentenced to</p> <p>18 18 months' imprisonment.</p> <p>19 Michael Mytton was the organist at the same church</p> <p>20 during the period when Reverend Denford was the vicar.</p> <p>21 He was convicted of three counts of indecent assault</p> <p>22 against a 10-year-old boy by grooming him whilst giving</p> <p>23 him singing lessons and then having him undertake sexual</p> <p>24 activity upon him. Mytton received nine months'</p> <p>25 imprisonment suspended for two years, a two-year</p> <p style="text-align: center;">Page 88</p>

<p>1 supervision order and had to comply with a sex offenders 2 prevention order. 3 We are now reaching the lunch adjournment. I will 4 carry on for a short period of time, but not for very 5 long, in the afternoon. We now break until 2.00 pm? 6 THE CHAIR: Thank you, Ms Scolding. 7 (12.57 pm) 8 (The short adjournment) 9 (2.00 pm) 10 MS SCOLDING: We were in the middle, before the lunch 11 adjournment, of discussing the offending of various 12 individuals who worked or lived within the Diocese of 13 Chichester. 14 I now come to Christopher Howarth. 15 Christopher Howarth was the non-stipendiary vicar, as 16 I have already described earlier -- ie, unpaid -- at 17 Holy Trinity Church, Uckfield, and was also a senior 18 teacher at a local school. He was a family friend of 19 his victims. You will read evidence from one of them, 20 the other being unable to provide evidence to this 21 inquiry due to extenuating circumstances. These 22 individuals were groomed from the age of 9 to 10 and 23 then sexually assaulted repeatedly over a number of 24 years, including serious acts of humiliation, 25 sado-masochism and fetishism. Both were offered money</p> <p style="text-align: center;">Page 89</p>	<p>1 the individuals subjected to abuse who said that they 2 were harassed by parishioners or blamed for the 3 allegations they had made. 4 I now turn to Peter Pannett. Peter Pannett was 5 a deacon in the Brighton area. In 2012, he shared 6 indecent images of children over the internet and also 7 had online conversations of a sexual nature with teenage 8 boys. He pleaded guilty to two counts of making 9 indecent images of children, one count of attempting 10 incitement of a child to engage in sexual activity, and 11 two counts of inciting a child under 16 to engage in 12 sexual activity. He also pleaded guilty to two counts 13 of causing a child to watch a sexual act. He was 14 sentenced to 32 months of imprisonment. 15 I now turn to the Reverend Vickery House and the 16 former Bishop Peter Ball. 17 Peter Ball was the Bishop of Lewes between 1977 and 18 1992. Prior to that, he was the Prior of the Community 19 of Glorious Ascension, a monastic order he had founded 20 along with his brother in the early 1960s. The inquiry 21 is devoting a week of its time in July to the events 22 surrounding Peter Ball's resignation as 23 Bishop of Gloucester and the institutional response of 24 the church, prosecutorial authorities and the police. 25 But it will be examining during the course of this</p> <p style="text-align: center;">Page 91</p>
<p>1 and presents to remain silent about the abuse. These 2 offences took place during the 1990s and 2000s. 3 In 2015, Reverend Howarth was convicted of 26 counts 4 of sexual activity with a child and causing a child to 5 engage in sexual activity and received 16 years' 6 imprisonment in total. 7 Perhaps by contrast with earlier events, 8 Reverend Howarth was suspended from ministry even before 9 he was arrested on the advice of the local police and 10 the LADO, even though there was no clear practice 11 guidance at the time as to how one should deal with this 12 situation, nor was suspension then formally permitted, 13 so he had to be asked to step aside. As we have already 14 identified, that position has now changed. 15 However, unfortunately, after Reverend Howarth's 16 arrest in 2013, a group of parishioners set up 17 a Facebook group in support of him, which both the 18 diocesan safeguarding adviser and the police had to then 19 manage. This involved Mr Perkins and relevant senior 20 clergy visiting the parish church to explain that 21 Reverend Howarth had not been the subject of 22 a miscarriage of justice and that individuals who are 23 both charming and popular could still be capable of 24 grooming. 25 The Facebook group led to considerable upset of both</p> <p style="text-align: center;">Page 90</p>	<p>1 hearing his activities whilst Bishop of Lewes, and in 2 particular how he came to set up a scheme called "Giving 3 a year to God" which involved having young people living 4 with him during the 1980s. 5 Secondly, what supervision there was of this scheme 6 within the diocese and of others within his monastic 7 order living with him at the time. 8 Thirdly, what oversight or monitoring took place by 9 the diocese of this scheme or by anybody else. 10 Fourthly, what the diocese may or may not have known 11 in respect of rumours which may or may not have been 12 circulating about Bishop Ball's activities with young 13 people. 14 The Reverend Vickery House was a vicar within 15 East Sussex and a close associate of Peter Ball. He was 16 his right-hand man in respect of the scheme and was 17 responsible for the theological education of the young 18 people who went on to it. You will hear the evidence of 19 two young people who participated in the scheme during 20 the 1980s, although they were over 18 at the time. You 21 have details in the witness statement of Assistant Chief 22 Constable Taylor as to the investigation carried out in 23 respect of Peter Ball by East Sussex Police, called 24 Operation Dunhill, in 2012. You will hear evidence 25 about this in July. This operation came about as</p> <p style="text-align: center;">Page 92</p>

<p>1 a result of concerns both within the diocese and within 2 Lambeth Palace, after a review written by Kate Wood, who 3 I have already mentioned, an independent safeguarding 4 consultant, who believed that a thorough investigation 5 into his activities had not taken place. You will read 6 evidence from Ms Wood. 7 Peter Ball accepted a caution in 1993 whilst 8 Bishop of Gloucester to a count of gross indecency 9 against a young man who was over 18, Neil Todd, who 10 tragically took his own life in 2012. 11 In September 2015, Bishop Ball pleaded guilty to counts 12 of misconduct in public office concerning sexual 13 activity with young adults and two counts of indecent 14 assaults against adults. He was sentenced to 32 months' 15 imprisonment. We have a written statement from 16 Bishop Ball which will be read in full. The witness 17 statement of Sussex Police sets out actions taken during 18 Operation Dunhill. 19 The investigation team suggest that, as 20 Lord Williams of Oystermouth is coming to give evidence 21 and has provided detail about his role vis-a-vis steps 22 taken in respect of Peter Ball during his time in 23 office, and also Elizabeth Hall, the then safeguarding 24 adviser to the national church are coming to give oral 25 evidence, that questions about the activities of</p> <p style="text-align: center;">Page 93</p>	<p>1 was a teacher at a state-run Anglican secondary school 2 and was head of music at an Anglican church in 3 Chichester, was also involved heavily with music in the 4 Chichester area. He was convicted, in 1990, of having 5 unlawful sexual intercourse with teenage girls who were 6 pupils at his school and some of them may also have been 7 involved with Chichester Cathedral as well. It is not 8 clear. He was sentenced to five years' imprisonment. 9 Subsequent to his release from prison, he re-entered 10 the musical scene in Chichester and was involved in 11 playing the organ and attending various choirs, adult 12 only, within the Anglican Church in West Sussex. 13 Janet Hind, who was the diocesan safeguarding adviser 14 during 1997 to 2001 identifies within her evidence that 15 she asked that he not be allowed to participate in 16 choral services or to take private singing lessons 17 involving children and she sought to stop this once she 18 found out that this had happened, after having been lied 19 to by the parish priest about his activities when she 20 asked him in 1997. She says that she almost resigned 21 over this. 22 Mr Perkins, in his statement, identifies in 2011 23 that when he became involved in this matter and found 24 out that the individual was only involved in adult 25 choirs, and that, therefore, as he was only involved in</p> <p style="text-align: center;">Page 95</p>
<p>1 Peter Ball should be asked of them at this hearing. The 2 same will also occur to other witnesses whom the core 3 participants have been informed about, and the panel 4 will have regard to this evidence when considering the 5 Peter Ball case study. But it must be stressed that 6 matters such as the appropriateness or otherwise of 7 the prosecution of Peter Ball in 1992, 1993 and 2012 to 8 2015 and the police's activities will be explored in 9 full in July. 10 Reverend Vickery House. Sussex Police investigated 11 this matter as part of Operation Dunhill. 12 Reverend House was convicted of five counts of indecent 13 assault and was sentenced to six and a half years' 14 imprisonment in October 2015. These offences related to 15 the late 1960s and '70s. One of the complainants had 16 reported matters in 2001 to Devon and Cornwall Police, 17 who did not take matters further. Another complainant 18 had made a statement in 1993 which did not result in any 19 action. 20 I now turn to the offending of Michael Walsh, 21 Terence Banks and David Bowring. These three 22 individuals were involved in one way or another with 23 Chichester Cathedral and the Prebendal School which 24 educates the choristers who sing in the cathedral and 25 has boarding facilities. In 1990, Michael Walsh, who</p> <p style="text-align: center;">Page 94</p>	<p>1 adult choirs and an organist, that this did not require 2 either a CRB or DBS check as it would not have been 3 considered to be a "regulated" activity, he took steps 4 to remedy the situation. In 2012, Bishop Martin Warner 5 therefore issued a directive applying to the whole of 6 the Diocese of Chichester that no-one with an unspent 7 conviction for child sexual abuse could take any leading 8 role in any musical performance in any church building 9 within the diocese because of the difficulties in taking 10 any other practical steps to prevent this individual 11 coming into contact through the church with children. 12 David Bowring. David Bowring was a teacher at the 13 Prebendal School. He pleaded guilty to six charges of 14 indecent assault of four boys who were at the school in 15 the 1970s. He was convicted as a consequence of 16 the conviction of Terence Banks in 2001, which I will 17 deal with in a moment. He was sentenced in May 2003 to 18 three years' imprisonment. 19 Terence Banks. Terence Banks was the steward of 20 Chichester Cathedral which we understand is a lay role 21 involving organisation during church services. This was 22 seen at least by Mr Banks as prestigious, albeit 23 voluntary. He was also heavily involved in the 24 organisation of the Chichester Festival, which we 25 understand is a prestigious music festival involving</p> <p style="text-align: center;">Page 96</p>

<p>1 various choirs from across the south of England. He was 2 convicted in May 2001 and sentenced to 16 years' 3 imprisonment for 32 sexual offences against 12 boys. 4 These offences took place over the course of 29 years 5 from 1971 onwards. You will hear evidence from an 6 individual abused by Terence Banks whilst a schoolboy 7 and attending the Chichester Festival.</p> <p>8 The conviction of Mr Banks, along with the 9 associated offending of Michael Walsh and David Bowring, 10 led the church, and in particular Bishop Hind, to 11 commission an internal case review which became known as 12 the Carmi Report. You will have already heard that 13 Ms Carmi will be giving evidence about what she found 14 out during that review and the response to her 15 recommendations.</p> <p>16 As I have already identified, cathedrals are not 17 necessarily governed by the diocese and have their own 18 systems of governance. At this time, the cathedral, 19 therefore, did not have to follow diocesan safeguarding 20 policies and, as I have already identified, cathedrals 21 have not yet been audited by SCIE. Issues around 22 safeguarding within cathedrals which will nearly always 23 have choristers made up of children attending the church 24 almost daily will also be dealt with by both 25 Graham Tilby and Bishop Hancock during the course of</p> <p style="text-align: center;">Page 97</p>	<p>1 Reverend Stephen Waine, who is currently Dean of 2 Chichester Cathedral, but it is not clear and the 3 passage of time has meant it is not known the extent to 4 which the Prebendal School was involved in the 5 commissioning of the Carmi Report. It is likely that 6 the impetus for the report came solely from Bishop Hind. 7 The school were concerned, as has been identified in the 8 minutes of the records, about sending information to 9 both parents and to parishioners, as Ms Carmi asked them 10 to send such information out to try to gather further 11 matters and were also concerned that the report of 12 Ms Carmi could cause a risk to the reputation of 13 the school.</p> <p>14 One of the criticisms made within the Carmi Report 15 is that the dean of the cathedral is also the chair of 16 governors of the Prebendal School, and that there are 17 additionally two further clergy members of the cathedral 18 on the governing body.</p> <p>19 It is still the case that the dean of the cathedral 20 is the chair of governors.</p> <p>21 You will also hear evidence on this aspect of 22 the investigation from Dean Atkinson, who was a Canon at 23 Chichester Cathedral at the time and is now Dean of 24 Worcester Cathedral. He will give evidence as to the 25 operation of the Chapter at the time of Terence Banks'</p> <p style="text-align: center;">Page 99</p>
<p>1 their evidence.</p> <p>2 As the offending of Mr Banks and Mr Bowring involved 3 children at the Prebendal School, the inquiry has sought 4 evidence from the school, from Ofsted and from the 5 Independent Schools Inspectorate who either were 6 directly responsible, or their predecessor bodies were 7 responsible, for inspecting the school during these 8 periods of time. We will be putting information from 9 the Prebendal School on the inquiry website.</p> <p>10 The Department of Education have also provided 11 a statement which identifies that all individuals 12 convicted of child sexual abuse were notified to the 13 department from 1983 onwards, so that a referral could 14 be made to the then list in operation, List '99, to ban 15 them from working with children in school. The 16 Department for Education no longer have data about the 17 List 1999 records and so cannot confirm if the 18 individuals convicted are placed upon this list.</p> <p>19 The Prebendal School in the evidence it has given to 20 the inquiry does not identify nor state what the 21 safeguarding policies were in place at the time -- it 22 says that it no longer has them -- nor what training had 23 taken place at that particular moment. A series of 24 minutes of the governing body made contemporaneously 25 with the Carmi Report investigation were put to the</p> <p style="text-align: center;">Page 98</p>	<p>1 arrest and difficulties that individuals may have had in 2 dealing and managing safeguarding at the time in 3 question. He indicates that some boys had approached 4 him some time before the police came involved to tell 5 them of Terence Banks' offending. He had not told the 6 police and he did not tell the Chapter what was 7 happening until Terence Banks was arrested.</p> <p>8 We will be reading evidence from the ISI and Ofsted 9 who say as follows.</p> <p>10 Firstly, that the ISI held no records relating to 11 the offending of Terence Banks or David Bowring or that 12 records no longer exist which could show whether the 13 school informed the ISI of these convictions at the time 14 they were inspected in 2003. The Carmi Report was 15 never, from the records which exist, sent to the ISI. 16 They do identify, however, that safeguarding would have 17 been inspected when the Prebendal School was inspected 18 at that time.</p> <p>19 The Independent Schools Inspectorate did contact the 20 LADO to ask for information about the school prior to 21 inspections in 2012 and 2015, but the LADO did not 22 inform them of the issues raised by the Carmi Report or 23 the sexual offending of Banks and Bowring. No external 24 organisation informed the ISI about the offending of 25 these individuals.</p> <p style="text-align: center;">Page 100</p>

<p>1 There is no legal requirement for schools to report 2 to the ISI issues related to child sexual abuse as they 3 come to light, but the Independent Schools Inspectorate 4 now, and since 2010, has asked, when a school is 5 inspected, whether someone connected to the school is 6 subject to investigation or disciplinary action in 7 respect of conduct with children in order to try to 8 elicit that information.</p> <p>9 The school, within its 2012 inspection, failed to 10 meet the national minimum standards as it did not carry 11 out some DBS checks on a number of individuals and some 12 nonteaching staff -- I must stress nonteaching staff -- 13 had not received child protection training.</p> <p>14 The Independent Schools Inspectorate itself notes 15 that safeguarding inspections became much more rigorous, 16 even for schools without a boarding element, between 17 2003 and 2015.</p> <p>18 The statement from Ofsted identifies that they hold 19 no records showing whether or not the offending of Banks 20 and Bowring was ever sent to them or to their 21 predecessor body, which until 2012 would have been 22 responsible for the boarding welfare element of 23 inspections. Now is not the time to go into the 24 standard and nature of inspections in existence at that 25 time, but it also appears that no boarding welfare</p> <p style="text-align: center;">Page 101</p>	<p>1 a section of the Children Act 1989, but before that 2 date, whilst the Secretary of State for Education 3 operated a register of independent schools, there were 4 no safeguarding obligations imposed. It was only after 5 1993 that local authorities inspected the boarding 6 element of schools, something which is now carried out 7 either by Ofsted or the ISI.</p> <p>8 Furthermore, prior to 2002, independent schools were 9 not regularly subject to inspections which monitored the 10 safeguarding elements of provision, and whilst there 11 were inspections by both what was then called HMI but 12 also by the Independent Schools Council, those by the 13 HMI, the Department for Education tell us, were not 14 regular and those by the Independent Schools Council 15 were not concerned with regulation of the sector but 16 with accreditation to the Independent Schools Council 17 itself.</p> <p>18 There was, therefore, the panel may find, no 19 regulatory action which could be expressly taken because 20 of concern about children's welfare until 1993. It also 21 appears that, whilst it was practice for any serious 22 case review to be sent to the Department for Education 23 in 2004, this did not happen upon publication of 24 the Carmi Report, and the first time the Department for 25 Education had seen it was when the inquiry passed it to</p> <p style="text-align: center;">Page 103</p>
<p>1 inspections were carried out, or certainly no records 2 can be found from Ofsted of them, between 2004 and 2009, 3 despite the fact that it would have been usual for such 4 inspections to take place at least every other year.</p> <p>5 Ofsted also identify that they have not received or 6 certainly within their records there is not a copy of 7 the Carmi Report or any information about sexual 8 offending.</p> <p>9 It should also be noted that the head of 10 the Prebendal School did write to the Department for 11 Education in 1976 about another teacher who had been 12 found to have sexually assaulted a pupil and had then 13 admitted perpetrating such abuse to them. The 14 Department for Education has had a system in place, it 15 tells us, since 1870 to disbar from teaching within 16 state education those who are subject to gross 17 misconduct. A list from at least 1921 is in existence 18 of teachers whose recognition has been suspended. 19 However, it cannot locate any information about what 20 happened to this particular referral.</p> <p>21 It should also be noted that the standards to be met 22 prior to 2002 within boarding schools were not specified 23 within legislation. From 1993 onwards, any boarding 24 school had to have measures in place to safeguard and 25 promote the welfare of its children pursuant to</p> <p style="text-align: center;">Page 102</p>	<p>1 them.</p> <p>2 This is probably because it was not a formal serious 3 case review commissioned by the local authority. Again, 4 this raises the perennial problem of information 5 sharing.</p> <p>6 Other individuals. The witness statements of 7 Mr Iles and Mr Perkins set out a further 11 individuals 8 against whom allegations of child sexual abuse have been 9 made. All of them have either been examined by the 10 police or the LADO. Of those 11, one who was a chaplain 11 at a school and was the subject of written warnings 12 because of his inappropriate behaviours was not 13 permitted to have permission to officiate in 2013 but no 14 disciplinary action was taken, as he was a chaplain and 15 therefore not involved with the diocese. In another 16 case, a risk assessment was undertaken and a complaint 17 was raised under the Clergy Discipline Measure. In 18 another Clergy Discipline Measure complaint, that led to 19 a penalty by consent after inappropriate behaviours to 20 teenage girls, which also included the individual 21 concerned not being able to engage in public ministry. 22 It should be identified that some of those individuals 23 were exonerated by either the police or the LADO after 24 investigation.</p> <p>25 I turn last to the case of George Bell, and I must</p> <p style="text-align: center;">Page 104</p>

<p>1 note here that allegations have been made. There has 2 never been a criminal or a civil trial. 3 Allegations were made in 2012 about George Bell, 4 a former Bishop of Chichester who died in 1958. A core 5 group was convened, which we will hear about from 6 members of it, and decisions were made to pay the 7 individual concerned, who is known as "Carol" a sum of 8 money by way of compensation. The church subsequently 9 commissioned, following criticism by various quarters, 10 an internal report from Lord Carlile of Berriew, 11 a senior criminal barrister and former independent 12 reviewer of terrorist legislation. This report was 13 published in late December 2017. It makes an extensive 14 critique of various actions of the diocese and the 15 national church in cases concerning posthumous 16 allegations. The panel will hear from the current 17 Archbishop of Canterbury, Mr Perkins, who was part of 18 the core group, and has written evidence of 19 the Ecclesiastical Insurance Office who have provided 20 written documentation as to their response to the 21 review. It is understood from information within the 22 church very recently that another allegation has been 23 made. This inquiry will not be concerned with the truth 24 or otherwise of these allegations. Its role is simply 25 to examine the Carlile Review and how the church deals</p> <p style="text-align: center;">Page 105</p>	<p>1 dismissed by the ecclesiastical tribunal that heard 2 them: one on the basis that it was out of time, and the 3 other because it was agreed that the complaint no longer 4 had any foundation as it was based on a mistaken 5 understanding of the factual position at the time. 6 I have already identified that both Bishop Benn and 7 Bishop Hind retired in 2012. You will hear evidence 8 from Bishop Warner as to what has been done following 9 these concerns raised internally and what more needs to 10 be done as well as from Bishop Sowerby, the Bishop of 11 Horsham and the deputy to Bishop Hancock on the 12 Bishops' Council in respect of safeguarding. 13 This investigation has been told by both East and 14 West Sussex Council that the relationship between them 15 and the diocese has considerably improved from what was 16 acknowledged to be the low point of 2012. The witness 17 statements of Mr Stuart Gallimore, current director of 18 children's services at East Sussex County Council, and 19 Mrs Annie McIver, director of children's operations in 20 West Sussex County Council, both identify that they have 21 been asked to sit on the current Diocesan Safeguarding 22 Panel and identify what they consider to have been 23 a clear shift in culture in respect of safeguarding 24 practice which has included Bishop Warner and others 25 presenting a diocesan strategic safeguarding plan to the</p> <p style="text-align: center;">Page 107</p>
<p>1 with posthumous allegations of child sexual abuse. 2 I have already told you about the Archepiscopal 3 Visitation. As a result of the concerns raised within 4 the visitation and the report of Baroness Butler-Sloss 5 and others, the East Sussex local authority and the 6 local Safeguarding Children Board wrote a series of 7 letters to the diocese and to the Archbishop of 8 Canterbury in 2012. You will hear about these letters 9 from Mr Perkins and there is also evidence which is 10 going to be read from both East Sussex County Council 11 and West Sussex County Council. These letters criticise 12 in the strongest terms the management of safeguarding 13 within the diocese in 2011 and 2012. They were 14 particularly unhappy about the role that Bishop Benn, 15 who was then the Bishop of Lewes, continued to play 16 within the diocese. 17 They in fact wrote to state that they did not 18 believe that the current arrangements within the diocese 19 could assure the safety of children, and that they had 20 no confidence in the then Bishop of Lewes. 21 This view was shared by the Diocesan Safeguarding 22 Advisory Group who then sought to bring a complaint 23 under the Clergy Discipline Measure in 2012 over what 24 was considered to be Bishop Benn's erroneous approach to 25 safeguarding in some respects. These complaints were</p> <p style="text-align: center;">Page 106</p>	<p>1 Local Children Safeguarding Board in 2013 and providing 2 an update on its progress again in 2015. 3 As well as the local authority engaging in concerns, 4 the Charity Commission wrote to the Diocesan Board of 5 Education in June 2011 as a result of seeing press 6 reports about criticism of the diocese. They identified 7 that, obviously, the Board of Education and the Board of 8 Finance are both charities and that there is a need, 9 regulatory need, to report serious incidents to the 10 Commission, which include safeguarding matters. 11 A further letter was written in September 2012 following 12 the publication of the visitation to again identify 13 that, despite the fact that the board was written to in 14 2011, the diocese had not acted or complied with the 15 regulatory requirements to report serious incidents. 16 The Charity Commission therefore monitored matters 17 between 2012 and 2014 to ask for updates from the 18 diocese. I should stress that no formal investigation 19 was launched by the Charity Commission. 20 The Charity Commission closed the case on the basis 21 that the diocese was cooperating with the police and 22 local authority and had put in place an action plan to 23 take forward the recommendations of the visitation. We 24 have a witness statement from Harvey Grenville, head of 25 enforcement at the Charity Commission, who sets this</p> <p style="text-align: center;">Page 108</p>

<p>1 out. We will also be hearing evidence from 2 Angela Simpson who dealt with these concerns on behalf 3 of the diocese. She identifies that one of the issues 4 is that the structure of the church does not lend itself 5 to strong relationships with the charity sector, as the 6 charity sector and the regulators find it very difficult 7 to understand the absence of command and control within 8 the church to enforce accountability.</p> <p>9 It should also be noted that following on from the 10 conviction of Robert Coles, the Local Children 11 Safeguarding Board commissioned what is known as an 12 independent management review of the diocese's handling 13 of the Robert Coles case. Various recommendations were 14 then made that the diocese indicates in the witness 15 statement of Colin Perkins have now been implemented.</p> <p>16 As I have already identified, Baroness Butler-Sloss 17 concluded that the police were not well equipped in her 18 review of 2011 to deal with allegations of child abuse 19 made by adults. She identified that they were slow to 20 recognise the significance of historic child abuse and 21 did not take the disclosures of victims in their area 22 sufficiently seriously. She also criticised their 23 record keeping because, as we have heard, their records 24 were thrown away.</p> <p>25 Sussex Police have responded to these criticisms at</p> <p style="text-align: center;">Page 109</p>	<p>1 In order to provide contextual background about the 2 question of the information and advice given to police 3 forces about how to manage child sexual abuse cases in 4 the past, the inquiry commissioned an analysis of 5 policing policy between 1990 and the present day from 6 the Cardiff University Crime and Security Research 7 Institute. This has involved an analysis of Home Office 8 advice and guidance. This report has been circulated to 9 all core participants in this investigation and will be 10 placed upon the website. Whilst this opening is not the 11 place to deal in detail with the information it 12 provides, I will highlight the following.</p> <p>13 From the Children Act 1963 onwards, there were 14 references to the need for the police to work with local 15 authorities on an informal basis about children who were 16 in need of care, protection and control. The need for 17 interagency working was stressed throughout circulars 18 issued concerning child abuse from the 1960s onwards.</p> <p>19 Even in 1964, chief officers of police were, 20 according to a Home Office circular at the time, to 21 notify the children's officer -- now the LADO, in 22 effect -- of the local authority where a person is 23 convicted of sexual offences against children.</p> <p>24 There was a discussion within the Department of 25 Health in the 1980s, as I have already referred to, as</p> <p style="text-align: center;">Page 111</p>
<p>1 paragraph 9.1 of the witness statement of 2 Assistant Chief Constable Taylor onwards. This provides 3 an explanation as to why documents were thrown away and 4 identifies that looking at the limited documents 5 concerning the investigation of Roy Cotton in 1997 did 6 not inspire confidence within it. It also accepts that 7 the investigation in 1997 from the limited records and 8 investigation that they have was not of the highest 9 quality.</p> <p>10 We will be hearing evidence from former Detective 11 Sergeant Edmund Hick by videolink, who was involved with 12 the child protection team in the late 1990s and who may 13 be able to throw some further light as to the 14 investigative practices existing at that moment in time.</p> <p>15 Sussex Police, as I have already indicated, 16 reinvestigated a number of cases under 17 Operations Dunhill and Perry, which has led to a number 18 of the convictions I have just told you about it. It 19 does also appear to be the case, from the information 20 told to us by the police, that a much closer working 21 relationship is now in existence between the police and 22 the diocese, with the police in particular praising the 23 diocesan safeguarding adviser, Colin Perkins, in their 24 witness statement for his close collaboration with them 25 on investigations.</p> <p style="text-align: center;">Page 110</p>	<p>1 to whether or not sexual abuse should or should not come 2 within the definition of child abuse.</p> <p>3 A circular sent out in 1988 in the wake of 4 the Cleveland child abuse scandal by the Home Office set 5 out in some detail the content and focus they expected 6 to the investigation of child sexual abuse and also set 7 out details about how to interview children and creating 8 a clear direction that most forces should adopt and set 9 up specialist child protection units.</p> <p>10 The introduction of the Children Act, which again 11 I mentioned earlier, in 1989 created the paramountcy 12 principle, which is that the best interests of the child 13 should be preserved at all times, and also set out the 14 Working Together cross-cutting national guidance, which 15 defined the roles of professionals, including the 16 police, in making enquiries concerning abuse. By end of 17 the 1990s, nearly every police force had a child 18 protection unit. A research study in 1996 identified 19 that whilst such units were successful, there were 20 problems with their resourcing, in particular because 21 individuals moved on regularly within the police force 22 at that time and so therefore did not -- or were not 23 able to build up expertise in this work.</p> <p>24 It identified the need for general standards to be 25 provided nationally. It was also identified that there</p> <p style="text-align: center;">Page 112</p>

<p>1 was limited intelligence systems for sharing information 2 across forces. The remit of such teams was also largely 3 focused upon intrafamilial abuse, whereas sexual abuse 4 by strangers or organised paedophiles was undertaken by 5 the vice squad. Officers with particular experience of 6 vulnerable children were not routinely engaged in the 7 police responsive cases of child sexual abuse by 8 strangers.</p> <p>9 From the start of the 21st century, Home Office 10 circulars and policing plans mention child abuse but 11 they are not necessarily featured in a consistent way 12 across various forms when the policing priorities at the 13 time were articulated. However, the Association of 14 Chief Police Officers, or ACPO, did publish a handbook 15 for the investigation of historic institutional child 16 sexual abuse which provided a full template for 17 investigations of this kind in 2002.</p> <p>18 The Laming Report, again in 2002/2003, recommended 19 the need for those working in a child protection role 20 within the police to both be senior and also to have 21 specialist qualifications. Centres for training 22 specialist child abuse investigators were established at 23 this time by the National Centre for Policing 24 Excellence. The Bichard Inquiry was critical of 25 the standard of record keeping and information sharing</p> <p style="text-align: center;">Page 113</p>	<p>1 will be used in one way or another through the hearing 2 and more were provided -- there are certain issues which 3 stand out and which the investigation seeks to explore 4 with the witnesses, which are: how practical was and is 5 the system for reporting abuse and how easy was it for 6 those abused to report it to other adults or to the 7 church itself?</p> <p>8 How those who disclosed abuse were treated by the 9 church and whether or not the practices and procedures 10 have improved over time.</p> <p>11 Whether the systems of recruitment sought to take 12 reasonable steps to identify those who may be a risk to 13 children, to assess that risk and to take steps to 14 ensure that, as far as possible, those risks are 15 minimised.</p> <p>16 Whether or not the training and implementation of 17 both national and diocesan policies in respect of 18 safeguarding existed at various points in time and, if 19 they did not, if they should have done, and if it is 20 accepted that those systems were deficient, what is now 21 being done to rectify those deficiencies.</p> <p>22 Whether or not the system of promotion within the 23 church did, or now does, enable appropriate assessment 24 of an individual's abilities in respect of safeguarding 25 and the management of such to be taken into account upon</p> <p style="text-align: center;">Page 115</p>
<p>1 operating within the police at that time and made 2 recommendations as to what should take place. The first 3 decade of the 21st century also led to the setting up of 4 the Child Exploitation and Online Protection Centre 5 which specifically deals with online and internet-based 6 child sexual abuse.</p> <p>7 In 2015, a report was undertaken by Her Majesty's 8 Inspectorate of Constabulary about the policing of child 9 protection which, whilst identifying significant 10 improvements in police practice, still identified 11 difficulties.</p> <p>12 It identifies that police forces are struggling to 13 cope with the rising demands particularly in respect of 14 historical sexual abuse cases and that systemic 15 weaknesses and high workloads were causing significant 16 strains on staff. It must be identified that since 2010 17 there has been a significant increase in the volume of 18 allegations of non-recent child sexual abuse which has 19 significantly altered the demand on the police service.</p> <p>20 In 2014, there was an issue of comprehensive and 21 detailed guidance on dealing with child sexual abuse 22 investigations and safeguarding.</p> <p>23 I now conclude. From the wealth of information 24 which has been gathered -- over 200,000 pages of 25 documentation has been received, 64 witness statements</p> <p style="text-align: center;">Page 114</p>	<p>1 appointment.</p> <p>2 Even if the policies and practices disseminated by 3 the church are now acceptable, are they in fact used and 4 implemented in practice?</p> <p>5 Is there now a culture of safeguarding within the 6 church and how can such a culture be embedded, given the 7 disparate and autonomous nature of control I have 8 identified.</p> <p>9 How far did reputational risk get in the way of 10 adequate transparency?</p> <p>11 How far did different styles of ritual and worship 12 inhibit good communication?</p> <p>13 How far did the reaction of some within the church 14 to homosexuality possibly inhibit the reporting of child 15 sexual abuse?</p> <p>16 How far did the church's position in respect of 17 the ordination of women and the fact that the church 18 was, until 1992, a largely male-led-and-run institution 19 impact upon the management of safeguarding, if it did so 20 at all?</p> <p>21 How far can or should safeguarding be run at 22 a diocesan rather than a national level?</p> <p>23 Is there an effective system for auditing 24 safeguarding practice?</p> <p>25 Is there an effective system for management</p> <p style="text-align: center;">Page 116</p>

<p>1 safeguarding within monastic communities and cathedrals? 2 What can the church do to manage the work of those 3 who act as chaplains and is the current system adequate? 4 When abuse was disclosed, what steps were taken? If 5 appropriate steps didn't happen in the past, what is now 6 being done to rectify the problems? 7 Were and are the current system of internal 8 disciplinary sanctions suitable for complaints about the 9 failure to deal with safeguarding concerns? 10 Has the church or does the church now work 11 constructively with local authorities and the police? 12 Where matters were reported to the police, what then 13 happened? 14 How far have the responses to victims, survivors and 15 complainants been adequate and have appropriate 16 reparations been offered and what steps are being taken 17 to work with victims and survivors and to improve 18 practices? 19 Is the system for dealing with posthumous complaints 20 adequate? 21 What future steps should the church take to improve 22 its practices and to regain the trust and confidence of 23 the community? 24 This is an ambitious list of questions. Most of 25 them are not capable of easy answers. We hope that at</p> <p style="text-align: center;">Page 117</p>	<p>1 Philip Jones, who was the Archdeacon of Lewes and 2 Hastings from 2005 to 2016, and who worked closely with 3 the then area Bishop of Lewes, Wallace Benn. 4 On Thursday, we will hear from the former chair of 5 MACSAS, Alana Lawrence, and also from Roger Meekings, 6 who undertook the reviews I have discussed. In the 7 afternoon, we will hear from Angela Simpson, the 8 Diocesan Secretary, and Canon Ian Gibson, who was 9 personal chaplain to Bishop Hind and so was responsible 10 for day-to-day administration of some of the central 11 diocesan functions from 2004 to 2013. 12 On Friday, we will hear from Janet Hind, whom you 13 have already heard about, who is both the diocesan 14 safeguarding adviser as well as acting as the first 15 national safeguarding adviser. In the afternoon, we 16 will hear from DS Edmund Hick by videolink who was 17 involved in the police investigations in the late 1990s. 18 May I just finish by saying, for everyone's 19 understanding, how live witnesses who have not waived 20 anonymity will appear to this inquiry in person. Live 21 witnesses who are anonymous will have special measures 22 in place. Before any anonymous witness testifies, the 23 hearing room will need to be cleared of press and 24 members of the public, who will be able to listen to the 25 audio of the witness in a separate room. I shall invite</p> <p style="text-align: center;">Page 119</p>
<p>1 the end of this hearing there has been a frank exchange 2 of views and opinions by those who have the best 3 knowledge and understanding of the issues faced within 4 the church, both those within it, those who have had 5 experience of it, so that the panel can consider 6 recommendations for now and the future. 7 Solicitors on behalf of the complainants and then 8 the Archbishops' Council followed by the Ecclesiastical 9 Insurance Office and then solicitors on behalf of 10 Peter Ball, the former Bishop of Gloucester, will now 11 make short statements. 12 The evidence will begin tomorrow and will be 13 structured in as logical a way as possible. For the 14 first week, we will hear from an individual who alleges 15 abuse by Reverend Rideout while a chaplain on the army 16 base in the early 1970s. Then we will hear evidence 17 from Mr Philip Johnson, both a member of MACSAS and 18 someone who was the subject of sustained and serious 19 sexual abuse throughout his teenage years. 20 In the afternoon, we will hear from Shirley Hosgood, 21 who was the Diocese of Chichester's safeguarding adviser 22 from 2007 to 2010. We will then hear on Wednesday 23 morning from Bishop John Hind, the former Bishop of 24 Chichester, about his experience of the diocese during 25 that period. In the afternoon, we will hear from</p> <p style="text-align: center;">Page 118</p>	<p>1 the chair and the panel to rise while these arrangements 2 are being made and in the case of those who give their 3 evidence by videolink, whilst the videolink is being set 4 up. 5 In the case of witnesses whose evidence is to be 6 read, they will not be called in the hearing room, but 7 their accounts will be read into the record. Their 8 witness statements will be available at some point on 9 the inquiry's website. 10 The witness statements neither given live nor read 11 but discussed within this opening statement will be set 12 out on the website at some point for the public to see. 13 Thank you very much. 14 THE CHAIR: Thank you very much. We will now take 15 Mr Scorer's statement, and we will take it in full prior 16 to the afternoon break. 17 Opening statement by MR SCORER 18 MR SCORER: Chair and members of the panel, Ms Hoyano and 19 I represent 21 core participants who suffered sexual 20 abuse in the Anglican Church. Of these, 10 were abused 21 in the Chichester diocese or in Peter Ball's monastic 22 community. You will hear from some of them in these 23 hearings. 24 As you may be aware, the Church of England recently 25 revealed that in 2016 alone, there were over 700</p> <p style="text-align: center;">Page 120</p>

<p>1 safeguarding cases involving clergy and church 2 officials. So our clients and the other brave survivors 3 who have courageously come forward to give evidence in 4 this inquiry also carry the burden of speaking for many 5 more. We ask that when you hear accounts from survivors 6 in these hearings, you also have in mind the many others 7 whose voices will never be heard.</p> <p>8 Chair, in the evidence you will hear over the next 9 three weeks, a consistent theme emerges: many survivors, 10 in trying to bring their abuse to light, have also faced 11 many years of institutional coverup and denial.</p> <p>12 Recently, a group of survivors attended the 13 General Synod of the Church of England to hear the 14 safeguarding presentation. In a statement read on the 15 steps of Church House, they said this, and I quote:</p> <p>16 "Many of us have suffered not only the abuse itself 17 but also years of manipulation, blanking and lies by 18 bishops and leaders in the Church of England. This 19 second form of abuse is as bad, if not worse, as the 20 first. For some of us, this has gone on for years and 21 causes illness and health problems and continues to do 22 so. This is how the church treats us and it could never 23 be described as Christian behaviour. The 24 self-preservation of the church has been put before 25 victims time and time again."</p> <p style="text-align: center;">Page 121</p>	<p>1 lead to a cognitive dissonance, a belief that a priest 2 is by definition a good man who couldn't possibly be 3 responsible for abusing children or, where the evidence 4 is irrefutable, the offence is put down to a momentary 5 and forgivable lapse often blamed in part on the victim. 6 This mentality far too often translates into a view that 7 the church is above the law.</p> <p>8 This, in our view, is exactly what we saw from the 9 former Archbishop of Canterbury, George Carey, in 1993, 10 when he considered how to handle the allegations against 11 Bishop Peter Ball. Ball was under police investigation 12 for a single offence, as you have heard. Lambeth Palace 13 became aware of no fewer than six other allegations from 14 young men against Ball, but decided not to pass these to 15 the police. In, as it appears, the knowledge of these 16 other allegations, Archbishop Carey himself wrote to the 17 police to tell them that the allegation from the one 18 they were investigating was "most unrepresentative" of 19 Ball's behaviour. As the Gibb Report confirms, 20 Archbishop Carey had decided that Ball was "basically 21 innocent", because what else could a senior bishop 22 possibly be? Once Archbishop Carey had appointed 23 himself to be judge and jury of the allegations against 24 Ball, he decided that there was no reason to share the 25 truth with the authorities.</p> <p style="text-align: center;">Page 123</p>
<p>1 Chair and panel, against the backdrop of that 2 survivor experience and the appalling failure it 3 represents, the question for you is whether the 4 Church of England can now be trusted to put its own 5 house in order and to retain responsibility for handling 6 safeguarding failures in the future.</p> <p>7 To answer that question requires, in our view, an 8 honest and realistic assessment of the factors which led 9 to this crisis and of the measures that are now required 10 to overcome them.</p> <p>11 Dealing firstly with the factors that led to this 12 crisis, there are many, but I want to highlight three. 13 As we saw in the Catholic hearing in December, whilst 14 many organisations, both secular and religious, have 15 experienced abuse scandals, in religious organisations 16 there are particular cultural factors which promote the 17 coverup of abuse. The churches, as we saw so 18 graphically in the Benedictine hearings, are 19 particularly prone to temptation to cover up abuse for 20 reputational reasons.</p> <p>21 The Church of England, as the established church, 22 claims to offer moral guidance and moral leadership to 23 the country, yet clerical sex abuse cases and the 24 scandals associated with them powerfully undermine that 25 claim. This leads to the coverup of abuse. It can also</p> <p style="text-align: center;">Page 122</p>	<p>1 Even after Bishop Ball's caution and resignation in 2 1993, senior church leaders like Bishop Eric Kemp 3 denigrated his victims. They allowed Ball to regain 4 much of his standing within the church and many of his 5 preaching privileges. They allowed him to carry out 6 priestly duties in schools. They allowed him to get 7 away with officiating even to the extent of 8 impersonating his brother, the Bishop of Truro. Knowing 9 full well that he was the subject of multiple 10 allegations of abuse, they sought to rehabilitate his 11 public reputation. I remind you that all this happened, 12 or much of this happened, at the same time that the 13 church was giving public commitments to proper 14 safeguarding.</p> <p>15 They did this, in our view, because of the mentality 16 I have described and during the evidence you will see 17 that same sort of clericalist mentality time and again. 18 The arrogance which equates the church with God and 19 which places reputational protection before the 20 interests of victims in our view is encapsulated in the 21 attitude of Bishop Wallace Benn, which is described in 22 the statement of Archdeacon Jones filed with this 23 inquiry.</p> <p>24 He paraphrases Bishop Benn as stating that he was 25 not prepared to acknowledge any shortcomings or past</p> <p style="text-align: center;">Page 124</p>

<p>1 failures in safeguarding, because, and I quote, "his 2 primary concern was for the honour of God and, 3 therefore, he was not prepared to say or do anything 4 that would tarnish God's reputation or bring him into 5 disrepute". Jones goes on to say that this sounds 6 far-fetched, but, "it was consistent with Wallace Benn's 7 theological stance and his absolute belief that, as 8 God's servant, he should not bow to pressure in this 9 connection".</p> <p>10 Chair, there are also other features of religious 11 culture which can readily be misused by abusers. As the 12 Gibb Report noted with Bishop Peter Ball, religious 13 rights became a mask for abuse and theology was used as 14 a way of justifying abuse. The abuse perpetrated by 15 Ball was charged with religious intensity and, in 16 committing his offences, Ball exploited the significance 17 of religious ritual, particularly in the Anglo Catholic 18 tradition. The evil of what he did was compounded by 19 his message that this made his victims more special and 20 more holy. Also in Christian churches, abusers can 21 often be protected from accountability by a distorted 22 concept of forgiveness.</p> <p>23 Forgiveness can be misapplied which allows 24 perpetrators to reoffend. In Chichester, we see that 25 conservative, evangelical offenders, especially, could</p> <p style="text-align: center;">Page 125</p>	<p>1 Shirley Hosgood, who was diocesan safeguarding 2 adviser in Chichester between 2007 and 2010, says that 3 although there was support for safeguarding at parish 4 level, "this level of commitment was not replicated 5 amongst the senior clergy and at times I found their 6 attitude to safeguarding problematic". She says senior 7 clergy were reluctant to give due weight to safeguarding 8 concerns and her specialist knowledge and experience 9 were not always acknowledged or valued, nor her advice 10 accepted.</p> <p>11 When the Meekings Report was delivered, it was clear 12 the diocese were unwilling to accept the findings and 13 Ms Hosgood found herself excluded from seeing it and 14 from discussions about it. She recalls attending 15 a training session on emotional intelligence in 16 safeguarding and immediately after that session she 17 spoke with Archdeacon Jones who had also attended. He 18 then gave her the instruction that the Meekings Report 19 was not to be shared with the diocesan safeguarding 20 group. As Ms Hosgood says in her statement, "This 21 decision was contrary to the training we had received 22 that day which stressed the importance of transparency 23 and openness". She encountered the same attitudes in 24 records to the Gordon Rideout case. Bishop Hind did not 25 feel that suspending Rideout's permission to officiate</p> <p style="text-align: center;">Page 127</p>
<p>1 convince themselves they had been forgiven by God and 2 therefore there was no need to be accountable for their 3 offences to secular authorities. Archdeacon Jones 4 described Gordon Rideout as thinking, "he was able to 5 deny all the charges against him and then continued to 6 deny them, despite conviction, because he believed he 7 had been forgiven by God -- 'justified' in New Testament 8 terms -- his slate wiped clean and that in his mind it 9 was as if all the events and conduct complained of had 10 never occurred".</p> <p>11 It must be clear now that if you want to abuse 12 children, there is no more effective way of terrifying 13 and silencing your victims than claiming to have God on 14 your side. If you combine that with an environment in 15 which perpetrators are routinely forgiven, in which 16 victims are disparaged and in which there is no clear 17 legal obligation to report allegations of abuse to the 18 statutory authorities, then you have the perfect honey 19 pot for attracting more abusers and, indeed, the perfect 20 environment in which they can flourish.</p> <p>21 As is very apparent from the history of 22 the Chichester diocese, these cultural factors are 23 compounded by poor safeguarding practice and awareness. 24 We suggest that this is partly an issue of attitude and 25 partly an issue of competence.</p> <p style="text-align: center;">Page 126</p>	<p>1 was justified, as the allegations were historic. He was 2 reluctant to accept the unanimous recommendation of 3 the safeguarding advisory group. Ms Hosgood said she 4 had the impression that senior clergy did not trust 5 external experts to make the right call about 6 safeguarding matters for the diocese.</p> <p>7 These are the external experts, of course, who know 8 vastly more about safeguarding than a bishop could ever 9 do but Bishop Hind felt that he knew better.</p> <p>10 Ms Hosgood notes that there was a reluctance to 11 provide counselling to victims out of fear that offering 12 support or an apology to victims would expose the church 13 to liability. Church lawyers interfered with the 14 wording of apologies.</p> <p>15 This will come as no surprise to a client of ours 16 who will be giving evidence in these hearings, and you 17 will hear from him about the offence and distress that 18 was caused to him by the way in which the apologies he 19 received were so caveated by lawyers as to be almost 20 worthless.</p> <p>21 In the end, as we know, Ms Hosgood resigned and she 22 says: 23 "The diocese's failure to cooperate or support me in 24 my efforts to carry out my duties betrayed, at best, 25 a misunderstanding and, at worst, an indifference to</p> <p style="text-align: center;">Page 128</p>

<p>1 safeguarding work." 2 However, this is not simply an issue of attitude but 3 of competence too. This is a point which has been made 4 powerfully by Martin Sewell, who is both a lay member of 5 the General Synod and a retired child protection lawyer. 6 He points out that diocesan staff are typically trained 7 in theology and Canon law, not in safeguarding or child 8 protection law. As a result, he says, many of those 9 making decisions about safeguarding in the 10 Church of England have no credible claim to expertise in 11 this increasingly complex specialism. Interestingly, 12 Mr Sewell makes that point both in relation to the 13 treatment of complainants of abuse, but also in regard 14 to the mishandling, in his view, of the George Bell 15 case. He sees the failings on both of those aspects as 16 two sides of the same coin, a fundamental problem, in 17 his view, being a lack of competence and specialist 18 knowledge, particularly legal knowledge and experience 19 gained in a practical safeguarding context. 20 Chair, given those issues, your inquiry will need to 21 make some assessment of the adequacy of current church 22 safeguarding policies and procedures. This is a complex 23 issue, but in considering this, I invite you to read and 24 consider a detailed analysis of the Church of England's 25 safeguarding policy recently conducted and published by</p> <p style="text-align: center;">Page 129</p>	<p>1 authorities outside the church." 2 I invite you to read the Mandate Now report and 3 consider carefully its very detailed conclusions. It 4 seems to us to bear out the statement made, we 5 understand, today by the Bishop of Buckingham, who says 6 that the Church of England safeguarding is not fit for 7 purpose. 8 So we say that the overarching question for this 9 inquiry through this and subsequent hearings is whether 10 the Church of England's safeguarding now can safely be 11 left to the church or needs independent oversight. 12 Chair, on the positive side, and we want to 13 acknowledge the positives as well as pointing out what 14 we believe are the many negatives, in trying to build 15 a culture of safeguarding, the Church of England does 16 have one advantage over the Catholic Church. It has 17 abandoned the absurd and offensive notion that women 18 must be excluded from the church's power structures. 19 Women bishops in the Church of England are clearly 20 amongst the most progressive in their attitudes to 21 safeguarding and in their concern for survivors, so that 22 is clearly a favourable point of comparison with the 23 Catholic Church. 24 But of itself, this is nothing like enough. We say 25 that within the Church of England, as in the</p> <p style="text-align: center;">Page 131</p>
<p>1 the campaign group Mandate Now, who, as you know, 2 campaigned for mandatory reporting. We will file a copy 3 of the document with the inquiry. 4 It is a very detailed analysis and, because of time 5 constraints, I can't do it justice here, but in summary, 6 Mandate Now described the Church of England's 7 safeguarding policy documentation as "a thicket of 8 inconsistent discretionary 'guidance'", that's guidance 9 in inverted commas, "which carries with it the risk of 10 confusion, mistake and non-compliance". They go on to 11 say that the challenge presented to anyone tasked with 12 delivering safeguarding in the Church of England is the 13 sheer volume of its guidance. Clear and readily 14 comprehensible procedures, insofar as they exist at all, 15 are hidden like needles in a haystack. The guidance 16 does little to establish who is actually responsible for 17 doing what and when. 18 Most importantly, they say there is simply no clear 19 directional requirement that allegations must be 20 reported to the statutory authorities. The guidance 21 repeatedly uses the word "should" about reporting 22 externally where they say the word it needs to use is 23 "must". So Mandate Now conclude: 24 "There is no clear overarching commitment to refer 25 any child protection issues which arise to independent</p> <p style="text-align: center;">Page 130</p>	<p>1 Catholic Church, there is a fundamental structural 2 problem. This is the fact that diocesan bishops are not 3 formally accountable to anyone. As Archbishop Welby 4 says in his statement, diocesan bishops have a largely 5 autonomous role. He goes on to say: 6 "I have no legal power to direct that bishops take 7 specific action or to dismiss a bishop." 8 He can try to influence, but he cannot direct them. 9 The diocesan bishop is king in his diocese. The power 10 and status of the bishops is hardwired into the culture 11 of the Church of England. One of my clients who 12 complains of abuse by a former bishop says: 13 "The bishop told me he had the power to give me 14 everything I wanted in life and the power to take it all 15 away." 16 That was from a diocesan bishop, who was also an 17 alleged abuser, but the statement encapsulates the 18 broader issue of the unaccountable power of bishops in 19 church structures which were conceived in medieval 20 times. The structure of the church simply does not 21 provide for safeguarding policies and decisions to be 22 implemented consistently. Bishops have the power to 23 employ and dismiss safeguarding advisers. As the 24 history of Chichester demonstrates, if a diocesan bishop 25 is resistant to safeguarding, there is no adequate lever</p> <p style="text-align: center;">Page 132</p>

<p>1 to overcome this. At the recent safeguarding 2 presentation at the General Synod, the bishops were 3 asked from the floor how they proposed to create 4 a structure of accountability in the church. The answer 5 we say was vague, to say the least. By the way, anyone 6 watching that synod debate would have been struck by the 7 depth of concern within synod about safeguarding 8 failings, but also the very limited scope that synod 9 seems to have to hold the hierarchy to account. 10 The Bishop of Bath and Wells, the current lead 11 bishop for safeguarding and someone who, in our view, is 12 a decent man who wants to make things better, stresses 13 in his statement that bishops now have an obligation to 14 pay "due regard to national safeguarding policies". In 15 theory, the national safeguarding team could now 16 initiate a Clergy Discipline Measure against a bishop 17 who failed in that respect. Also, in theory, at least, 18 the rules relating to diocesan safeguarding advisers 19 have been changed so they can act independently of their 20 bishop. You need to ask whether in the real world of 21 the existing Church of England these measures will 22 actually make any real difference. Experience suggests 23 they will not. 24 When the Diocesan Safeguarding Advisory Group in 25 Chichester raised a Clergy Discipline Measure complaint</p> <p style="text-align: center;">Page 133</p>	<p>1 Bishop Peter Hancock as lead bishop for safeguarding: 2 that said, the cruel and sadistic treatment I have faced 3 from the national safeguarding team in Church House and 4 others in the Church of England hierarchy makes what 5 Bishop Ball did to me pale into insignificance. We 6 cannot move forward as a church with respect to truth, 7 reconciliation and peace until the national safeguarding 8 team is abolished." 9 Those are his words. That is a Church of England 10 vicar and survivor talking from his own direct knowledge 11 and experience. The simple fact is, as I and colleagues 12 know, this description of the national safeguarding team 13 reflects the view of many survivors who have dealt with 14 it. This is how they feel from their own experience. 15 So because of all these issues, we say that you need 16 to look at radical solutions. We invite you to consider 17 two radical changes in tandem: an independent body to 18 oversee the conduct of safeguarding in the church and 19 mandatory reporting of allegations or reasonable 20 suspicions of abuse to the statutory authorities. As 21 you know, the idea of independent scrutiny of church 22 safeguarding and investigation of some complaints has 23 already been suggested by Ian Elliott. His proposal, we 24 suggest, is a powerful and compelling one. Nobody is 25 suggesting that day-to-day responsibility for</p> <p style="text-align: center;">Page 135</p>
<p>1 against Wallace Benn, as you have heard it was 2 dismissed. When Shirley Hosgood tried to challenge her 3 bishops she was marginalised and pushed into 4 resignation. The measures which the church now claims 5 will keep errant bishops in line are, in our view, 6 cumbersome and convoluted workarounds which we say are 7 highly unlikely to be effective in practice. 8 In conclusion, we say that this appalling abuse 9 scandal has deep roots in the culture and structure of 10 the Church of England. In reality, that culture and 11 that structure are not going to change, or at least not 12 sufficiently for you to have confidence that the same 13 scandals will not be repeated in the future. It is also 14 very clear now that the Church of England national 15 safeguarding team has simply lost the confidence of 16 survivors. In this respect, I quote from the public 17 statement made very recently by the Reverend 18 Graham Sawyer. Reverend Sawyer is a current 19 Church of England vicar and also a survivor of abuse by 20 Bishop Peter Ball. He said this: 21 "As one of the people about whom Bishop Ball pleaded 22 guilty with respect to historical sexual offences, 23 I forgive Bishop Ball from my heart and I wish him no 24 ill will whatsoever. I also have absolutely no doubt 25 about the personal integrity and compassion of</p> <p style="text-align: center;">Page 134</p>	<p>1 safeguarding itself should be removed from the church. 2 Day-to-day safeguarding clearly has to be owned by the 3 church in order to be effective. What the independent 4 body would do would be to supervise the implementation 5 and conduct of safeguarding and it would have the 6 power -- it would have to have the power -- to override 7 those bishops who are unwilling to comply with their 8 responsibilities and order them to comply. In certain 9 circumstances, it may investigate complaints, although 10 it would not be a substitute for the statutory 11 authorities. It must be evident now that the church 12 dealing with complaints in-house is a recipe for 13 disaster. 14 The strong relationships and personal ties within 15 closely knit church circles make it extremely difficult 16 for complaints to be investigated without conflicts of 17 interest. Many victims will not want to go through 18 church complaint processes at all. It is obvious also 19 that the assessment of allegations within the church 20 itself is tainted by the influence of insurance lawyers, 21 and that simply has to stop. 22 Turning finally, but most importantly, perhaps, in 23 our view, to mandatory reporting, it should be clear 24 from the evidence already available publicly that many 25 of the cases in Chichester could and should have been</p> <p style="text-align: center;">Page 136</p>

<p>1 reported to the authorities at an earlier date. 2 Wallace Benn failed to pass on details of Roy Cotton's 3 previous conviction and failed to pass on allegations 4 against Robert Coles. He did not want the diocesan 5 safeguarding adviser to be informed of Gordon Rideout's 6 past. Archbishop George Carey failed to pass on the 7 information that he held regarding Peter Ball. We heard 8 various other examples from Ms Scolding this morning of 9 failure to pass information to the authorities or those 10 with responsibility for safeguarding. 11 We also heard that there is a debate about who knew 12 what and when. But the truth is, surely, that if there 13 had been a mandatory duty to report and pass on 14 knowledge or suspicions of abuse on pain of criminal 15 sanctions, we wouldn't be having this debate, or at 16 least not to anything like the same extent, because the 17 information would have been passed to those who needed 18 to have it. 19 So had those allegations been passed on, the 20 perpetrators would have been prosecuted much sooner, 21 abuse would quite possibly have been prevented and at 22 least some survivors would have been spared many years 23 of avoidable suffering. Yet, without a legal compulsion 24 to report externally, it is simply impossible to have 25 confidence that the same failings will not occur again.</p> <p style="text-align: center;">Page 137</p>	<p>1 or other congregants. They have come forward to tell 2 their stories. Without them, this inquiry would not be 3 possible. 4 As well as all those who have contributed directly 5 to this inquiry, the input of all brave survivors 6 deserves recognition. It takes real grit to speak to 7 anyone about sexual abuse. When one is brought up in 8 a religious environment, there is an element of 9 disclosure being a gamble against losing friends and 10 family. 11 In the context of this Chichester inquiry, the 12 efforts of Phil Johnson, who sits to my right, from whom 13 we will hear later, have been very significant, with the 14 help of Colin Campbell a BBC reporter of BBC Southeast, 15 Mr Johnson has documented and investigated the criminal 16 activities of series of abusers operating in the Diocese 17 of Chichester. 18 I and colleagues at MACSAS have been asked whether 19 there is something peculiar about the Diocese of 20 Chichester that so many paedophiles were operating 21 there. My response has been that Chichester is probably 22 not unique. We have actually seen the potential for 23 unlawful activity on the same scale being uncovered in 24 other dioceses which have yet to be fully examined. 25 Take note of the large police investigation into the</p> <p style="text-align: center;">Page 139</p>
<p>1 The obvious and undeniable lessons from Chichester and 2 other scandals in the Church of England, we say, is, 3 when it comes to these abuse allegations, the 4 Church of England cannot be allowed to carry on marking 5 its own homework. 6 In summary, chair and members of the panel, we say 7 that the problems in the Church of England are too 8 deeply rooted in its culture and structure for effective 9 change to come from within. Survivors need you to step 10 in and do what only you can do, which is to make the 11 church properly accountable externally for these 12 appalling scandals. The survivors we represent very 13 much hope that you will grasp the nettle and do that. 14 Thank you. 15 THE CHAIR: Thank you, Mr Scorer. We will now take a break 16 and return at 3.20 pm. 17 (3.05 pm) 18 (A short break) 19 (3.20 pm) 20 THE CHAIR: Mr Greenwood? 21 Opening statement by MR GREENWOOD 22 MR GREENWOOD: Chair, I would like to start by paying 23 tribute to the brave survivors of clergy sex abuse who 24 have dared to emerge from their own communities, 25 sometimes in the face of hostility from their families</p> <p style="text-align: center;">Page 138</p>	<p>1 failings of the Diocese of Lincoln, Operation Redstone, 2 currently ongoing. The inquiry into Robert Waddington 3 in Manchester as assisted by the then 4 Archbishop David Hope. The catalogue of failings around 5 Reverend Garth Moore in Cambridge, of 6 Reverend David Smith in the diocese of Bath and Wells 7 and Peter Halliday and the failures to report there. 8 These are just a few examples of the appalling lack of 9 positive action to protect children, each assisted by 10 senior members of the clergy. 11 What we will hear in this inquiry is a series of 12 systematic, cultural and personal failures which have 13 created places to which paedophiles are attracted in the 14 knowledge that they are unlikely to be reported to the 15 authorities, unlikely to be disciplined internally and, 16 importantly, unlikely to be investigated by the police. 17 Chichester attracted Peter Ball, Vickery House, 18 Roy Cotton, Colin Pritchard, the list goes on. 19 My instructions today come from Phil Johnson, the 20 Reverend Graham Sawyer, Professor Julie McFarlane, AN1, 21 AN2, AN5 and AN6, all survivors of clergy sexual abuse 22 in this inquiry. Each has felt so affronted not only by 23 the abuse they endured as children or young adults, but 24 by the church's shambolic and at times malevolent 25 responses to the allegations that they had raised.</p> <p style="text-align: center;">Page 140</p>

<p>1 As part of my work with survivors and with the 2 assistance of those at MACSAS, I have studied in detail 3 the structures, internal disciplinary codes and the 4 cultures of the Roman Catholic Churches and the 5 Church of England, including the Methodists. We have 6 found there to be four broad themes that have caused 7 such problems that we are facing today. Firstly, the 8 internal rules of these organisations, including 9 disciplinary rules, secrecy, rules on the confessional 10 and the lack of mandatory reporting. We will hear in 11 evidence in the coming days that the Church of England 12 has failed repeatedly to act on independent report 13 recommendations. The pace of providing guidance from 14 the centre of the church has been lamentably slow. The 15 Nolan Report centring on the Catholic Church 16 safeguarding procedures was seen in the early 2000s as 17 an intended watershed. Whilst the Roman Catholic Church 18 embraced its recommendations, at least on paper rather 19 than in practice, the Church of England took no steps 20 until 2004 with the publication of "Protecting All God's 21 Children", which itself amounted to weak guidance, which 22 maintained the complete discretion of each bishop on 23 safeguarding. All of this, of course, is set against 24 the background of the clear guidance given to us all and 25 all organisations by the Working Together document to</p> <p style="text-align: center;">Page 141</p>	<p>1 Methodist Church in England and Wales. Any system 2 operating without mandatory reporting imposed through 3 legislation is reliant on the discretion of bishops as 4 to what action to take. There is no recourse for 5 complainants who are dissatisfied with church responses. 6 Internal guidance is operated at the discretion of 7 each bishop of the diocese and good responses are 8 therefore dependent on the personal preferences, 9 allegiances and protection of reputations. Diocesan 10 safeguarding advisers are appointed by bishops and are 11 beholden to bishops' views on certain issues. Each 12 individual bishop has differing views on the robustness 13 of safeguarding responses that he or she wishes to 14 operate. Support offered to complainants is not 15 independent. The provision of therapeutic support is 16 not guaranteed and its duration is negotiable at best. 17 Meanwhile, the church continues to insist on the 18 inviolability of the confession. 19 So number two, hierarchical structures. The church 20 operates a highly hierarchical structure with the 21 diocesan bishop sitting at the top of the pyramid and 22 having the last say on all matters relating to 23 safeguarding. Whilst an attempt has been made to dilute 24 this structure by the implementation of diocesan 25 safeguarding advisers, they still owe their positions to</p> <p style="text-align: center;">Page 143</p>
<p>1 which all bodies should have been working from the early 2 1990s. 3 The past cases review of 2009 had been billed as an 4 audit of safeguarding cases, but its public incarnation 5 relied on reporting dishonestly low rates of problem 6 cases in order to publicly whitewash over the problem. 7 2010 saw the implementation of the euphemistically 8 named "Responding Well" document, which again provided 9 non-mandated guidance mainly around pastoral care 10 issues, leaving responses again in the hands of 11 untrained bishops. 12 The church has insisted throughout on pet projects 13 to keep responses in-house such as a Listener Project 14 and the Safe Places Project, each of which appear to be 15 designed to perpetuate secrecy around clergy sex abuse. 16 In October 2017, the Church of England guide is 17 entitled, "Responding to assessing and managing concerns 18 or allegations against church officers" whilst being 19 detailed, it lacks independent oversight and does not 20 mandate any action. The seal of the confessional is 21 maintained. Inadequate support procedures are provided 22 and bishops still decide on sanctions or actions 23 following risk assessments. 24 There are a number of fundamental systematic flaws 25 in the approach of the Church of England and the</p> <p style="text-align: center;">Page 142</p>	<p>1 the bishop and can find themselves bypassed if the 2 bishop does not agree with their decisions. We will 3 hear more of this when we examine the relationship 4 between the diocesan safeguarding adviser 5 Shirley Hosgood and Bishop Wallace Benn. This 6 ultimately led to Ms Hosgood leaving her position due to 7 insurmountable differences of opinion. 8 We will hear, however, that Shirley Hosgood, an 9 experienced social worker, has the following criticisms 10 to make of safeguarding in the Diocese of Chichester. 11 They appear to be linked to the inbuilt deference to the 12 bishop as the ultimate decision maker. She felt 13 unsupported by Bishop John Hind. She found the bishops' 14 discretion often overrode good safeguarding practice. 15 Bishops were reluctant to accept her advice. The 16 management of allegations were not centralised. There 17 was no centralised standard of record keeping. Bishop 18 Wallace Benn made subjective decisions about allegations 19 against Cotton and Pritchard in the early 2000s. She 20 discovered that Bishop Wallace Benn had actually taken 21 Gordon Rideout to the police station to answer an 22 allegation in 2002, but this was not recorded on 23 Rideout's employee file. 24 When she later discovered a blemished CRB check on 25 Gordon Rideout, Bishop John Hind was reluctant to</p> <p style="text-align: center;">Page 144</p>

<p>1 suspend Rideout's PTO and Bishop Wallace Benn intended 2 to deal with the situation outside of the normal 3 protocol. He stated in a letter that this was due to 4 "affection and concern for Gordon". 5 Shirley Hosgood suspects also that a declaration 6 made by Gordon Rideout in 1998 acknowledging an arrest 7 at that stage, which she was able to read in 2010, had 8 been temporarily removed from his employee file during 9 the period that Roger Meekings was examining these 10 files. She feels that Mr Meekings would not have missed 11 such a significant document. She's essentially alleging 12 deceit by someone at or close to the top of the diocese. 13 Number three is cultures. We will hear in this 14 Chichester inquiry of a culture in which the burning of 15 paper files in the cathedral yard was tolerated, bishops 16 ignoring past convictions and allegations was 17 commonplace. We will see that there was a hopelessly 18 disjointed system for dealing with allegations, meaning 19 that clergy employee files did not contain reports of 20 past allegations. We will hear about the removal of 21 documents from files. We will hear of bishops granting 22 permission to officiate certificates to convicted 23 paedophiles and those facing criminal allegations. 24 There is a strong suspicion of an organised 25 conspiracy between clergy and bishops in the Diocese of</p> <p style="text-align: center;">Page 145</p>	<p>1 of misguided allegiances to fellow clergy. 2 Number four, non-incorporated status. At present, 3 the Diocese of Chichester, like all the 4 Church of England dioceses, does not have external 5 accountability built into its system. Dioceses do not 6 punish members for poor performance. Instead, they rely 7 on vows, promises and loyalty to motivate good 8 behaviour. Secular laws can only catch up with 9 individuals or corporate bodies. 10 Bishop Hind in his statement to the inquiry 11 acknowledges the issue. He says: 12 "A diocese has no clear identity in law. It is easy 13 to speak about 'the diocese', but it is not a clearly 14 defined institution but rather a number of interlocking 15 entities, each with a distinct corporate personality. 16 For example, its constituent parts, the bishop, the 17 Diocesan Board of Finance, the Diocesan Synod and 18 Bishops' Council and the Diocesan Board of Education. 19 "The issue is further compounded by understandable 20 but incorrect assumptions about the power of a bishop 21 and his inability to demand access to funds and 22 counselling." 23 Bishop Hind is of course referring only to the 24 diocesan level of complexity. Nationally, the position 25 is even more disjointed, yet operationally interwoven.</p> <p style="text-align: center;">Page 147</p>
<p>1 Chichester to enable children to be abused, and it will 2 be painful for all involved to hear. 3 On behalf of the core participants I represent, it 4 is submitted that the poor practices you will hear about 5 are a result of weak guidance, the lack of mandatory 6 reporting and independent oversight. 7 We will hear evidence of highly subjective 8 assessments of risks by Bishop Wallace Benn, who at one 9 point decided that Reverend Roy Cotton was probably 10 guilty of offences against Philip Johnson, but that 11 Reverend Colin Pritchard had persuaded him that he was 12 innocent. There will be some questioning of whether 13 Bishop Wallace Benn actually told the police of 14 the allegations that had been reported to him. We will 15 hear of disagreements between the bishops and the 16 diocesan safeguarding adviser, and of bishops providing 17 untrue accounts to another record examiner, 18 Dame Elizabeth Butler-Sloss. 19 We will hear of refusals by successive bishops to 20 publish the findings of the Carmi and Meekings reports 21 and of Bishop Wallace Benn taking legal advice about 22 defamation. All this evidence points towards a rotten 23 culture evading safeguarding activities in the Diocese 24 of Chichester, a culture enabled and perpetuated by the 25 weak safeguarding rules, an unaccountable structure and</p> <p style="text-align: center;">Page 146</p>	<p>1 There is no central promulgation of rules and the 2 ideas -- as is the case in the Catholic inquiry and the 3 Catholic rules that we have seen so far. The 4 Church of England's legal structure is so opaque that 5 many advocates are calling on government via this 6 panel's recommendations to bring enforcement mechanisms 7 to bear on the Church of England's structures. 8 Church organisations are actually simply groups of 9 individuals, like any cricket club. They are not 10 corporate and so not accountable. Better responses and 11 serious attention to good safeguarding practice will 12 only be achieved through a series of sanctions, such as 13 fines, the withdrawal of charitable status or the 14 closure of offending organisations. 15 Myself and members of MACSAS have worked for many 16 years to work out how best the church or the government 17 can respond to the problems, and our recommendations are 18 as follows. 19 We hope that you will agree that the 20 Church of England is unable to effectively respond to 21 child sexual abuse risks. What is required is 22 legislation to introduce mandatory reporting. 23 Legislation is also required to introduce an independent 24 statutory body to enforce basic standards of 25 safeguarding. This statutory body would establish the</p> <p style="text-align: center;">Page 148</p>

<p>1 following: a register of institutions fit to look after 2 children. It will be an offence to look after children 3 without being on the register. To be on the register, 4 an institution would have to introduce a corporate 5 structure. The registered institution would be forced 6 to adhere to minimum standards of safeguarding 7 regulation. The independent body would have the power 8 to prosecute organisations for breaches of regulations. 9 Fines would be imposed for breaches, organisations could 10 be prevented from working with children. All complaints 11 will be passed to this independent body by any receiving 12 institution with criminal sanction for failing to do so. 13 The body would gather information from complainants, 14 regulated institutions and third parties. It would have 15 the power to compel disclosure of material. The body 16 would liaise with and assist civil authorities such as 17 the police and social services. The body would ensure 18 that the police and other statutory organisations are 19 taking appropriate action within reasonable timescales. 20 The body would go on to investigate complaints using the 21 balance of probabilities as a standard of proof. There 22 would be no statute of limitations under this scheme. 23 The independent body would have the power to make awards 24 of compensation similar to the CICA. It would have the 25 power to decide on the support to be offered to</p> <p style="text-align: center;">Page 149</p>	<p>1 of Inquiry is set up to carry out investigations 2 elsewhere in the church and potentially in other bodies. 3 Those are our opening remarks, madam. Thank you. 4 THE CHAIR: Thank you, Mr Greenwood. Mr Giffin? 5 Opening statement by MR GIFFIN 6 MR GIFFIN: Chair, members of the panel, I appear, as you 7 know, for the Archbishops' Council of 8 the Church of England. Ms Madeleine Reardon is 9 alongside me as junior counsel today and Mr Tim Johnston 10 will be on other occasions. 11 Chair, right at the outset, it is painful but 12 necessary to acknowledge that the church has indeed, in 13 important respects, failed in the relevant protection 14 that it should have given to children and to offer an 15 apology. In recent years, it has become clear that the 16 sexual abuse of children is all too common, both in our 17 society at large and in many organisations and 18 institutions where the opportunity for such abuse 19 arises. 20 The Church of England is not immune to such vile 21 practices, nor is it by any means unique by having to 22 confront them within its own walls. You may think, 23 however, and my client would agree, that there is 24 something even more than usually shocking about the 25 sexual abuse of a child by a priest in holy orders or by</p> <p style="text-align: center;">Page 151</p>
<p>1 a complainant, and a scheme would be established to 2 provide adequate compensation, taking into account the 3 effects on quality of life and a series of relevant 4 factors. 5 The cost of the body's work would be paid by a levy 6 on institutions, and those culpable would pay for the 7 cost of dealing with the individual cases in which they 8 are involved. 9 Just two further notes, chair and panel, on extra 10 issues that may arise during the inquiry. We heard 11 during the Catholic inquiry extremely concerning 12 allegations of potentially criminal activity. It has 13 occurred to us that, having read through a great deal of 14 the evidence gathered so effectively by the lawyers to 15 the inquiry, we see that there are individuals whose 16 conduct may require referral to the police. I ask the 17 panel to be vigilant and to be willing to make such 18 referrals. 19 Something we have talked about at MACSAS is the 20 potential for, even after the end of this inquiry, 21 a standing Commission of Inquiry. Whilst no other 22 diocese has been the subject of this level of scrutiny 23 to date, and recognising that this panel is not designed 24 to find all wrongdoing in the church, I do ask the panel 25 to consider a recommendation that a permanent Commission</p> <p style="text-align: center;">Page 150</p>	<p>1 some other person in a position of trust and authority 2 within the church. So, too, if the church permits such 3 abuse to be denied or survivors to be disbelieved 4 without proper investigation or if incidents of abuse 5 are brushed under the carpet or treated as something of 6 scant importance or if greater attention is paid to the 7 needs and feelings of abusers than to those whom they 8 have abused. 9 As you, chair, emphasised in your opening remarks, 10 this is an inquiry fundamentally about the protection of 11 children. Their safety and well-being must be of 12 paramount concern to all institutions and the church is 13 no exception to that. Indeed, we acknowledge that, for 14 very much the reasons that Ms Scolding gave in her 15 opening, the church, by its very nature, is in 16 a position of particular responsibility, and yet it is 17 now well established that both abuse of children and 18 a response to it that was inadequate or worse had indeed 19 happened within the church. In his witness statement 20 for this inquiry the Archbishop of Canterbury 21 Justin Welby said this: 22 "The failures that we have seen are deeply shaming 23 and I personally find them a cause of horror and 24 sadness. That children have been abused within the 25 communities of the church is indeed shameful. We agree</p> <p style="text-align: center;">Page 152</p>

<p>1 with Ms Scolding that the voices of those children are 2 not to be marginalised and that the future prevention of 3 such abuse is, and must be, a very high priority." 4 Graham Tilby, who is, as you have heard, the 5 church's national safeguarding adviser, says this in his 6 statement: 7 "I am acutely aware of the impact of sexual abuse on 8 children, young people and adults. I am also very aware 9 that the church, rather than being a source of hope and 10 healing, has often compounded the emotional, 11 psychological and spiritual harm experienced by victims 12 of abuse. This will leave a deep sense of mistrust and 13 a sense of betrayal, particularly where abuse 14 perpetrated by a member of the clergy or officer of 15 the church has not been dealt with well. This legacy of 16 poor response cannot simply be brushed away. As for the 17 victims of child abuse, the impact may last a lifetime." 18 As you have heard, Archbishop Justin added his voice 19 to those calling for an inquiry of this nature to be set 20 up and he asked for the Church of England to be amongst 21 the institutions investigated at an early stage. We 22 have been, and remain, committed to giving the inquiry 23 the best assistance that we can. 24 To get from the inquiry's establishment in 2015 to 25 the start of these hearings today has taken, clearly,</p> <p style="text-align: center;">Page 153</p>	<p>1 But I emphasise also that we are clear that a good 2 deal more remains to be done, as indeed Mr Tilby and 3 Bishop Peter Hancock, the current lead safeguarding 4 bishop and others have explained in their statements. 5 I shall have some more to say about the events in 6 Chichester and how my client presently views them, but 7 I do want to make one thing very clear right at the 8 outset of these hearings. It concerns how the church 9 authorities dealt with reports of and concerns about 10 abuse and with child safeguarding issues in Chichester 11 over a period of some years. I'm not talking at this 12 stage about what criticisms of specific individuals may 13 or may not be justified, but about the overall picture 14 of what was done and not done at the institutional 15 level. 16 On behalf of the Archbishops' Council and on behalf 17 of the Diocese of Chichester, which is not my client as 18 such but which has expressly asked to be associated with 19 these comments, what I want to say to the inquiry and to 20 those who were the victims and survivors of abuse 21 committed either in Chichester or by those in some way 22 associated with Chichester, is simply this: the church's 23 performance was not good enough, it was not nearly good 24 enough. Of course it is right to note, as Ms Scolding 25 has, that both general awareness and good practice have</p> <p style="text-align: center;">Page 155</p>
<p>1 a huge amount of dedicated effort by many, and that has 2 included a great commitment of resources and time on the 3 part of the church nationally, by those who currently 4 work in the Diocese of Chichester, and by other parts of 5 the church from which information was sought. I hope it 6 is fair to say that this cooperation has been given by 7 us as willingly and speedily as we possibly could, given 8 the scale of the task. 9 Whilst the inquiry's work has been going on, the 10 church's approach to safeguarding has not stood still. 11 The church, though welcoming the inquiry, has not simply 12 been waiting for it to happen. It has pressed on with 13 the process of self-scrutiny and change and that has 14 included, for example, the commissioning of Dame Moira 15 Gibbs' independent investigation into the events 16 relating to Peter Ball and the lessons to be learned. 17 It is worth emphasising that the inquiry's own 18 lifespan has closely coincided with the period during 19 which a full-time national safeguarding team led by 20 Mr Tilby has been operating within the church. As 21 Ms Scolding's opening has touched upon, a lot has 22 already changed, and we believe for the better, in that 23 period, and other changes are well advanced. I do 24 emphasise that, and I shall refer to some specific 25 changes later on.</p> <p style="text-align: center;">Page 154</p>	<p>1 moved on since some of these events took place. That 2 does not, in our view, serve as anything like a complete 3 excuse for some of the shortcomings that have been 4 exposed. 5 To spell it out, we are not at this hearing merely 6 to shrug our shoulders and say, "Different times, 7 different standards". The church could, and should, 8 have done better at the time. We also know that the 9 failure to do better has had very real and personal 10 consequences for a number of people, some of whom are 11 present or represented here today, and we are very 12 sorry. 13 Again, let me make it clear that my client will not 14 be seeking to suggest that at this hearing, or at other 15 inquiry hearings yet to come, all problems and 16 deficiencies in relation to safeguarding practice within 17 the church, nationally or in any particular diocese, now 18 lie in the past solved or nearly solved. Having said 19 that, we do also say that it would be wrong to think 20 that little or nothing has changed or improved. 21 Some short thoughts on the history. There can be 22 little doubt that until, at any rate, the mid 1990s, the 23 church simply paid too little attention to safeguarding, 24 even if it was not unique in that. Since then, the 25 church has taken issues of abuse and safeguarding</p> <p style="text-align: center;">Page 156</p>

<p>1 increasingly seriously, but for too long, as Ms Scolding 2 has perfectly fairly indicated, that process was too 3 slow and under-resourced. Engagement with survivors was 4 too defensive and often lacking in transparency and some 5 specific initiatives, such as the past cases review in 6 2007/2009, were well intentioned but sometimes poorly 7 delivered. The church was certainly not a leader of 8 good practice, as it should, and does, aspire to be. 9 If any good can be said to have come of events in 10 Chichester, it is this: in 2011, as you have heard, 11 Rowan Williams, as Archbishop of Canterbury, appointed 12 commissaries to conduct a visitation of Chichester on 13 his behalf. Their reports were not the first nor the 14 last to have looked at safeguarding within Chichester 15 with a critical eye. But when the interim report of 16 the visitation was published in 2012, it came as a real 17 shock to the wider church. It was a wake-up call. Even 18 though the understanding of and priority given to 19 safeguarding had been slowly improving before that, 20 "slowly" was too much the operative word. 21 The visitation of Chichester and its aftermath were 22 watershed moments for the Church of England. You have 23 heard Ms Scolding mention quite a few times this morning 24 the extent to which there have been recent changes in 25 the post visitation period and often as a result of</p> <p style="text-align: center;">Page 157</p>	<p>1 church that's in the witness statements in her opening. 2 There may be some points in what she said which we think 3 perhaps the detail is not quite right. We can sort that 4 out in due course. Three points which perhaps may just 5 merit drawing out at this point: first, the inquiry has 6 given this limb of its work the title "The Anglican 7 Church". Simply for clarity, there is not, strictly 8 speaking, any such thing. The Church of England is one 9 of the 45 member churches of the Anglican communion 10 which are all ultimately separate and autonomous 11 churches. 12 Secondly, as you have heard, the Church of England 13 is itself not, in legal organisational terms, a single 14 institution. It is a church whose adherents are bound 15 together by a shared doctrine and forms of worship 16 within a framework of ecclesiastical law which is part 17 of the law of this country. But the church, as you have 18 heard, is a rather complex association of office holders 19 and institutions and it can be seen in some ways as 20 a bottom-up rather than a top-down organisation in the 21 sense that at the heart of its work is the parish, some 22 12,000 of them, and institutionally the key structures 23 are the 42 dioceses. So it is right that the Archbishop 24 of Canterbury is not at all like a chief executive of 25 a commercial or statutory corporation.</p> <p style="text-align: center;">Page 159</p>
<p>1 the visitation. That is absolutely right. The 2 visitation did lead to a real step change and 3 acceleration of reform in relation to safeguarding. 4 I will come back to that. Although I emphasise again 5 that we are very far from suggesting that all bad 6 practice disappeared instantly or that everything is now 7 perfect. 8 Anyone who reads Mr Tilby's main statement and his 9 recent updated statement -- and they do, I respectfully 10 suggest, merit a very careful read -- will appreciate 11 both how much has been done in the last few years and 12 how much there remains to do. In addition, it is only 13 fair to emphasise changes in the Diocese of Chichester 14 itself, in its safeguarding practice. Again, that is 15 absolutely not to say that all problems were solved and 16 no dangers remain, but as Ms Scolding has very fairly 17 indicated, quite a strong consensus has emerged from the 18 witness statements, not just from within the church but 19 from other quarters as well, that the present Chichester 20 team of senior clergy and professional advisers have 21 presided over a considerable improvement in safeguarding 22 practices, trust and working relationships. 23 As to the nature of the Church of England and my 24 client, the Archbishops' Council, Ms Scolding has 25 referred to some of the detailed information about the</p> <p style="text-align: center;">Page 158</p>	<p>1 As you have heard, both he and, in his province, the 2 Archbishop of York have significant influence over other 3 bishops but limited formal authority. Authority within 4 the Church of England is highly devolved and 5 organisation. That has the potential to be a source of 6 weakness if leadership is weak or practices are poor in 7 a particular location or a particular institution. But 8 it does also have the potential, we suggest, to be 9 a genuine source of strength. Certainly that may be so 10 if one takes the view that good practice is likely to 11 result from genuine commitment, ownership and 12 understanding of the issues from those who have to 13 deliver on the ground than it is to result from remote 14 and centralised control. Dame Moira Gibb made a very 15 similar point in her report, as you may already have 16 read, or may, I hope, in due course be reading. 17 If the Archbishop of Canterbury is not like the 18 chief executive of a commercial corporation, then one 19 does need to remember that a commercial corporation is 20 not what the church is. It is not even like a public 21 authority created by statute. It is a church. It is 22 a faith organisation. Its practices and structures are 23 linked to its nature, its theology and its faith. Its 24 clergy cannot simply be equated, we suggest, with any 25 employee engaged to do a job of work. It is also, for</p> <p style="text-align: center;">Page 160</p>

<p>1 deep-rooted reasons, the national church expected and 2 wishing to have a presence in every parish in the land. 3 In the safeguarding context, striking the right 4 balance between what is prescribed, supervised and 5 delivered nationally and what's left at more local 6 implementation remains a work in progress for the 7 Church of England. It is not an easy or straightforward 8 balance to strike. But it is certainly true to say that 9 the establishment of the national safeguarding team in 10 2015, coupled amongst other matters with a mandatory 11 legal requirement to have regard to national guidance on 12 safeguarding issues since 2016, have marked clear 13 recognition with important practical consequences that 14 stronger central direction and guidance were needed than 15 had previously been the case. 16 The Archbishops' Council, my client, is the only 17 Church of England institution that's been granted core 18 participant status. It provides a forum for 19 national-level strategic policy discussion for the 20 church. It provides a legal entity which employs 21 certain staff including the national safeguarding team 22 and that has helped it, we hope, to help you by acting 23 as a core participant and to coordinate the requests for 24 information and assistance the inquiry has made. The 25 solicitors instructed by the Archbishops' Council</p> <p style="text-align: center;">Page 161</p>	<p>1 dispute, and in numbers of such cases it's been, for 2 obvious reasons, thought preferable for the witnesses to 3 have separate assistance or representation. 4 Now, Chichester -- this is the Chichester case study 5 and events in relation to the Chichester diocese and in 6 relation to Peter Ball, to the extent he overlaps with 7 that, have already been scrutinised to varying degrees 8 in a series of investigations and reports. No doubt 9 these hearings will cast further light upon that 10 history. But it seems to us that enough is already 11 known to be able to say that for a substantial period 12 the way in which the relevant Church of England 13 authorities dealt with events in Chichester fell short 14 of what was to be expected. Ms Scolding has given some 15 of the detail this morning, but too frequently, when 16 allegations of abuse were made or past incidents 17 emerged, they were not treated sufficiently seriously, 18 whether in terms of proper scrutiny of the individuals 19 in question, both their past behaviour and their future 20 situation, or of the passing on of information 21 internally and externally or in terms of listening to 22 and supporting the survivors of those incidents. 23 To try to quantify or compare the actual prevalence 24 of abuse in different places and at different times it 25 seems both very difficult, as Ms Scolding has indicated</p> <p style="text-align: center;">Page 163</p>
<p>1 assisted with the provision of statements by a number of 2 witnesses. Some of them have current formal 3 responsibilities for relevant functions at a national 4 level, have been asked to give statements in that 5 capacity and in that sense they speak for the church 6 whilst obviously taking individual responsibility for 7 the evidence they give that's within their own 8 knowledge. Others whom we have assisted are witnesses 9 because the inquiry has asked for evidence specifically 10 from those individuals, especially in relation to events 11 in Chichester. Those individuals are quite right in 12 expressing their own views and giving their own insights 13 and opinions about events in Chichester and their 14 implications. Unsurprisingly, they don't all hold 15 exactly the same views on all points. They are not here 16 to represent the Church of England as such, but we shall 17 continue to assist and support them as they come to give 18 evidence. Then there are other witnesses again who, 19 though they may, particularly in the past, have been 20 office holders or employees in the church, mainly in 21 Chichester, who have not been assisted by us with their 22 evidence, these are often individuals who have either 23 themselves made or been the subject of individual 24 criticisms in connection with events in Chichester or 25 about whose evidence there might be some factual</p> <p style="text-align: center;">Page 162</p>	<p>1 and not to be the task which this inquiry has set 2 itself. But in terms of the more recent institutional 3 response to incidents and allegations as they came to 4 light, which is the focus of this inquiry's terms of 5 reference, one perhaps needs to focus in particular, as 6 Ms Scolding has, I think, upon what happened, especially 7 between the mid 1990s and the Chichester visitation in 8 2012 and its immediate aftermath. 9 As you have heard, that's when many matters of 10 concern emerged, even though most of the incidents of 11 abuse had occurred rather earlier, and it is also near 12 enough in time to the present to ask meaningful 13 questions about what lessons are to be learned. As 14 Ms Scolding said this morning, it is not so very long 15 ago. 16 On some points, there are indeed, as has been 17 mentioned, apparent disputes of fact between witnesses 18 about what who knew and said and did and what and when 19 and where any individual claim should attach for 20 failings. 21 Now, most of those witnesses are separately 22 represented and my client, the Archbishops' Council, 23 does not, certainly at this stage, make any submissions 24 about what conclusions the inquiry should reach about 25 such matters. We are not here in order to advance or</p> <p style="text-align: center;">Page 164</p>

<p>1 pursue a positive case about any of that. It will be 2 for the inquiry to make such findings as it thinks fit 3 in due course. The fact that this is a case study may 4 mean asking whether there were any particular reasons 5 for the situation in Chichester to be unusually 6 unsatisfactory and, in the light of that, what sort of 7 measures, national and local, might have made for 8 a better approach to safeguarding in Chichester at that 9 time and how far such measures have now been adopted. 10 At this stage, we would suggest that two broad 11 truths may be emerging from the available material, and, 12 again, I'm speaking about the institutional response to 13 abuse, in terms of guarding and acting against it rather 14 than the prevalence of abuse. Now, first, and on the 15 one hand, it seems unlikely that the situation in 16 Chichester in the two decades or so prior to the 17 visitation was typical of the church elsewhere. It 18 looks like an unusually pronounced and prolonged example 19 of that practice. But even if not typical, we recognise 20 that diocese may not necessarily have been unique in 21 having a bad record. 22 But, in any event, and this is my "on the other 23 hand", it would certainly be foolish and wrong, and it 24 is not our position, for anyone to suggest that 25 Chichester was merely some kind of mysterious and</p> <p style="text-align: center;">Page 165</p>	<p>1 retirement age that now applies, and his strengths and 2 interests may not have lent themselves to modern 3 practice or strong leadership on these issues. At least 4 one witness believes that he may also have been 5 overinfluenced in his approach to individuals by his 6 strong belief in Christian forgiveness and also by 7 naivety about the ability of abusers to change or 8 control their behaviour. 9 Second, there was again, as has been mentioned, an 10 unusually pronounced system of delegation of authority 11 through the system of area bishoprics. An area system 12 not unusual or problematical in itself, may I emphasise, 13 but it was unusual in Chichester so there was a lack of 14 strong leadership and supervision at a diocesan level. 15 This evidently made matters very difficult for 16 Eric Kemp's successor, Bishop John Hind, when he took 17 over in 2001 and although he no doubt sought to make 18 changes for the better, there are differing views 19 expressed in the evidence as to how far he succeeded in 20 that endeavour. 21 Third, a more than usual degree of polarisation 22 between adherents of low church and high church 23 doctrine, the relevance, or the potential relevance, 24 being that a diocese divided into camps, whose adherents 25 don't work together and trust each other, and in which</p> <p style="text-align: center;">Page 167</p>
<p>1 one-off aberration. Lord Williams, you will have seen 2 or will see, says this in his witness statement: 3 "Issues may have been quite marked in Chichester but 4 they could be identified as part of a culture that was 5 not unique to that diocese." 6 As Lord Williams also says: 7 "The lessons were there to be learned by the whole 8 of the Church of England." 9 There do seem to have been a number of factors 10 present in the Chichester Diocese at the time which 11 combined in a particularly marked way to produce a weak 12 and ineffective safeguarding culture. The same or 13 similar factors could equally have existed elsewhere, 14 and in some cases they probably did, but they appear to 15 have existed and converged in Chichester to an unusually 16 marked extent. Views will no doubt differ as to the 17 relative significance or otherwise of those factors and 18 the interrelationship between them. The inquiry has 19 received a number of thoughtful witness statements on 20 these questions, not all of which look at matters in 21 exactly the same way, but the factors may include these: 22 first, the diocesan bishop at the start of the period, 23 the late Bishop Eric Kemp was, as you have heard, 24 a respected figure within the church, but he had been in 25 post for a very long time not subject to the mandatory</p> <p style="text-align: center;">Page 166</p>	<p>1 central authority is again weakened as a result, is one 2 in which abusers may be less easily identified and dealt 3 with or even may be able to exploit misplaced loyalty 4 from others. 5 Then fourth, as a factor, an attitude to 6 safeguarding matters on the part of some office holders 7 which would certainly be out of line with what the 8 church would expect of its senior clergy now and may 9 well have fallen short at the time. 10 Now, this inquiry will of course not fall into the 11 trap of scapegoating one or two individuals. It would 12 be both foolish and dangerous to suggest that the 13 inadequacies of safeguarding in Chichester could be laid 14 at the door of any one person and there are disputes of 15 fact about what was said and done at time. 16 On any view, though, it seems, and wherever the 17 blame for this may lie, that Wallace Benn, as area 18 Bishop of Lewes, was not able to maintain a trusting and 19 successful working relationship with others involved in 20 safeguarding in the locality. We would also emphasise, 21 as the Archbishops' Council, that senior diocesan 22 clergy, certainly by the 1990s and 2000s, ought not to 23 have displayed a lack of curiosity and concern when 24 safeguarding issues were raised with them. It will be 25 for the inquiry to judge how far that may or may not</p> <p style="text-align: center;">Page 168</p>

<p>1 have occurred.</p> <p>2 Other considerations have been suggested as</p> <p>3 potentially contributing factors, such as attitudes to</p> <p>4 sexuality or the ordination of women or adherence to one</p> <p>5 Anglican tradition rather than another. It is plain</p> <p>6 from the evidence that there is no consensus about this</p> <p>7 and as Archbishop Justin has indicated in his statement,</p> <p>8 one does need perhaps to be very cautious about making</p> <p>9 unduly simplistic connections or assertions concerning</p> <p>10 cause and effect in such complex matters, especially</p> <p>11 perhaps on the basis of one case study, as this hearing</p> <p>12 is.</p> <p>13 Another point of wider relevance calling for</p> <p>14 consideration is what Bishop Mark Sowerby, the current</p> <p>15 Bishop of Horsham, characterises as deference to and</p> <p>16 trusting clergy, especially senior clergy, and</p> <p>17 paragraph 37 of his witness statement contains,</p> <p>18 I suggest, an insightful analysis of some of the reasons</p> <p>19 why there can be what he calls a profound reluctance or</p> <p>20 inability amongst some people to believe that</p> <p>21 allegations of sexual abuse might be well founded and</p> <p>22 elsewhere Bishop Mark notes, for example, how very hard</p> <p>23 some people found it to believe the allegations against</p> <p>24 Peter Ball when he was arrested. Ms Scolding has given</p> <p>25 other examples from Chichester this morning.</p> <p style="text-align: center;">Page 169</p>	<p>1 I can't, in this opening, even summarise all the</p> <p>2 information set out in the statements about what has</p> <p>3 been done since then to improve safeguarding responses.</p> <p>4 Perhaps I can draw out a few key points as follows. The</p> <p>5 Cahill Report in 2014 led to the appointment of</p> <p>6 a full-time national safeguarding advisory</p> <p>7 in February 2015, a post previously shared with the</p> <p>8 Methodist Church, and alongside that a national</p> <p>9 safeguarding team was created. In very broad terms,</p> <p>10 what was half a post has become a dozen or so posts and</p> <p>11 growing.</p> <p>12 We hear with sorrow some of what is said about the</p> <p>13 national safeguarding team, but we do say, and believe,</p> <p>14 that some of the improvements that Ms Scolding has</p> <p>15 referred to in her opening are very closely linked to,</p> <p>16 and have been made possible by, the establishment of</p> <p>17 that team.</p> <p>18 Also 2014, a national safeguarding panel was</p> <p>19 established, not only to provide a range of experienced</p> <p>20 expert input into the church's work on safeguarding, but</p> <p>21 also, and importantly, as one mechanism for engagement</p> <p>22 in allowing survivors of faith-related abuse to</p> <p>23 contribute their perspective directly. Then, directly</p> <p>24 prompted by the visitation reports, a package of</p> <p>25 measures in relation to safeguarding and clergy</p> <p style="text-align: center;">Page 171</p>
<p>1 My client also recognises that the Chichester</p> <p>2 response over at least part of the relevant period has</p> <p>3 to be viewed against the background of relatively</p> <p>4 undeveloped national guidance in relation to</p> <p>5 safeguarding and an absence of broader central support</p> <p>6 for dioceses. It wasn't until 1995 that the church</p> <p>7 published a national policy on child abuse and for</p> <p>8 a good while thereafter matters developed only</p> <p>9 incrementally and at times relatively slowly.</p> <p>10 Lord Williams describes in his statement how in his</p> <p>11 time as Archbishop of Canterbury, between 2002 and 2012,</p> <p>12 the church was still catching up on these issues. He</p> <p>13 gives some of the reasons why there could be resistance</p> <p>14 to changes that were sometimes seen locally as</p> <p>15 overcentralised or overburdensome. Again, that may</p> <p>16 serve to emphasise the importance to the church of</p> <p>17 the inescapable message that was delivered by the</p> <p>18 Chichester visitation. Lord Williams, as well as being</p> <p>19 frank and self-critical about certain aspects of his own</p> <p>20 handling of the allegations related to Peter Ball is</p> <p>21 frank in acknowledging flaws in the past cases review</p> <p>22 and that, as he puts it, it gives the church a cleaner</p> <p>23 bill of health than was really appropriate.</p> <p>24 As to the wider implications of these events, I have</p> <p>25 said the Chichester visitation was a watershed moment.</p> <p style="text-align: center;">Page 170</p>	<p>1 discipline. Amongst other matters, the legal duty to</p> <p>2 have regard to national safeguarding guidance and the</p> <p>3 powers of suspension of clergy that had been lacking</p> <p>4 before. In other important new and materially</p> <p>5 strengthened national guidance published over the last</p> <p>6 two or three years set out in detail in Mr Tilby's</p> <p>7 statement in particular, including the October 2017</p> <p>8 guidance on key roles and responsibilities of church</p> <p>9 office holders and bodies, and theological resources</p> <p>10 have been published also to help the church at its grass</p> <p>11 roots consider how safeguarding relates to the gospel</p> <p>12 message, the church's mission and approaches to</p> <p>13 forgiveness. There has been a much more comprehensive</p> <p>14 training programme introduced across the church.</p> <p>15 We emphasise also -- again, Mr Tilby stresses this</p> <p>16 in his updating statement -- the church does not work on</p> <p>17 safeguarding in isolation but in conjunction with other</p> <p>18 agencies.</p> <p>19 Again, the work that's currently in progress is too</p> <p>20 extensive for me to refer to in full. It is dealt with</p> <p>21 in detail in the statements including the updating</p> <p>22 statement. But aspects of particular significance</p> <p>23 include independent safeguarding audits across all</p> <p>24 dioceses by the Social Care Institute for Excellence,</p> <p>25 piloted 2015, to be concluded in 2018 and extended to</p> <p style="text-align: center;">Page 172</p>

<p>1 cathedrals. There will be published thematic reports of 2 SCIE on including how to improve support for survivors 3 which will also help to inform the Safe Spaces Project 4 that's currently being developed in collaboration with 5 the Roman Catholic Church. There is a recently 6 concluded consultation on the effectiveness of 7 the Clergy Discipline Measure in safeguarding cases and 8 what more may need to change on that front. There is 9 new draft guidance on permission to officiate currently 10 at an advanced stage of consideration. There is shortly 11 to be a draft canon on religious communities, the 12 concept of which has already been endorsed by the 13 General Synod, and at the end of last year and in 14 response to last year's Gibb Report, the House of 15 Bishops' decision to establish a working group on 16 cultural change. Again, numbers of the matters I have 17 mentioned are direct responses to Gibb and the action 18 taken in relation to each of the Gibb recommendations is 19 further detailed in Mr Tilby's statements. 20 These are matters that need to be looked at in 21 detail, but may I say that we have only very recently 22 received the late witness statement from MACSAS. We 23 wish to look at that carefully. We have listened 24 carefully to what is said today. 25 Much of what is said on behalf of MACSAS and other</p> <p style="text-align: center;">Page 173</p>	<p>1 a closed mind to such ideas, but one needs to think 2 carefully about what precisely it is that is being 3 proposed and about the particular context of the church. 4 One sees, I think, phrases such as "mandatory 5 reporting duty" perhaps used in slightly different ways 6 in different places. One does just need to be a little 7 careful about that. 8 Ms Scolding emphasised rightly in her opening 9 remarks the powerful reasons that make the 10 Church of England very distinctive: a faith 11 organisation, the church established by law at 12 a national level, and a church working also in every 13 community at the most local level. Safeguarding 14 arrangements in the church of course need to be 15 effective, but for precisely that reason, they need to 16 take account of and reflect the distinctive nature of 17 the church. If we are all agreed that the recent pace 18 of change needs to be at least maintained and, as 19 Dame Moira Gibbs says, accelerated, then you may think 20 that to divert the focus onto debates about what the 21 very structure and nature of the church should be may 22 risk being a diversion from the very important and 23 urgent tasks in hand. 24 But we certainly look for and, I hope, in due course 25 welcome the inquiry's guidance, particularly on, as it</p> <p style="text-align: center;">Page 175</p>
<p>1 survivors about past and even current safeguarding 2 practice within the church is very understandable in the 3 light of what I have already said. 4 But we respectfully but firmly cannot agree with 5 MACSAS to this extent, that they may be suggesting that 6 little, if anything, has changed within the church in 7 recent years; still more, if perhaps this was the thrust 8 of Mr Scorer's comments just now, that nothing is 9 capable of changing. 10 There is important work currently in progress, and 11 whilst it is clearly too soon to say for sure whether 12 that will achieve all that it is intended to achieve, we 13 believe that, at any rate, the direction of travel is 14 right. We are here, however, to listen not only to what 15 the inquiry may in due course say, but also to the views 16 of others. We do say that when the inquiry comes to 17 decide which matters it should deal with and in what 18 terms in the interim reports that it intends to publish 19 following this hearing and its July hearing and what 20 should await later more general hearings into the 21 church, we hope that careful account will be taken of 22 what has already changed and what is in the process of 23 change. Some of the specific points raised by MACSAS 24 just now, you will see Archbishop Justin has said in his 25 witness statement that he personally does not have</p> <p style="text-align: center;">Page 174</p>	<p>1 were, cross-institutional matters, such as how to 2 overcome some of the cultural barriers, which we all 3 know exist, to survivors coming forward and being 4 believed. These are the reasons why we welcomed the 5 establishment of the inquiry at the outset. They 6 continue to reflect our aspirations for it now. 7 We hope, above all, that the extensive work which 8 the church, the survivors and others have done for the 9 purposes of this inquiry -- and may I endorse what 10 Mr Greenwood said at the outset of his submissions about 11 the courage of those who have come forward -- can add 12 further impetus and heft to the existing process of 13 embedding good safeguarding practice as deeply as 14 possible within the culture of the Church of England. 15 Before I sit down, may I end as I began with an 16 unqualified apology to those children whose lives have 17 been damaged by abuse and who did not experience from 18 the church the love and the protection that they should 19 have done. Thank you. 20 THE CHAIR: Thank you, Mr Giffin. 21 MS SCOLDING: I note that we still have two core 22 participants to hear from. I would ask, chair, if you 23 wouldn't mind, if we sat slightly later today. Both of 24 those individuals have identified that they are not 25 going to be more than about ten minutes each. So we are</p> <p style="text-align: center;">Page 176</p>

<p>1 running about ten minutes over. 2 I completely apologise. It is totally my fault for 3 running slightly over my own time estimate. Thank you 4 very much. 5 THE CHAIR: Thank you, Ms Scolding. We will continue as you 6 suggest. Mr Phillips? 7 Opening statement by MR PHILLIPS 8 MR PHILLIPS: Chair, the Ecclesiastical Insurance Office, 9 whom I represent, was founded in 1887 to insure Anglican 10 churches and church buildings against the risk of fire. 11 The EIO still insures churches and other places of 12 worship today -- some 20,000 in all -- including 13 Church of England, Scottish Episcopalian and 14 United Reform buildings and also mosques, synagogues and 15 Sikh and Hindu temples. However, the range of 16 the company's business has expanded enormously since its 17 foundation. It offers insurance in many fields 18 including the heritage, charity, education and real 19 estate investment sectors. It insures some £275 billion 20 worth of property worldwide and in this country it is 21 the market leading insurer of grade 1 listed buildings. 22 It insures more than 40,000 charities and, with other 23 insurers, ten of the UK's world heritage sites. So what 24 it calls its faith sector in the UK, the insurance it 25 provides for religious buildings and institutions,</p> <p style="text-align: center;">Page 177</p>	<p>1 non-executive directors is a member of the clergy of 2 the Church of England. However, that director is not 3 appointed by the church, nor does she serve as the 4 church's official representative. 5 As I have explained, the insurance underwritten by 6 the EIO for church buildings and institutions makes up 7 but one part of one sector of all of the insurance 8 written by the EIO. So the church has no control over 9 any of the EIO's business and, indeed, no connection 10 whatever with the vast majority of the EIO's work, an 11 important point to bear in mind in this investigation, 12 which, so far as the EIO is concerned, relates to 13 a specific subset of claims arising under policies 14 written for Church of England customers. 15 That takes me to my next point. You have heard and, 16 I suspect, seen reference to the EIO as "the church's 17 insurers". In fact, there is no single relationship 18 between the EIO and the church as a whole. The EIO has 19 a wide range of relationships, many of very long 20 standing, with a wide range of church bodies, from 21 parochial church councils to institutions of 22 the national church. What these relationships have in 23 common is that each is founded upon a contract, the 24 terms of which are agreed between the EIO, on the one 25 hand, and the church customer, on the other.</p> <p style="text-align: center;">Page 179</p>
<p>1 represents about a quarter of its property and liability 2 insurance business. 3 The insurance which it provides for 4 Church of England buildings and institutions is part of 5 that sector. The EIO is owned by the Allchurches Trust 6 Limited, a registered charity, which means that the EIO 7 is a commercial business with a charitable purpose. It 8 grants a significant proportion of its profits each year 9 to ATL, which distributes those profits for the benefit 10 of church and community. 11 That also means that the EIO is a most unusual, if 12 not unique, insurer. However, it is important at the 13 outset of this hearing to stress that it is an insurer 14 and is therefore authorised and regulated by the UK's 15 financial regulators, the Prudential Regulation 16 Authority and the Financial Conduct Authority. 17 It follows that EIO and its managers are subject to 18 the very considerable powers of those regulators 19 conferred on them by the Financial Services and Markets 20 Act 2000 and the way its business is conducted is open 21 to the full range of their specialist supervision and 22 scrutiny. 23 So far as the EIO's relationship with the 24 Anglican Church is concerned, that has continued since 25 the time of its foundation. One of its nine</p> <p style="text-align: center;">Page 178</p>	<p>1 The detailed provisions of those agreements govern 2 the relationship between them and are themselves subject 3 to interpretation in accordance with long-established 4 principles of English insurance law, one of which is of 5 course that such contracts are contracts of the utmost 6 good faith. 7 So the EIO's part in this investigation and this 8 case study arises because claims have been made under 9 contracts written by it in favour of various church 10 insurers. Those contracts tended to offer a variety of 11 different forms of insurance, but they all included what 12 is known as public liability cover, which means, in 13 simple terms, that the contract will respond if there is 14 a legal liability attaching to the customer. If that is 15 established, then the EIO will indemnify the customer 16 against the claim. 17 What that means in practice, and in the vast 18 majority of the cases with which you are concerned, is 19 that the EIO settles the claim by paying a sum to the 20 claimant and a sum to his or her lawyers for their 21 costs, and of course it pays its own lawyers' costs in 22 those cases where it uses lawyers. 23 Now, I say "the vast majority of these cases" 24 because most claims are settled before proceedings are 25 issued. Those settlements usually come about after</p> <p style="text-align: center;">Page 180</p>

<p>1 discussions between the claimants' lawyer, who is able 2 to advise and represent him or her throughout, not least 3 in relation to the terms of the settlement, and the EIO 4 or the lawyer representing the EIO and its church 5 customer. 6 It may interest you to know that, of the same 7 statistical sample of claims, 55 per cent of the sums 8 paid out by the EIO went to claimants, 33 per cent went 9 to the claimants' lawyers, and 12 per cent went to the 10 EIO's lawyers. 11 Now, because the relationship between the EIO and 12 its customers is a contractual one, the first point to 13 be established when a claim is made is this: was there 14 in force at the relevant time a contract of insurance 15 which ought to respond to the claim? That leads to 16 another important point. These insurance contracts are 17 written on a "losses occurring" basis. In other words, 18 they respond to claims made in respect of accidental 19 damage or injury occurring during the term of 20 the relevant policy. 21 Now, as you know, it is very common for abuse 22 claims, such as those made in relation to the Diocese of 23 Chichester, to relate to events which took place many 24 years -- in some cases, many decades -- before claims 25 are made. Thus, a claim made in, say, 2015 might relate</p> <p style="text-align: center;">Page 181</p>	<p>1 on the ground that there was no policy in place. 2 That, thirdly, takes me on to another important 3 point to get right at the outset: insurers such as the 4 EIO are not defenders of abuse or of abusers. Their 5 role under the contracts they have written is to 6 indemnify those legally responsible for the abuse which 7 has, or may have, taken place. To be clear, under no 8 circumstances is cover afforded to the abuser himself. 9 However, where there is cover for the church 10 customer, the indemnity provided by the EIO can be 11 a valuable source of redress for the claimant. Were the 12 EIO not standing behind the church body, then two 13 consequences would follow: the church body would have to 14 draw on its own resources to pay the claim or make the 15 settlement, thus inevitably reducing the fund available 16 to it for its work within the church, and/or the 17 claimant would face the difficult and usually fruitless 18 task of seeking redress from the abuser personally. 19 The evidence before you shows that the EIO first 20 became aware of historic sexual abuse claims in about 21 1990. From that point, the number of such claims, 22 including claims against church customers, slowly grew, 23 with a rise from 2010 onwards and a further increase in 24 2014. 25 That said, and in the light of what I have already</p> <p style="text-align: center;">Page 183</p>
<p>1 to abuse in the 1970s or 1980s. 2 The effect of the "losses occurring" basis of 3 the EIO's insurance is it will be the policies written 4 in the '70s and '80s which will respond to the claim and 5 not the policy in force when the claim is made in 2015. 6 Now, a number of points arise as a result. First, 7 claims such as these involve a certain amount of 8 insurance archaeology to establish the actual or 9 probable existence of cover all those years ago in 10 favour of the relevant church customer, and that process 11 is described for you in the EIO's witness statements. 12 Secondly, the relevant insurance contracts were not 13 written with claims such as these in mind. The fact 14 that there is or might be a legal liability on the part 15 of church customers in relation to these claims is 16 itself because of significant changes to the law, and in 17 particular to the law on vicarious liability, which have 18 taken place during the many years which have elapsed 19 since the relevant insurance contract was placed. But 20 of course the function of insurance is to respond to the 21 unexpected, and here, where there is such a longstanding 22 relationship with the church, that is exactly what the 23 EIO has done. 24 The evidence before you shows that the EIO has never 25 declined to cover such a claim against a church customer</p> <p style="text-align: center;">Page 182</p>	<p>1 told you about the wide range of the company's business, 2 it won't surprise you to learn that such claims still 3 represent a very small fraction of the total number of 4 claims dealt with by the EIO -- just over 1 per cent in 5 2016, for example. 6 However, the company has recognised that this type 7 of claim requires particular care and a very specific 8 approach. That reflects the EIO's recognition that the 9 claims process itself, the very business of coming 10 forward, can be intensely traumatic for the victim, 11 regardless of how long ago the abuse occurred. 12 The result is that such claims demand and receive 13 a quite disproportionate amount of care and time on the 14 part of specialist claims handlers within the company's 15 claims department. The EIO also draws on the advice and 16 expertise of specialist lawyers. 17 When a claim is received, the EIO has 18 a responsibility to investigate its factual basis. That 19 investigation is necessary to enable the company to deal 20 properly and fairly with the claim. The investigation 21 may include the need for an independent medical 22 assessment of the claimant's condition in order 23 objectively to assess the consequences of the abuse 24 alleged. It would be quite wrong, as well as unfair to 25 its customers and to other genuine claimants, if an</p> <p style="text-align: center;">Page 184</p>

<p>1 insurer did not investigate the credibility of 2 the allegations before deciding how to respond to -- 3 indeed, whether to settle -- a claim. 4 As the volume of such claims has increased, so the 5 EIO's knowledge and understanding of the issues to which 6 they give rise has deepened and the company has 7 responded by changing and updating its ways of handling. 8 That process is a continuing one. Its overall approach 9 is now set out in its guiding principles, first issued 10 in 2016, which set out in writing practices which were 11 by then established. The guiding principles did not 12 implement anything new. 13 The EIO's aim in making them public was to make its 14 approach to such claims transparent in order to help 15 both claimants and customers. The church, amongst other 16 bodies, was consulted on the guiding principles before 17 their publication, and the evidence you have is that the 18 church seeks to follow them when handling claims which 19 are not covered by insurance. 20 In the light of what I have told you about the EIO's 21 own approach, it won't surprise you to learn that the 22 guiding principles are currently being reviewed in the 23 light of the EIO's continuing experience of handling 24 these claims. 25 Chair, that's all I wanted to say at this stage,</p> <p style="text-align: center;">Page 185</p>	<p>1 apology on his behalf to all of those who have been 2 affected by his wrongdoing and accordingly find 3 themselves, one way or another, a part of this inquiry. 4 The effect on some has been greater than others. 5 For some, the harm he has put upon them has been 6 profoundly personal; for others, a different burden. 7 But in respect of all, Peter Ball expresses his deep 8 regret and his apology. 9 I say again in respect of that public apology, for 10 such words of apology are in part an echo of that which 11 was said on his behalf at the Central Criminal Court in 12 2015 when he was given his 32-month custodial sentence 13 consequent upon his admission of those offences to which 14 Ms Scolding QC made reference this afternoon. 15 However, his penitence, as Peter Ball would wish it 16 to be expressed, is acknowledged as not having 17 previously always been either complete or indeed 18 transparent. His hope is that his words as expressed 19 today through me might be seen and received in 20 a different light and the way in which they are 21 genuinely intended. 22 It is his hope that his apology will not be seen to 23 be worthless, but, rather, a public apology at this 24 stage which is a very small -- very small -- 25 contribution to the forward thinking and moving forward</p> <p style="text-align: center;">Page 187</p>
<p>1 save to make it clear at the outset of this hearing that 2 the EIO looks forward to assisting the inquiry in the 3 remainder of its work. 4 THE CHAIR: Thank you, Mr Phillips. Finally, Mr Smith? 5 Opening statement by MR SMITH 6 MR SMITH: Madam chair, I appear on behalf of Peter Ball. 7 I have undertaken to be brief in my introductory 8 remarks. I will be truly loyal to that promise. 9 We, on Peter Ball's behalf, are mindful that in July 10 of this year there will be a more detailed scrutiny of 11 Peter Ball's conduct in the church. That conduct has 12 unequivocally led to certain of the concerns that are at 13 the very heart of this inquiry; not least his failure, 14 and with it the church's failure to properly address and 15 react to his behaviour. However, we take this 16 opportunity, the first publicly available opportunity to 17 Peter Ball at this inquiry, to make these very brief 18 remarks on his behalf. 19 Unlike others who have already today so helpfully 20 and clearly introduced their participation, what I am 21 about to say, madam chair, is not designed to signpost 22 or introduce any particular position in respect of 23 the evidence that you will carefully listen to in the 24 next three weeks. Rather, what I am simply instructed 25 by Peter Ball to do at this stage is again make a public</p> <p style="text-align: center;">Page 186</p>	<p>1 that is at the very heart of this inquiry's collective 2 intentions. 3 Commensurate with that apology, Peter Ball seeks to 4 assist as best he can with the aims and objectives of 5 this inquiry. He has already produced, you know, 6 madam chair, a statement dealing in some considerable 7 detail with all of those matters that he has been 8 specifically asked to address. 9 We, on his behalf, will do our best to assist you in 10 the aim of this inquiry wherever we can. I started with 11 that apology. Thank you. 12 THE CHAIR: Thank you, Mr Smith. 13 MS SCOLDING: We now adjourn until tomorrow morning. Thank 14 you all very much. Thank you. 10.30 am tomorrow. 15 THE CHAIR: Thank you. 16 (4.42 pm) 17 (The hearing was adjourned until 18 Tuesday, 6 March 2018 at 10.30 am) 19 20 21 I N D E X 22 23 Welcome and opening remarks by THE1 24 CHAIR 25</p> <p style="text-align: center;">Page 188</p>

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