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| <p>1 Tuesday, 13 March 2018</p> <p>2 (10.00 am)</p> <p>3 THE CHAIR: Good morning, everyone.</p> <p>4 MS McCAFFREY: Good morning, chair and panel. There have</p> <p>5 been some slight delays this morning with the planned</p> <p>6 oral witnesses. Therefore, it is proposed at this</p> <p>7 stage, with your permission, that we will resume the</p> <p>8 reading of Kate Wood's statement.</p> <p>9 Statement of MS KATE JUDITH WOOD (read)</p> <p>10 MS McCAFFREY: We begin from paragraph 23, chair, which is</p> <p>11 page 5 of the statement. To remind everyone,</p> <p>12 Kate Wood's statement can be found behind tab B1 of</p> <p>13 the read bundle, and the URN is ACE025951. She states</p> <p>14 as follows:</p> <p>15 "I have been asked to express a view on the policies</p> <p>16 and procedures in place when I began working for the</p> <p>17 Church of England and its ability to manage</p> <p>18 safeguarding. As far as I can recall, the two main</p> <p>19 policies were 'Protecting All God's Children' and</p> <p>20 promoting a safe church. I found that these policies</p> <p>21 provided a safe basis to work on; some dioceses also had</p> <p>22 their own guidance and policies which expanded upon</p> <p>23 these national policies. Southwark in particular had an</p> <p>24 effective policy, 'A Safe Church', which I found useful.</p> <p>25 These were only a starting point and have been improved</p> <p style="text-align: center;">Page 1</p> | <p>1 and this is now in place.</p> <p>2 "I have been asked to comment on the knowledge and</p> <p>3 understanding of senior clergy in respect of</p> <p>4 safeguarding issues. I do not feel able to do so in</p> <p>5 detail, other than to say that whilst there was</p> <p>6 a difference in experience and some senior clergy</p> <p>7 understood the context of safeguarding more than others,</p> <p>8 in my experience there was a willingness to learn and to</p> <p>9 take advice. In fact, I cannot recall a situation when</p> <p>10 my professional advice was not carefully listened to,</p> <p>11 openly discussed and acted upon by the senior clergy</p> <p>12 I worked with, including several bishops from a number</p> <p>13 of different dioceses and Lambeth Palace and the two</p> <p>14 Archbishops of Canterbury I worked for. I have also</p> <p>15 been asked to comment on the training given to members</p> <p>16 of the clergy in managing safeguarding allegations, but</p> <p>17 do not feel able to comment on this area.</p> <p>18 My experience was in stark contrast to some of</p> <p>19 the past cases I reviewed, often dating back decades,</p> <p>20 when, unfortunately, senior clergy often seemed to have</p> <p>21 little understanding of safeguarding matters and</p> <p>22 frequently responded poorly, or not at all. Of course,</p> <p>23 the same could now be said for large sectors of society,</p> <p>24 not just the Church of England.</p> <p>25 "Past cases review.</p> <p style="text-align: center;">Page 3</p> |
| <p>1 upon since.</p> <p>2 There was, however, in my opinion, a gap in relation</p> <p>3 to more detailed practice guidance, significantly so in</p> <p>4 relation to the complex cases I was being asked to</p> <p>5 manage, and cases involving bishops and other</p> <p>6 high-profile individuals. The principles of managing</p> <p>7 allegations against church officers of any status,</p> <p>8 whether a priest in a small rural parish or</p> <p>9 a high-profile diocesan bishop, are the same. However,</p> <p>10 the impact of allegations made against a bishop is wider</p> <p>11 in terms of managing information and communications,</p> <p>12 both internally and externally, where there is often</p> <p>13 significantly higher interest than for a local priest.</p> <p>14 In addition, roles and responsibilities in managing</p> <p>15 these cases are different and there is a benefit in</p> <p>16 these being defined. For example, the 'usual' role of</p> <p>17 a bishop in managing allegations is transferred to the</p> <p>18 archbishop in these circumstances. At the time I began</p> <p>19 working for the church, there were no policies or</p> <p>20 guidance to cover such cases and often it became</p> <p>21 a matter of negotiation with dioceses and careful</p> <p>22 communication to be able to work together and understand</p> <p>23 our respective roles and objectives. Through working on</p> <p>24 these cases and subsequent reviews of process, there was</p> <p>25 a realisation that more specific guidance was required</p> <p style="text-align: center;">Page 2</p> | <p>1 "I have been asked to explain my involvement in the</p> <p>2 past cases review. I have already explained how</p> <p>3 I became involved in the Lambeth Palace review and the</p> <p>4 fact that I also reviewed cases in the dioceses of</p> <p>5 Southwark and St Albans. In addition, between 2014 and</p> <p>6 2014, I assisted the Methodist Church in planning their</p> <p>7 past cases review and conducted their pilot review. In</p> <p>8 essence, across all past cases reviews, I was an</p> <p>9 independent reviewer brought in to review historic child</p> <p>10 sexual abuse case files which involved me reviewing all</p> <p>11 files relating to clergy, including retired clergy;</p> <p>12 readers; employees; these with permission to officiate;</p> <p>13 and licensed lay workers or volunteers about whom</p> <p>14 information of concern existed. The purpose of</p> <p>15 the reviews was to assess whether there were any child</p> <p>16 protection issues and, if so, consider whether any</p> <p>17 further action was required. Such further action that</p> <p>18 I considered included liaison with statutory agencies;</p> <p>19 referral under the Protection of Children Act (or later</p> <p>20 to the independent safeguarding agency); appropriate</p> <p>21 management of the individual if they were still involved</p> <p>22 with the church; and recommendation of a risk</p> <p>23 assessment. I was required to produce a full report on</p> <p>24 every identified case.</p> <p>25 "Lambeth Palace past cases review.</p> <p style="text-align: center;">Page 4</p> |

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| <p>1 "I will start by outlining my involvement in the 2 Lambeth Palace review in 2008 as this was the first 3 review I undertook relating to the case of Peter Ball 4 and I understand the one of most interest to the 5 inquiry. 6 "I shared the reviewer role with another retired 7 detective inspector, Peter Turner, who was also the 8 safeguarding adviser to the Catholic Diocese of 9 Westminster. There were initially three reviewers but, 10 due to sickness of the third reviewer, Peter and 11 I undertook the vast majority of the substantive review. 12 Peter subsequently carried out the concluding tasks on 13 the review as I took up other work commitments. 14 "In the initial stages, our instructions were 15 unclear. The size of the task was unknown and no 16 estimate of length of time for the task was available. 17 "Reverend Pearl Luxon did send us the 2007 review of 18 past child protection cases, House of Bishops' Protocol, 19 but it soon became evident that this would not work for 20 the Lambeth Palace review, which was unique along with 21 Bishopthorpe for reasons I explain further below. 22 However, the reviewers and Andrew Nunn were able to 23 prepare suitable terms of reference and there soon 24 followed a meeting with Reverend Luxon on 30 June 2008 25 where these were discussed and approved, following which</p> <p style="text-align: center;">Page 5</p> | <p>1 prior to the introduction of this system the files often 2 contained minimal information and had no formalised 3 structure. There were, however, some blue clergy files 4 held at Lambeth Palace. These were some bishops' files 5 including retired bishops and service chaplains. 6 "The bulk of the files held at Lambeth Palace to be 7 reviewed were what are described as confidential files, 8 which are files containing information of a confidential 9 nature; red files, which are files where there had been 10 some previous disciplinary procedures (not necessarily 11 child protection related); and files relating to 12 individuals on the Archbishops' List. The reviewer's 13 objective was the assessment of risk, if any, and 14 information sharing with the relevant DSA to ensure they 15 had the same information and that appropriate 16 safeguarding action was being taken. It is important to 17 note that the House of Bishops' past cases review 18 process, as used alongside the terms of reference of 19 the Lambeth Palace past cases review, was only intended 20 as a file review and that it was not the role of 21 the reviewers to investigate, but rather to refer the 22 matter to the relevant DSA, where appropriate. 23 "The other difference with the Lambeth Palace review 24 was that there wasn't a safeguarding adviser to whom the 25 reviewers could report. In dioceses the reviewer always</p> <p style="text-align: center;">Page 7</p> |
| <p>1 work commenced. 2 "The reviewers devised their own priority grading 3 system for each file reviewed. Each file was classified 4 from category 1: 'There is immediate and significant 5 concern and an urgent response is required' to 6 category 4: 'There is no apparent concern'. I took this 7 grading system with me when I undertook the diocesan 8 past cases review and also the Methodist Church review, 9 as it proved to be clear and effective. 10 "As already stated, the Lambeth Palace review was 11 unique due primarily to the blue clergy files which were 12 the main focus of the past cases review and were, in the 13 main, not held at Lambeth. They were held in the 14 relevant dioceses on account of the fact that blue files 15 are held in the diocese where the clergy is licensed or 16 where they were last licensed if they have since 17 retired. The majority of files to be reviewed at 18 Lambeth Palace were copies or, in most cases, part 19 copies of files held by dioceses (often correspondence 20 files with minimal information) and therefore the main 21 review took place on the blue files held by the dioceses 22 on account of the fact that they were more complete than 23 their counterparts held at Lambeth Palace. It is worth 24 noting that, as I understand it, the format of blue 25 files has only been in place since around the 1980s and</p> <p style="text-align: center;">Page 6</p> | <p>1 reported to the DSA and met regularly with them. This 2 was lacking at Lambeth Palace. On a few occasions where 3 I had concerns about a particular case which I didn't 4 feel was being progressed by the diocese in a timely 5 manner, or for cross-diocesan cases, I referred the case 6 to Reverend Luxon, as did my colleague Peter Turner, but 7 her role was not clear in this process and the contact 8 with her was minimal. This is not a criticism of her 9 but of the lack of resources at that time. I am unable 10 to comment on whether the cases referred to 11 Reverend Luxon were followed up, save as to say that 12 I do recall asking Reverend Luxon for an update on 13 a couple of occasions and understood that she had 14 liaised with the relevant dioceses, though she had 15 limited time to do this. I do not recall the specific 16 cases. 17 "An initial review of some of the files had taken 18 place before our arrival. Jonathan Jennings, an 19 employee of Lambeth Palace with no professional 20 safeguarding background, had undertaken this. He had 21 identified some files as containing potential child 22 protection concerns and we decided to prioritise these 23 files for review before working our way through all 24 other files. I recall finding his judgment to be 25 excellent, despite him having had no formal safeguarding</p> <p style="text-align: center;">Page 8</p> |

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| <p>1 experience that I am aware of.</p> <p>2 "It is recorded in the report on the review of case</p> <p>3 papers held at Lambeth Palace prepared by Peter Turner</p> <p>4 (and into which I inputted) that we reviewed a total of</p> <p>5 1,790 Lambeth Palace files. 1,295 of these were</p> <p>6 confidential files; 218 were on the Archbishops' List;</p> <p>7 174 were service chaplain files; 27 were bishops' files;</p> <p>8 35 were retired bishops' files; and 6 were Royal</p> <p>9 Peculiar files.</p> <p>10 "A pro forma was completed by the reviewer for every</p> <p>11 file reviewed and placed on the file. For the vast</p> <p>12 majority of cases, this pro forma merely stated that</p> <p>13 there were no child protection concerns based on the</p> <p>14 information seen by the reviewer.</p> <p>15 "If, however, the file related to a child protection</p> <p>16 issue or even if there were vague comments contained</p> <p>17 within the file that could be construed as having a link</p> <p>18 to child protection, then a separate report was</p> <p>19 completed based on the House of Bishops' pro forma,</p> <p>20 which was amended by the Lambeth reviewers to fit the</p> <p>21 circumstances of the Lambeth review. This report also</p> <p>22 contained the priority grading as assessed by the</p> <p>23 reviewer.</p> <p>24 "These reports stayed in the file reviewed but the</p> <p>25 information was shared with the relevant diocese.</p> <p style="text-align: center;">Page 9</p> | <p>1 year.</p> <p>2 "In my opinion, the national past cases review was</p> <p>3 an ambitious and well-intentioned piece of work. It was</p> <p>4 limited in its scope in one sense, in that it was</p> <p>5 a file-based review, in contrast to the Methodist Church</p> <p>6 review which took place in 2013-2015 and which was based</p> <p>7 on the recollections of those involved rather than</p> <p>8 a paper review (this was largely on account of the fact</p> <p>9 that the Methodist Church did not hold an equivalent to</p> <p>10 blue files). However, when the process worked well, the</p> <p>11 independent reviewer would highlight cases or review</p> <p>12 known cases, recommend actions and then discuss these</p> <p>13 with the DSA. Unfortunately, in my opinion, the</p> <p>14 positive results of the review, of which there were</p> <p>15 many, cannot be conclusively quantified due to there</p> <p>16 often being poor record keeping during the review</p> <p>17 process and confusion as to what statistics the DSAs</p> <p>18 were being asked to submit at the end of the review.</p> <p>19 This meant that the statistics presented by the national</p> <p>20 church at the conclusion of the past cases review did</p> <p>21 not provide an accurate picture. The review was also</p> <p>22 dependent on other factors, such as the supervision of</p> <p>23 the process by the DSA, the communication between the</p> <p>24 DSA and the reviewer, and the capabilities of the</p> <p>25 reviewer, which in my opinion was normally of a good</p> <p style="text-align: center;">Page 11</p> |
| <p>1 I believe that Peter Turner and I produced 167 of these</p> <p>2 reports, including the Peter Ball report, as is also</p> <p>3 shown in the report prepared by Peter Turner referred to</p> <p>4 above.</p> <p>5 "The vast majority of these reports were very brief</p> <p>6 as the information available in the files was often</p> <p>7 limited. Often the report would consist of only a few</p> <p>8 sentences and was used as a trigger to inform the</p> <p>9 diocese and to suggest further action. It was not the</p> <p>10 role of the reviewers to check that these recommended</p> <p>11 actions had been taken, but often the DSA would provide</p> <p>12 us with an update. If we didn't receive acknowledgement</p> <p>13 of the referral, then we would follow this up until we</p> <p>14 received one. Peter Turner was left to deal with any</p> <p>15 outstanding loose ends in this regard at the end of</p> <p>16 the review, as I left before the process was concluded.</p> <p>17 I recall a number of more complex cases of concern</p> <p>18 necessitating longer reports but I do not recall the</p> <p>19 details. These will have been retained on the original</p> <p>20 file, as far as I am aware.</p> <p>21 "In addition to the Lambeth review, I reviewed over</p> <p>22 2,500 files for the Diocese of Southwark in their second</p> <p>23 phase review in 2009, consisting of predominantly</p> <p>24 non-child protection files, and I jointly reviewed over</p> <p>25 1,500 files for the diocese of St Albans in that same</p> <p style="text-align: center;">Page 10</p> | <p>1 standard. It was also essential that the reviewer was</p> <p>2 independent from the dioceses and that the process had</p> <p>3 the full support of the bishop."</p> <p>4 Chair and panel, I will now move forward to</p> <p>5 paragraph 126 of Kate Wood's statement, which is at</p> <p>6 page 27:</p> <p>7 "Roger Meekings' review and Baroness Butler-Sloss.</p> <p>8 "I can confirm that I have had no contact with</p> <p>9 either Roger Meekings or Baroness Butler-Sloss.</p> <p>10 "I can recall offering to the Diocese of Chichester</p> <p>11 that I was available to talk with Baroness Butler-Sloss</p> <p>12 but was told that she wasn't looking at the case of</p> <p>13 Peter Ball.</p> <p>14 "In relation to the past cases review conducted by</p> <p>15 Roger Meekings, when I first reviewed the Chichester</p> <p>16 correspondence file, I was not aware that Roger Meekings</p> <p>17 had already reviewed it. This was because I didn't have</p> <p>18 the original file cover, which is where he stamped that</p> <p>19 he had reviewed a file. I thought at that stage that</p> <p>20 the file had not been handed to him for review.</p> <p>21 "On the day we met with the Diocese of Chichester</p> <p>22 team (24 April 2012) I went to the palace (in</p> <p>23 Chichester) after the meeting to recopy some of</p> <p>24 the contents on the file. I was surprised to see that</p> <p>25 on the inside cover of the file there was a past cases</p> <p style="text-align: center;">Page 12</p> |

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| <p>1 review stamp and a signature from Roger Meekings which 2 indicated that he had indeed reviewed the file. 3 "This did cause me some concern and confusion. 4 I submitted a brief report to the Diocese of Chichester 5 and Elizabeth Hall on the same day, 24 April 2012, and 6 offered to talk further about the issues this raised. 7 I didn't understand how this file had been reviewed but 8 apparently a decision made that there was no further 9 action required; no details analysis had apparently been 10 conducted regarding the content of the file and the then 11 DSA (Shirley Hosgood), who, as I understood it, had an 12 excellent working relationship with Roger Meekings, was 13 apparently not aware of the file. 14 "I became aware that Roger Meekings had highlighted 15 the Peter Ball case as being a known case, ie, a case 16 which was a safeguarding case, but that this consisted 17 mainly of the fact that Peter Ball had received a police 18 caution with no further detailed analysis. I do not 19 recall exactly how I came to know this information but 20 I assume it was from discussions I had with 21 Colin Perkins in or around April 2012. 22 "When in 2016 I was asked to assist the national 23 safeguarding team with the past cases review screening 24 process ... I visited Chichester. Colin Perkins and 25 I spent considerable time trying to locate any other</p> <p style="text-align: center;">Page 13</p> | <p>1 review in light of the significance of the information 2 in the file having not been recognised in her report to 3 senior figures within Church House and to the 4 commissaries on 15 May 2012. 5 "Bishop John Gladwin, one of the commissaries, 6 replied to Elizabeth on 18 May 2012 that he would like 7 to know what Roger Meekings saw in the file and 8 suggested that they follow this up. 9 "Elizabeth replied on 19 May 2012 suggesting fairly 10 strongly that I should be involved with this meeting due 11 to the potentially difficult explanations for what had 12 occurred and the need for a detailed knowledge of 13 the processes. 14 "Bishop John replied to Elizabeth on 20 May 2012 15 stating 'I am happy for Rupert and I to talk with Roger 16 should that be needed. I am not sure I would include 17 anyone else at this point'. I took this as a clear 18 indication that the commissaries did not want me to be 19 involved with this. 20 "This view was strengthened when the 21 following January I was at a national church 22 safeguarding conference with all of the DSAs. 23 Rupert Bursell, one of the commissaries, was there to 24 present the findings from the visitation. I approached 25 him during the conference and introduced myself.</p> <p style="text-align: center;">Page 15</p> |
| <p>1 more detailed reports Roger Meekings may have written 2 regarding Peter Ball that may somehow have been missed 3 but we were unable to do so. 4 "I was keen to talk to Roger Meekings about this to 5 try and clarify the situation. I was aware that he was 6 a hugely experienced and well-regarded safeguarding 7 professional and therefore I was searching for an 8 explanation. Reviewing files is often a thankless and 9 difficult task and I could only think there was 10 a genuine reason for Roger not to have highlighted the 11 concerns that I later highlighted in 2012. In addition, 12 I was very aware that I knew the case probably better 13 than any other safeguarding adviser or reviewer at that 14 time because I had had the opportunity to review the 15 Lambeth files in detail which helped to put everything 16 into context. Roger would not have had this insight 17 purely because he was seeing a file in isolation. 18 Having said that, I was still surprised that he hadn't 19 commented on the fact Peter Ball had only received 20 a police caution when there was so much concerning 21 information in the file, that he hadn't highlighted the 22 seriousness of the alleged offending contained within 23 the Brian Tyler report and that he hadn't suggested that 24 there was a need for a further risk assessment. 25 "Elizabeth Hall raised concerns about the past cases</p> <p style="text-align: center;">Page 14</p> | <p>1 I explained to him my role within Operation Dunhill and 2 tried to talk to him about my concerns that the 3 Chichester file, which ultimately had led to 4 Sussex Police re-opening the case, had not been 5 identified in the Chichester past cases review. It was 6 clear that he did not want to talk to me about it and 7 I found his response unhelpful. He told me that it had 8 not been in the remit of the visitation to consider the 9 merits or otherwise of the past cases review." 10 Chair and panel, I will now move to paragraph 155 of 11 Kate Wood's statement, which is at page 32: 12 "Diocese of Chichester. 13 "I have been asked to what extent I was aware of 14 the problems in the Diocese of Chichester and the 15 complaints raised by Shirley Hosgood. This would have 16 been in 2010, as I believe Shirley Hosgood left her role 17 as DSA at the end of 2010. 18 "I was aware that Shirley Hosgood's working 19 relationship with Wallace Benn was becoming untenable. 20 She felt that he had lied to her and on occasions had 21 withheld safeguarding information from her. I didn't 22 know Shirley Hosgood very well and my only real contact 23 had been on the phone to her discussing the Peter Ball 24 case and on a couple of occasions when we had met, 25 again, I believe, to discuss the Peter Ball case.</p> <p style="text-align: center;">Page 16</p> |

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| <p>1 However, in the latter stages when we spoke on the phone 2 she did sound utterly exasperated with Wallace Benn and 3 I can remember listening to her frustration and 4 encouraging her to continue what she was doing in 5 raising her concerns about him. 6 "I really was only a temporary sounding board to 7 Shirley Hosgood. I think she was professional in how 8 she was dealing with an incredibly difficult situation 9 but I was not in a position to be able to formally 10 assist her. I was an independent consultant who at that 11 time only had a very limited role at Lambeth Palace as 12 the past cases review had finished, and was working for 13 different dioceses. I was aware that she had support 14 from members of her safeguarding advisory panel. 15 "In January 2011, after Shirley Hosgood resigned, 16 I was asked by the Diocese of Chichester to cover the 17 DSA role until the recruitment of a permanent adviser. 18 I can recall being very unsure of whether to accept it 19 as I knew how stressed Shirley Hosgood had been over the 20 past few months and I knew that picking up the pieces 21 from her abrupt departure would be difficult, 22 particularly due to the circumstances of her departure. 23 I was anxious about the atmosphere I would find and how 24 receptive the diocese would be generally to a temporary 25 safeguarding adviser.</p> <p style="text-align: center;">Page 17</p> | <p>1 with the ongoing cases in the limited time I had 2 available. 3 "I felt that the attitude in general to safeguarding 4 in the diocese was an acknowledgement that things had 5 gone wrong and that there needed to be significant 6 changes. I felt that I was pushing against an open door 7 when I raised issues and it was my belief that 8 Shirley Hosgood's resignation and the reasons for it had 9 shaken many people. I felt that senior clergy listened 10 to me and that the role of DSA was respected. I cannot 11 comment on whether this may have been different if 12 Wallace Benn had continued with his safeguarding 13 responsibilities as I had virtually no contact with him. 14 "I had no knowledge of any CDM complaint being 15 considered against Wallace Benn during my time covering 16 the DSA role. In fact, even now, I am not sure at what 17 point the process began. However, a few months after 18 I left my temporary role at Chichester, I was asked if 19 I would assist members of the safeguarding advisory 20 group with their work bringing a complaint against 21 Wallace Benn. My role was purely to complete detailed 22 chronologies for a few specific cases. Within my 23 chronologies, I highlighted any issues which I felt 24 needed further investigation and those which 25 particularly caused me concern about the safeguarding</p> <p style="text-align: center;">Page 19</p> |
| <p>1 "However, I did agree to take on the role but on 2 a limited number of hours a week due to my other work 3 commitments. I remained in this post until the end 4 of May 2011, at which point Colin Perkins took over the 5 role of DSA. 6 "When I took on the role, I met with the Venerable 7 Philip Jones who explained to me that Wallace Benn had 8 now been removed from all safeguarding issues and that 9 Philip would be the member of senior clergy with 10 safeguarding responsibility. 11 "Philip asked me to focus on the ongoing 12 safeguarding cases and any new cases and to try and 13 establish some stability and calm in this role at what 14 was clearly a difficult time. 15 "To assist with the ongoing cases, Philip gave me 16 a list of cases and short summaries which had been 17 discussed at the most recent safeguarding advisory 18 group. I do not have a copy of this list but, when 19 I left this role, I gave an updated list to my successor 20 Colin Perkins. 21 "I frequently met with Philip and on occasion met 22 with Bishop John Hind. Philip was hugely supportive and 23 I could tell was appreciative of the help I was able to 24 give after what must have been a difficult time for him. 25 He was very safeguarding aware and we made good progress</p> <p style="text-align: center;">Page 18</p> | <p>1 practice of Wallace Benn. I believe I completed these 2 in November 2011, but I cannot recall the details of 3 the cases or issues. 4 "I have been asked to comment on the decision not to 5 suspend Wallace Benn in relation to an email I sent 6 in September 2012." 7 Paul, can I ask that page 1 of this document please 8 be placed on the screen. The URN is ACE006690. 9 Kate Wood says: 10 "Having heard of the chronologies in 2011, I felt 11 that that would have been sufficient grounds to suspend 12 Wallace Benn for the apparent poor safeguarding practice 13 and management on a number of occasions. I was 14 therefore surprised to be informed that legally the 15 diocese was unable to suspend him." 16 Thank you, Paul, that can be taken off the screen: 17 "My involvement in the Gordon Rideout investigation 18 is documented in a police witness statement taken from 19 me by Sussex Police in May 2012. My concerns that the 20 historical allegations may not have been fully 21 investigated and my opinion that he posed a risk to 22 young people are contained in a report I wrote at the 23 end of my time as DSA at the Diocese of Chichester, 24 which I submitted to Bishop John Hind. This report was 25 dated 31 May 2011.</p> <p style="text-align: center;">Page 20</p> |

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| <p>1 "The case of Gordon Rideout had already caused 2 concern before I started my temporary role and 3 Shirley Hosgood had written a summary report to the 4 members of the risk assessment subgroup of 5 the safeguarding advisory group. Following their 6 advice, Mr Rideout's PTO was withdrawn. When I started 7 with the diocese in January 2011, consideration was 8 being given as to whether Mr Rideout should be allowed 9 to return to ministry with a restricted PTO. 10 "I expressed my concern to Philip Jones about 11 Mr Rideout returning to any form of ministry and he 12 agreed that I should make some more enquiries. I did 13 this with the assistance of Ed Hick, a Sussex Police 14 child protection manager at the time and also a member 15 of the advisory group. 16 "Following our enquiries, I was even more concerned 17 at the limited previous investigations. It seemed to me 18 that the 1972 Royal Military Police investigation had 19 been limited; that subsequent allegations made in 1972 20 relating to incidents in the 1960s had not been 21 investigated at all; and that the 2002 Sussex Police 22 investigation was potentially dealt with in isolation. 23 "I was also concerned at the support being given to 24 Mr Rideout by the executive head teacher of Bishop Bell 25 Church of England School (Terry Boatwright) where</p> <p style="text-align: center;">Page 21</p> | <p>1 potential risk that Mr Rideout posed but I did also 2 share my concerns about the role Wallace Benn had in 3 supporting Mr Rideout. Although I was not aware at the 4 time of the meeting with Bishop Hind, I did later become 5 aware that Bishop Benn had potentially withheld relevant 6 information from Shirley Hosgood. This concern related 7 to an incident in which a CRB disclosure regarding 8 Mr Rideout and letters from Sussex Police were received 9 by the Lewes area office on 6 September 2010. These 10 documents contained information about the allegations 11 from 1972 and the police investigation of 2002. This 12 should have raised immediate safeguarding concerns and 13 should have resulted in an immediate referral from 14 Wallace Benn to Shirley Hosgood. However, I understand 15 that this did not happen. I subsequently found out that 16 Ian Gibson, the diocesan bishop's chaplain at the time, 17 provided Baroness Butler-Sloss a written report of 18 a conversation he witnessed between Wallace Benn and 19 Bishop Hind at the conclusion of a senior staff meeting, 20 which also took place on 6 September 2010. Ian Gibson 21 stated that he witnessed Wallace Benn speak to 22 Bishop Hind about the blemished CRB of Mr Rideout, which 23 had arrived in the Lewes area office that day. Gibson 24 told Baroness Butler-Sloss: 'He asked Bishop John if he 25 could not disclose the information to the safeguarding</p> <p style="text-align: center;">Page 23</p> |
| <p>1 Mr Rideout remained the chair of governors. 2 Mr Boatwright had appeared to give Mr Rideout his full 3 support, dismissing the historical allegations. 4 Although I do not know how much Mr Boatwright did in 5 fact know about the Rideout allegations, it appeared to 6 me that Mr Boatwright may not have been in possession of 7 the full facts of the case. I wanted reassurance that 8 Mr Boatwright was aware of the fact that the church were 9 reassessing the case based on the allegations detailed 10 in the CRB disclosure and so I suggested that the 11 diocese should share the information with him and stress 12 to him the seriousness and extent of the allegations. 13 "I submitted my report to Bishop John Hind and met 14 with him a week later. I recall it being a difficult 15 meeting on account of the fact that Bishop Hind needed 16 more convincing to accept my proposal that he should 17 withdraw Mr Rideout's PTO than I had initially 18 anticipated and that I needed to persuade him of 19 the potential risk I felt Mr Rideout posed. Bishop Hind 20 did listen to my advice and my successor Colin Perkins 21 and Philip Jones later visited Mr Rideout to explain the 22 reasons why his PTO was being withdrawn. Soon after 23 this, a Sussex Police investigation of Mr Rideout and 24 other clergy, Operation Perry, was commenced. 25 "The focus of my meeting with Bishop Hind was the</p> <p style="text-align: center;">Page 22</p> | <p>1 adviser for the diocese as "he is a friend and much 2 respected person". In my opinion, this appeared to be 3 a blatant attempt from Bishop Benn to withhold 4 information from his DSA about a friend about whom there 5 were identified serious safeguarding concerns. 6 "At the end of 2015, I was asked by Jane Dodds, the 7 then national casework manager, to assist her with an 8 assessment of the past cases review of 2008-2009. My 9 understanding of the purpose of the assessment was that 10 it was to analyse how effective the past cases review 11 process had been and whether there was a need to revisit 12 the process nationally and/or in specific dioceses. 13 "It had been decided that in the first instance 14 there would be a screening process whereby all DSAs 15 would be asked a series of questions about how the 16 review was conducted in their dioceses. The questions 17 were set out within the past cases review screening 18 questionnaire pro forma." 19 Paul, at this stage, can I please ask that pages 1 20 to 8 of that document be placed on the screen. The URN 21 is ACE025945. Chair and panel, it can also be found 22 behind tab B3 of the read bundle. Moving to 23 paragraph 176 at page 37 of Kate Wood's statement: 24 "My role was to conduct an initial telephone 25 interview with every DSA following the questions above</p> <p style="text-align: center;">Page 24</p> |

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| <p>1 and from that give a general assessment of the PCR. On 2 the basis of certain criteria relating to my assessment 3 of the independence and qualifications of the reviewers, 4 the recording process used and the quality of follow-up 5 action taken, I was then asked to grade the PCR as one 6 of the following categories: 7 "1. High level of concern -- there may be current 8 risk issues. 9 "2. Medium level of concern -- there was action 10 taken but unclear of the quality of action. 11 "3. Low level of concern -- there is clear evidence 12 that the PCR was carried out according to the protocol. 13 "I then provided evidence from which I had based my 14 assessment and suggested next steps. A questionnaire 15 pro forma was completed for each interview conducted. 16 "Towards the end of the process, I left the role to 17 take up a new post but, before doing so, met with 18 Jane Dodds to discuss my findings. Jane Dodds 19 documented these findings and then completed the 20 remaining interviews. I did not see this report and 21 I do not have a copy. I am aware that 22 Sir Roger Singleton, who was commissioned by the 23 national safeguarding team, subsequently evaluated the 24 screening process and has produced a report of his 25 findings.</p> <p style="text-align: center;">Page 25</p> | <p>1 a chancellor of various dioceses and you are also 2 Queen's Counsel and a retired senior circuit judge. 3 A. That's right. 4 Q. You have been sworn in. You should have a witness 5 statement in front of you. Chair and panel, the URN is 6 ACE025279. That witness statement will be placed on the 7 website, along with the annexes to it and the supporting 8 documentation. 9 Have you had an opportunity to read your witness 10 statement recently? 11 A. I have, thank you. 12 Q. Is it true, to the best of your knowledge and belief? 13 A. It is. 14 Q. Thank you very much. The panel have your witness 15 statement, and I won't be going through it line by line, 16 but just to briefly explain your background, 17 I understand you have a doctorate in philosophy with 18 a thesis in ecclesiastical law? 19 A. Yes. 20 Q. You pursued two dual careers -- one as a barrister and 21 then Queen's Counsel and then a circuit judge, alongside 22 being a non-stipendiary cleric; is that correct? 23 A. Yes. 24 Q. You subsequently served as diocesan chancellor of 25 the Diocese of Durham, but you have also been the</p> <p style="text-align: center;">Page 27</p> |
| <p>1 "I have been asked if there are any other matters 2 I consider to be relevant to the scope of 3 the Anglican Church investigation and the Chichester 4 Diocese case study. The only point I wish to make on 5 this is to recognise how, over the past two or three 6 years, the level of resources available to safeguarding 7 at a national level, and at Lambeth Palace, has 8 increased significantly and the procedures now in place 9 are significantly improved. This is reassuring, not 10 just for the ability of the church to respond to the 11 complex national safeguarding cases, but for the 12 well-being of staff." 13 Chair and panel, that concludes Kate Wood's witness 14 statement. I now hand back to Fiona Scolding. 15 THE CHAIR: Thank you, Ms McCaffrey. 16 MS McCAFFREY: Thank you very much. 17 MS SCOLDING: Good morning, chair and panel. We now have 18 our first oral witness of the morning, who is 19 Dr Rupert Bursell. 20 DR RUPERT BURSELL (sworn) 21 Examination by MS SCOLDING 22 MS SCOLDING: Dr Bursell, you have a large number of titles, 23 but for these purposes, I will call you Dr Bursell, but 24 just for the purposes of the record, you are or were -- 25 you are an emeritus canon, you also have been</p> <p style="text-align: center;">Page 26</p> | <p>1 chancellor of St Albans, Bath and Wells and Oxford. Can 2 you maybe explain, what is a diocesan chancellor? 3 A. The diocesan chancellor is the judge of the diocese. 4 It's primarily concerned with faculty jurisdiction, 5 which is whether things can be added or taken away from 6 consecrated buildings or environs, such as the 7 churchyards. But also, I was the official principal, 8 and that would mean I would give, if asked, advice on 9 legal matters to the bishop, but also I would be 10 concerned with giving common licences for marriage, 11 which are the equivalent of banns. 12 Q. You have also been a member of the Legal Advisory 13 Commission of the General Synod of the Church of England 14 since 1990 and its chairman since 2007? 15 A. That's right. 16 Q. You have also contributed to a number of academic or 17 practitioner texts, including "Halsbury's Laws of 18 England", which, for those of you who are nonlawyers 19 might not know, are the sort of standard texts on 20 everything, as well as the volume on ecclesiastical law 21 in "Atkin's Court Forms", which, again, is the Bible for 22 court precedents. You are also the author of a book 23 called "Liturgy, Order and the Law"; is that correct? 24 A. That's right, yes. 25 Q. I also wanted to identify that you have indicated within</p> <p style="text-align: center;">Page 28</p> |

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| <p>1 your witness statement that you, yourself, were a victim 2 of child sexual abuse, albeit not clerical sexual abuse? 3 A. That is true. 4 Q. Now, you were appointed to be one of the commissaries, 5 as I understand it, for the visitation; is that correct? 6 Is my nomenclature correct? 7 A. It is. 8 Q. For the Archbishop's Visitation. Can I identify, what 9 is a visitation and what purpose was it to serve? 10 A. To describe a visitation is very difficult, because 11 there hadn't been an archepiscopal one for about 12 120 years. But in essence, it meant that the 13 jurisdiction of the bishop within the diocese was 14 withheld for the relevant period in relation to the 15 relevant topic, in this case safeguarding. It was 16 a difficult problem because we had no coercive powers to 17 take evidence, save possibly in relation to the clergy. 18 Q. The terms of reference for your visitation are set out 19 at paragraph 14 of your witness statement. Paul, if we 20 could maybe get that up, ACE025279_002 and 003. 21 The terms of reference firstly appoints yourself 22 and, I understand, along with your colleague, the Right 23 Reverend John Gladwin, who I understand was a serving 24 bishop at that time -- 25 A. No, he was recently retired.</p> <p style="text-align: center;">Page 29</p> | <p>1 A. It is, in effect, what I just said: that it inhibited 2 the diocesan bishop in the relevant matter. 3 Q. Okay: 4 "The visitation shall commence with immediate 5 effect." 6 So it's the only way the archbishop can seek to 7 exercise some form of authority and -- 8 A. Other than moral authority, yes. 9 Q. Yes, legal authority. Ecclesiastical legal authority 10 rather than moral authority? 11 A. Yes. 12 Q. So I am assuming that both yourself and the 13 Right Reverend Gladwin were somewhat at sea as to 14 precisely what it was you were meant to be doing as part 15 of the visitation, or were you clear? How did you get 16 together and work out, "What is it that we are going to 17 do to make this process work"? 18 A. I'm not sure that I recall after so many years. We were 19 concerned -- we knew that there had been a great number 20 of problems in relation to safeguarding in the diocese. 21 We knew that there were a number of high-profile cases 22 coming up in the Crown Court. We understood our duty to 23 try and work out what had gone wrong and what could be 24 done to put it right. 25 Q. So you did that -- and I understand you set this out at</p> <p style="text-align: center;">Page 31</p> |
| <p>1 Q. Your terms of reference are: 2 "Directs that during the period of the visitation 3 all issues relating to safeguarding shall be dealt with 4 solely by those persons to whom the archbishop may, from 5 time to time, make delegation in writing and by no 6 other." 7 I understand that in reality that ended up 8 continuing to be Bishop John Hind; is that right? 9 A. Until February, I think, and when he retired. 10 Q. Then after that point, can you remember whom -- 11 A. Bishop Mark Sowerby. 12 Q. Then it identifies: 13 "Mandates that the visitation shall be limited in 14 its scope to: 15 "Examining the progress made in the implementation 16 of and actions taken upon the 2009 diocesan safeguarding 17 guidelines and the current House of Bishops' guidelines 18 and the recommendations made by Baroness Butler-Sloss in 19 her report dated 19 May 2011; and 20 "Making such further recommendations as may appear 21 necessary and expedient. 22 "4. Directs that during the period of 23 the visitation the inhibition provided by Canon G5 24 paragraph 2 ..." 25 Do we need to know what Canon G5 paragraph 2 is?</p> <p style="text-align: center;">Page 30</p> | <p>1 paragraph 19 of your witness statement -- by reading 2 relevant documents, interviewing various people and 3 discussing the safeguarding situation with the Bishop of 4 Horsham, who would have been Mark Sowerby? 5 A. Yes. 6 Q. The diocesan safeguarding officer -- would that have 7 been Colin Perkins? 8 A. It would. 9 Q. And the diocesan secretary -- would that have been 10 Angela Sibson? 11 A. It was. 12 Q. Can you assist the inquiry by describing which documents 13 you reviewed? 14 A. I'm afraid I can't. We looked at a large number of 15 documents -- the safeguarding protocols. We were shown 16 a great number of documents. 17 Q. Did you also have a chance to read what's now known as 18 the blue files? 19 A. We certainly didn't read all the blue files. 20 Q. No. 21 A. We read the blue files in relation to the clergy who 22 were coming up before the Crown Court. We also read the 23 blue files in relation to Bishop Ball in Lambeth Palace. 24 Q. Paul, could you put up ACE025146, behind tab 2, chair 25 and panel, of your bundle. This is a list of those you</p> <p style="text-align: center;">Page 32</p> |

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| <p>1 interviewed for the visitation? 2 A. I can't be certain that it's complete. 3 Q. No. 4 A. But those were the prime people, yes. 5 Q. By "Sir Richard Singleton" at 18, do, in fact, you mean 6 Sir Roger Singleton? 7 A. Probably, yes. The safeguarding expert, yes. 8 Q. Yes. 9 A. I beg his pardon. 10 Q. No, that's fine. I just wanted to check. So in fact, 11 you interviewed the vast majority of individuals from 12 whom we have received oral evidence, but also a number 13 of other individuals who were involved in safeguarding 14 at the time in question; that's correct, isn't it? 15 A. (Witness nods). 16 Q. Your visitation began at the end of 2011. I think the 17 terms of reference were finalised on or around 18 20 December. You then produced an interim report 19 in August 2012. Why did you decide to publish an 20 interim report? 21 A. First of all, there was a new bishop coming in, but, 22 secondly, and perhaps more importantly, we were made 23 aware that there were questions about further Clergy 24 Discipline Measures being brought against Bishop Benn, 25 Bishop Nicholas Reade and possibly also</p> <p style="text-align: center;">Page 33</p> | <p>1 Q. At paragraph 23 of your witness statement, if it would 2 assist you, Dr Bursell, you identify it was also 3 circulated -- this is ACE025279_005. It was also 4 circulated to Stephen Slack and the new Bishop of 5 Chichester, the Reverend Martin Warner? 6 A. Yes, that's quite right. 7 Q. Were all those individuals allowed to make 8 representations on part of the draft interim report? 9 A. I'm not sure "allowed" is the right word. We certainly 10 received certain suggestions, but through 11 Christopher Smith. 12 Q. Can I ask, why didn't you ask -- 13 A. Sorry, may I add something? 14 Q. Yes. 15 A. There was certainly at least one email and some 16 documentation that we received, but through 17 Christopher Smith. 18 Q. In particular, did any changes result from the 19 representations that were made by various individuals? 20 A. There was certainly -- 21 Q. To the best of your recollection. 22 A. There was certainly one. The additional -- in relation 23 to the Compensation Act 2008. It was drawn to our 24 attention by Stephen Slack, and I confess that I had 25 overlooked it, if I ever knew about it.</p> <p style="text-align: center;">Page 35</p> |
| <p>1 Bishop John Hind. We felt that if we published a final 2 report and that was then to come into the public domain, 3 we'd just look stupid. 4 Q. We have copies of both your interim report and final 5 report. Your final report was published in April 2013, 6 but it may be said that your interim report contained 7 the majority of recommendations which then went on to 8 make the final cut, so to speak? 9 A. I agree. 10 Q. We will come to the conclusions of the report in 11 a moment, but just before we explore those, could you 12 help us, please, by clarifying, what was the process by 13 which the finalised interim report was produced? Whom 14 did you show it to in draft form, in effect? 15 A. We certainly sent it to Christopher Smith, who was the 16 archbishop's personal secretary. He, I believe, showed 17 it to Sir William Fittall. 18 Q. Who was Sir William Fittall at the time? I understand 19 he was secretary general of the General Synod? 20 A. General Synod, that is right. He also showed it to the 21 then Bishop of Southwell and Nottingham, 22 Bishop Paul Butler. 23 Q. Paul Butler, yes. 24 A. I can't at the moment remember who else may have seen 25 it.</p> <p style="text-align: center;">Page 34</p> | <p>1 Q. If I can just identify, I think in fact it is the 2 Compensation Act of 2006? 3 A. Could be. 4 Q. What it does say in express terms is, in effect, that 5 apologising is not an admission of liability, and it 6 also identifies various factors so that the judiciary 7 and everybody don't elevate minor matters into breaches 8 of the duty of care and negligence? 9 A. That's right. We also amended it to agree that, 10 although we had made certain suggestions, there might be 11 other ways of reaching the same desired conclusion. 12 Q. I understand at paragraph 23 in your last sentence you 13 said: 14 "I did not accept the legal office's interpretation 15 of Canon C8 ..." 16 We have a copy of Canon C8. It is not in your 17 bundle, chair and panel. This is a canon concerning 18 ministers exercising their ministry. I don't know 19 whether or not it can be got up or placed on the 20 overhead projector. Thank you very much, Paul. 21 Could you inform us which portion of C8 yourself and 22 Mr Slack were having a discussion about -- shall I put 23 it that way? -- and what the different views were? 24 A. Mr Slack took the view that because of the drafting of 25 the Canon, it would be possible for some clergy to take</p> <p style="text-align: center;">Page 36</p> |

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| <p>1 services without either having a licence or a permission 2 to officiate. I took the view that that was quite 3 wrong, that although it wasn't very well drafted, the 4 whole basis of church law is that no cleric should do 5 any clerical matter without a licence or permission to 6 officiate, and certainly, if I had been a judge sitting, 7 that was the way that I would have interpreted it, and 8 I still take that view. But it's now been amended to 9 take it beyond doubt, I think. 10 Q. So there was a dispute as to when permission to 11 officiate would or wouldn't need to be granted for those 12 clergy who were retired, in effect? 13 A. Yes. 14 Q. As I understand it as well, while we are on this topic, 15 there was some discussion yesterday from Bishop Wallace 16 and also some discussion from Bishop John, and in fact 17 I raised the issue about whether or not, if you were 18 performing communion on oneself, so to speak, or 19 undertaking mass alone, one would need permission to 20 officiate, and I understand, as a venerable 21 ecclesiastical lawyer, you have a view about the 22 legality or otherwise of that particular action? 23 A. I'm not sure I accept "venerable". I have absolutely no 24 doubt that in church law -- in Anglican church law, it 25 is illegal for a priest to say mass alone.</p> <p style="text-align: center;">Page 37</p> | <p>1 to it in the hard copy, I would find it easier. 2 Q. Of course. It is internal pagination number, 3 Canon Bursell, I think it is the same internal 4 pagination. So your recommendations are at page 41 of 5 the internal pagination which is central, centre of 6 the page at the bottom of the page. 7 A. Yes, I have it. Thank you. 8 Q. So you have, in effect, four pages of recommendations in 9 respect of the diocese, and then at page 45, Paul, 10 OHY000185_045, there is a page and a half of 11 recommendations in respect of the national church? 12 A. Yes. 13 Q. You also provided some very practical assistance by, in 14 effect, suggesting changes as well at pages 33 through 15 to 40 about amendments that you felt needed to be made 16 to the national guidance which was issued at that 17 particular point in time. 18 A. Yes. I believe that that has been done. 19 Q. Yes, I believe that much of -- well, certainly I believe 20 much of what you recommended has been done -- 21 A. Yes. 22 Q. -- and has been implemented. We will obviously ask 23 other of the clergy witnesses about how that has been 24 done. 25 I don't think I need to take you through the</p> <p style="text-align: center;">Page 39</p> |
| <p>1 Q. So it wouldn't be possible to say, "Well, I don't need 2 to grant PTO" -- I'm thinking in particular of 3 the Reverend Cotton and the discussions I had with 4 Bishop Wallace yesterday about the fact he was only 5 going to be ministering in a nursing home really for his 6 own benefit, to take communion for his own benefit, it 7 wouldn't have been possible for him to do that lawfully? 8 A. In law, no. I have no doubt about that whatsoever. 9 Q. That, as I understand it, comes from the rubrics of 10 the Book of Common Prayer? 11 A. Part of the Reformation was to stop single masses. 12 Indeed, if one then looks at the rubrics of the Book of 13 Common Prayer, it does say that two or three should be 14 present. 15 Q. We have a copy of the interim report. Paul, would you 16 mind getting it up? It's OHY000185. Chair and panel, 17 for a reason why escapes all of us, it doesn't appear to 18 be in your bundle. But we do have copies of it in 19 various other places. So the recommendations are set 20 out in OHY000185_041. These are the recommendations in 21 respect of the Diocese of Chichester, and there are four 22 pages' worth of recommendations that you make. At 045, 23 you also make recommendations about -- 24 A. I'm terribly sorry, I find the screen very difficult. 25 I have difficulties with my eyes. If you could take me</p> <p style="text-align: center;">Page 38</p> | <p>1 entirety of your report, which is of some length, but 2 I wanted just to deal with some of the conclusions that 3 you reached and for you to just explain briefly why you 4 reached those conclusions. 5 The first identification is that you commented that 6 the authorities, by which I think you mean the dioceses, 7 but also maybe other authorities as well, were very slow 8 to recognise what was happening and were very slow to 9 deal with allegations of sexual abuse. Why did you 10 reach that conclusion? 11 A. Could you take me to the -- 12 Q. Paragraph 30 of your witness statement. ACE025279_007. 13 A. Yes. That was over the years -- 14 Q. Right. 15 A. -- starting with Bishop Eric Kemp. 16 Q. You considered that that slowness continued, despite the 17 fact that there had been a number of allegations made 18 against various priests within the context of 19 the diocese? 20 A. Excepting, of course, that it's often very difficult to 21 pinpoint who are the offenders. Nonetheless, the number 22 of cases that have come out, and are still coming out, 23 of Chichester I think bears out what we say. 24 Q. You say halfway down that paragraph: 25 "It is my belief that the dysfunction within the</p> <p style="text-align: center;">Page 40</p> |

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| <p>1 diocese, coupled with the strong evangelical and 2 Anglo Catholic bases within the diocese which tended to 3 sideline those from more of a middle-of-the-road 4 churchmanship, distracted the senior clergy from the 5 urgency of safeguarding matters, an urgency which 6 (I regret) the church has been slow to embrace in any 7 event, particularly amongst the older clergy. Hence the 8 failure to act with the necessary rigour and 9 expedition." 10 Can I ask you, we have asked obviously various 11 members of the different churchmanship factions, 12 I suppose, within the church, or wings, I think would be 13 more appropriate than factions, within the church, about 14 what being an evangelical means and what being an 15 Anglo Catholic means. So I think we have quite a good 16 understanding of that. But why does the meeting of 17 those two bases -- why did that cause particular 18 problems in the context of Chichester? 19 A. Are you referring to their opposition to the ordination 20 of women to the priesthood? 21 Q. No. I'm just wondering why that may have caused 22 dysfunction? 23 A. Because that's where the meetings of mind between the 24 two were. 25 Q. I was going to say, they both opposed the ordination of</p> <p style="text-align: center;">Page 41</p> | <p>1 Was it therefore your view -- I'm assuming it was -- 2 that, at the time, you didn't consider that safeguarding 3 was placed at the forefront of the diocesan agenda? 4 A. That was our view. 5 Q. "... this also necessitated a clear and enforced 6 training programme not only amongst the clergy, but also 7 amongst the laity." 8 What conclusions did you reach about the quality and 9 quantity of training that both clergy and laity received 10 as a result of the information you learnt during the 11 visitation? 12 A. We had no doubt that the work that Colin Perkins was 13 doing was of enormous importance and that he was doing 14 very well. It was clearly limited by finance. His time 15 was also taken up enormously not only with the cases 16 coming before the Crown Court, but also with trying to 17 get together the sort of protocols which are now being 18 brought out by the national church. He certainly was 19 carrying out training programmes. Nonetheless, we were 20 told that there were a number of clergy and parishes who 21 were resistant to that training. 22 Q. You also say further on at paragraph 33: 23 "Part and parcel with [the fact that there was 24 a lack of training] was what was reported to us as 25 a tendency to believe the abusing cleric rather than the</p> <p style="text-align: center;">Page 43</p> |
| <p>1 women, albeit from different theological viewpoints? 2 A. Precisely. 3 Q. But you seem to suggest there -- you say: 4 "It is my belief that dysfunction within the 5 diocese, coupled with [two very strong opposing views so 6 that the middle-of-the-road churchmanship was squeezed 7 out]." 8 Why would that have caused problems in respect of 9 safeguarding? Was it just because of the personalities 10 involved or ...? 11 A. No, I think it is more than that. We had a certain 12 number of representations that the middle-of-the-road -- 13 those holding middle-of-the-road churchmanship, which 14 would tend to be those who supported the ministry of 15 women, were being left out of it. It meant that the 16 concentration was on this disagreement fundamental to 17 the priesthood and taking the concentration away from 18 the safeguarding matters which were equally, if not 19 more, important -- no, were more important. 20 Q. You say at paragraph 33, which is on the next page, 21 Dr Bursell: 22 "The radical change of culture which we believed 23 needed to occur was primarily in relation to the 24 absolute necessity of placing safeguarding at the 25 forefront of the diocesan agenda ..."</p> <p style="text-align: center;">Page 42</p> | <p>1 victim/survivor; this was partly through loyalty to 2 longstanding friends or colleagues ... and partly due to 3 the time lapse between the alleged abuse and its 4 disclosure. I have no direct evidence as to the extent 5 that such a culture was prevalent in other dioceses, but 6 it is my impression, from what was explained to us, that 7 it has in fact been so." 8 This is a perennial problem and it is something 9 which the diocese has had to deal with more recently 10 than your visitation. Do you have any views as to what 11 could be undertaken to try to change this mind-set, 12 which is obviously very damaging to victims and 13 survivors, and to the diocese? 14 A. I think this view goes outside the church. Certainly 15 when I was a judge, I found the same sort of problems 16 dealing with sexual abuse cases. But as far as the 17 church was concerned, I'm sure it's a matter of 18 training, I'm sure it's a matter of teaching coming down 19 from the top, but also from the theological colleges. 20 Q. Can I now ask, at paragraph 34, you then identify that 21 the diocese -- a term you have used before, 22 dysfunctional -- in fact, that was a term I understand 23 Bishop John used to you? 24 A. He did, yes. 25 Q. That was because -- you identified that:</p> <p style="text-align: center;">Page 44</p> |

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| <p>1 "This seems to have led to ..."</p> <p>2 At the bottom of paragraph 34:</p> <p>3 "... mistrust amongst the senior team."</p> <p>4 A. Yes.</p> <p>5 Q. Ian Gibson within his report -- I'm putting this to you</p> <p>6 by Bishop John Hind who is represented by Winckworth</p> <p>7 Sherwood. Ian Gibson, within his witness statement at</p> <p>8 paragraph 71, took issue, and takes issue, with the</p> <p>9 reference in the interim report to the dysfunctionality</p> <p>10 within the Chichester Diocese. His view is that, once</p> <p>11 Shirley Hosgood, who was the diocesan safeguarding</p> <p>12 adviser, and Francesca Del Mese, who was the diocesan</p> <p>13 secretary, with whom Shirley and Francesca,</p> <p>14 I understand, had a difficult relationship -- the only</p> <p>15 dysfunctional element was the relationship between</p> <p>16 Bishop John and Bishop Wallace and, therefore, that did</p> <p>17 not mean that the entire senior team was dysfunctional.</p> <p>18 Do you have any response to that?</p> <p>19 A. I think he's manifestly wrong. I think the whole of our</p> <p>20 report shows that. If the diocesan safeguarding team</p> <p>21 found it necessary to bring a Clergy Discipline Measure</p> <p>22 against -- a complaint against one of the bishops, it</p> <p>23 shows a complete breakdown in the safeguarding within</p> <p>24 the diocese. I can't think of anything more</p> <p>25 dysfunctional.</p> <p style="text-align: center;">Page 45</p> | <p>1 and learning. He would have been horrified at any</p> <p>2 child abuse. But he was of a generation of clergy,</p> <p>3 including bishops, who tended to put the idea of grace</p> <p>4 and forgiveness above discipline. Therefore --</p> <p>5 Q. I think that's what I was trying to say and you have</p> <p>6 said it so much better than I ever could. So he would</p> <p>7 choose to forgive people rather than necessarily</p> <p>8 discipline them, even when that was possibly necessary?</p> <p>9 A. He might discipline them, perhaps not in the way we</p> <p>10 would do so now, but he would then say, "Well, you have</p> <p>11 said you're sorry. Therefore, it won't happen again".</p> <p>12 I think it is fair to say that he was also of</p> <p>13 a generation and a culture which did not appreciate that</p> <p>14 a paedophile keeps offending.</p> <p>15 Q. Abusing.</p> <p>16 A. Abusing. It is not only the church has been very slow</p> <p>17 to realise that.</p> <p>18 Q. I think other people have said it was a sort of, "Well,</p> <p>19 they won't do it again. It all happened a terribly long</p> <p>20 time ago", without understanding the risk that could be</p> <p>21 posed --</p> <p>22 A. Absolutely. Absolutely.</p> <p>23 Q. You also identified at paragraph 37 a little more about</p> <p>24 training, but identify that one of the problems was the</p> <p>25 fact that training at that point was primarily run at</p> <p style="text-align: center;">Page 47</p> |
| <p>1 Q. Now, you talk again at paragraph 35 about the area</p> <p>2 scheme. Do you think -- we have heard about the area</p> <p>3 scheme from other individuals, so we know the way that</p> <p>4 it worked. Do you think the area scheme contributed to</p> <p>5 difficulties either within the relationship between the</p> <p>6 personalities or in respect of managing safeguarding</p> <p>7 effectively, from what you were told and what you saw?</p> <p>8 A. I think it was a matter of personalities. It may have</p> <p>9 worked well in the time of Bishop Eric Kemp, who was</p> <p>10 a very different personality from Bishop John Hind --</p> <p>11 Q. I understand you knew -- in one of your footnotes,</p> <p>12 I understand you knew --</p> <p>13 A. I did.</p> <p>14 Q. -- Bishop Eric?</p> <p>15 A. Fairly well.</p> <p>16 Q. Various people have indicated various things about</p> <p>17 Bishop Eric's approach to safeguarding. I don't know</p> <p>18 whether or not you feel able to -- I don't wish for you</p> <p>19 to speculate, but, as somebody who knew him, I don't</p> <p>20 know whether or not you have any view about whether or</p> <p>21 not his views in this area would have been progressive,</p> <p>22 shall we say, or maybe rather more conservative in</p> <p>23 nature?</p> <p>24 A. I'm not quite sure what you mean by those terms. What</p> <p>25 I can say is this: he was a man of great spirituality</p> <p style="text-align: center;">Page 46</p> | <p>1 a diocesan level rather than there being a national</p> <p>2 training pack. Now, I understand from a discussion that</p> <p>3 we had this morning that in fact you have undergone the</p> <p>4 new training as part and parcel of your role because you</p> <p>5 have permission to officiate within the Diocese of</p> <p>6 Oxford?</p> <p>7 A. No, I have a licence to officiate.</p> <p>8 Q. A licence to officiate, I apologise. You have a licence</p> <p>9 to officiate in the Diocese of Oxford. So from your</p> <p>10 personal perspective, has the training changed from</p> <p>11 2010/2011 when you saw it in the visitation, and, if so,</p> <p>12 positively or not positively?</p> <p>13 A. We didn't see it in the visitation because we never</p> <p>14 actually went to see it being rolled out. What I can</p> <p>15 say is that, for example, in relation to the senior</p> <p>16 clergy, I went to an initial training programme at</p> <p>17 Guildford, which had a lot of teething problems, but it</p> <p>18 was, as it were, a try-out. I subsequently, within the</p> <p>19 Oxford Diocese, underwent the training for the senior</p> <p>20 clergy which had progressed a long way from that</p> <p>21 original try-out. It still, I thought, had problems.</p> <p>22 Last Monday, I went to the latest, and I thought that</p> <p>23 was absolutely superb.</p> <p>24 Q. That's the training you will hear about later in the</p> <p>25 week, chair and panel, known as C4 training --</p> <p style="text-align: center;">Page 48</p> |

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| <p>1 A. It was very good indeed.</p> <p>2 Q. -- which is the most advanced training for members of</p> <p>3 the senior clergy.</p> <p>4 A. But it was aimed at the senior clergy.</p> <p>5 Q. You also identify within your report of a need for</p> <p>6 a process of truth and reconciliation, and you set this</p> <p>7 out both within your report but also at paragraph 41.</p> <p>8 The inquiry asked you what you meant by that. What did</p> <p>9 you mean by a process of truth and reconciliation?</p> <p>10 A. We certainly didn't mean it in the way it was done in</p> <p>11 South Africa. What we were trying to say is that we are</p> <p>12 absolutely convinced that unless there is complete</p> <p>13 transparency not only about what has gone on, but what</p> <p>14 still may be going on, there can be no end to the</p> <p>15 problems -- I'm not sure there ever will be an end. But</p> <p>16 having said that, we can't begin properly to tackle it.</p> <p>17 As far as reconciliation is concerned, I find this</p> <p>18 very difficult, having been abused myself, because it</p> <p>19 affects whether you can, yourself, forgive. Any abuse</p> <p>20 is unique to the person, as I know the panel will</p> <p>21 understand better than me, perhaps. But until the</p> <p>22 church is prepared properly to apologise, properly to</p> <p>23 acknowledge the faults which have gone past, and are</p> <p>24 shown to be grappling with the ongoing problems, there</p> <p>25 can be no reconciliation, I think, between those who</p> <p style="text-align: center;">Page 49</p> | <p>1 I think until 2016 for the majority of changes to be put</p> <p>2 in place, the recommendations you made have been</p> <p>3 implemented by the church; is that right?</p> <p>4 A. It is right. It is perhaps important that I should say</p> <p>5 that there was a concern that the House of Clergy might</p> <p>6 try to block some of this because they might feel under</p> <p>7 threat. That has not come to fruition whatsoever and</p> <p>8 the House of Clergy has, contrary to that expectation,</p> <p>9 supported it, I think virtually up to the hilt.</p> <p>10 Q. Are you of the view that the Clergy Discipline Measure</p> <p>11 as now amended is fit for purpose in respect of</p> <p>12 safeguarding, or do you still have any residual concerns</p> <p>13 about it?</p> <p>14 A. I have residual concerns.</p> <p>15 Q. What are those concerns?</p> <p>16 A. It's too cumbersome. I have come to the conclusion,</p> <p>17 somewhat reluctantly, that individual bishops should not</p> <p>18 actually have any participation in the machinery. They</p> <p>19 never did so before the coming into the effect of</p> <p>20 the 2003 measure, and I can't see why it is necessary</p> <p>21 that they should now. Indeed, I know a number of</p> <p>22 diocesan clergy who prefer not to.</p> <p>23 Q. Because at the moment, just to explain, they have to</p> <p>24 sort of -- there is a sort of filter stage?</p> <p>25 A. There is a preliminary enquiry. It seems to me that, if</p> <p style="text-align: center;">Page 51</p> |
| <p>1 have been abused by the clergy.</p> <p>2 Q. Do you think that apology has yet come? I mean, at</p> <p>3 various points within synod there have been apologies</p> <p>4 given. From your personal perspective, do you think</p> <p>5 that the apologies which have been given to date are</p> <p>6 sufficient to effect that process of truth and</p> <p>7 reconciliation?</p> <p>8 A. I think they go a long way. The wording of apologies is</p> <p>9 very difficult and how you respond to them depends upon</p> <p>10 the individual.</p> <p>11 Q. Yes.</p> <p>12 A. I think that, unless the apology is actually person to</p> <p>13 person, it may lack -- it lacks something.</p> <p>14 Q. May I turn now to -- you made a number of</p> <p>15 recommendations in respect of amendments to both the</p> <p>16 Clergy Discipline Measure but also in respect of various</p> <p>17 other actions, various other Canon law changes, in</p> <p>18 particular introducing a mandatory power of suspension</p> <p>19 in safeguarding matters extending the time by which an</p> <p>20 individual -- or creating a presumption of an extension</p> <p>21 of time by which an individual could bring an action</p> <p>22 under the Clergy Discipline Measure and also creating</p> <p>23 strengthened guidance and Canons in respect of breaches</p> <p>24 of safeguarding procedure.</p> <p>25 I understand that, largely, although it's taken</p> <p style="text-align: center;">Page 50</p> | <p>1 you have been abused by a cleric, it must be very</p> <p>2 difficult to have confidence in what is going forward if</p> <p>3 a cleric is going to be involved, at whatever level.</p> <p>4 I'm not querying their bona fides, I just don't think</p> <p>5 that that is something that is likely to be. I think</p> <p>6 there are other problems. I think that when there is an</p> <p>7 abusive cleric, it may well be that there are other</p> <p>8 problems in the parish at the same time and there may</p> <p>9 become a muddle, certainly pressures to bear,</p> <p>10 particularly on the diocesan bishop, for other reasons</p> <p>11 to get the cleric out rather than dealing with the</p> <p>12 discipline, which should be entirely separate and should</p> <p>13 go forward.</p> <p>14 Q. So there could be a tendency to say, "Well, would you</p> <p>15 like to take early retirement?" or "Can we move you to</p> <p>16 somewhere where you won't have to work with children"?</p> <p>17 A. Yes.</p> <p>18 Q. Rather than continuing with the disciplinary measure?</p> <p>19 A. I'm afraid I know that that has happened. Also, there</p> <p>20 is a problem which has only fairly recently arisen, and</p> <p>21 it may be a bit technical, but forgive me, at the</p> <p>22 preliminary enquiry stage, the diocesan registrar has to</p> <p>23 advise the bishop whether there is a sufficient</p> <p>24 threshold for the complaint to go forward. It has to be</p> <p>25 more than trivial.</p> <p style="text-align: center;">Page 52</p> |

1 **In a recent lecture by the deputy president of**
 2 **the Clergy Discipline Commission, the deputy president,**
 3 **who together with the president filters it yet again**
 4 **before the matter actually comes before the tribunal,**
 5 **has given a different threshold, namely, the matter**
 6 **should only go forward if it is so serious that the**
 7 **cleric might be removed from office: a rather higher**
 8 **test.**
 9 Q. That's a significantly higher test, because "more than
 10 trivial" is about -- I mean, in lawyer's language, "more
 11 than trivial" is the sort of lowest test, really, isn't
 12 it?
 13 **A. I think the diocesan registrar can say it is more than**
 14 **trivial, if the complaint is found to have been proved,**
 15 **if a rebuke would have been -- which is the lowest**
 16 **penalty, would have been appropriate.**
 17 Q. Yes.
 18 **A. But the deputy president is apparently -- I don't know**
 19 **about the president himself -- applying a different**
 20 **rule. That seems to be dysfunctional. But quite apart**
 21 **from that, I can envisage a case where a cleric might**
 22 **not, for example, have undergone the safeguarding**
 23 **training that he or she is required to undertake; that**
 24 **therefore a complaint is brought under the Clergy**
 25 **Discipline Measure. It seems to me that a rebuke,**

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1 **certainly the first time, would probably be the right**
 2 **penalty. But under the higher threshold, that wouldn't**
 3 **be. That seems to me, frankly, ridiculous.**
 4 Q. So you would identify that there needs to be a clear and
 5 consistent threshold --
 6 **A. Yes.**
 7 Q. -- if there is to be a filter mechanism at all, and that
 8 should be at a low level. So --
 9 **A. Well, low enough so that a rebuke -- because once the**
 10 **clergy find out that the higher threshold is being**
 11 **applied, a naughty cleric is not going to put their**
 12 **hands up. It seems to me human nature, I'm afraid.**
 13 MS SCOLDING: Chair, I note the time. May it be appropriate
 14 to have a short break now?
 15 THE CHAIR: Yes, thank you, Ms Scolding. We will return at
 16 11.30 am.
 17 MS SCOLDING: Thank you very much. I don't think I need to
 18 remind you, but you are under oath, Dr Bursell.
 19 **A. I know not to discuss it with anybody.**
 20 MS SCOLDING: Thank you very much.
 21 (11.16 am)
 22 (A short break)
 23 (11.34 am)
 24 MS SCOLDING: Dr Bursell, before the break, I was about to
 25 move on to the system of permission to officiate --

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1 **A. Before you do, may I add one comment about something**
 2 **that came up earlier?**
 3 Q. Of course.
 4 **A. That is in relation to the permission to officiate to**
 5 **Roy Cotton. We, as commissaries, were aware that that**
 6 **was limited to within the nursing home. We didn't**
 7 **approve of it, but we were given no suggestion**
 8 **whatsoever that it should be in relation to sole**
 9 **celebration of mass, and if we had been told that -- and**
 10 **there was no suggestion of it -- we would have been very**
 11 **forthright indeed.**
 12 Q. Thank you. If we can move on to the same topic which
 13 you identify at paragraph 45 of your witness
 14 statement -- Paul, ACE025279_011 -- it was your view,
 15 and I'm assuming it is still your view, that the
 16 difficulty with permission to officiate is, it's
 17 difficult to police?
 18 **A. Yes.**
 19 Q. And it is practically impossible to enforce, in terms of
 20 any monitoring or any conditions. So, for example, the
 21 Reverend Cotton, to be an example, should only have
 22 ministry within a nursing home. How does one
 23 practically enforce that? Are there any other
 24 observations you wish to inform the panel about from
 25 what you discovered in respect of the management of

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1 permission to officiate within the Diocese of
 2 Chichester?
 3 **A. I'm not sure the church could actually function without**
 4 **permissions to officiate. It's the limitations and**
 5 **conditions which are the problem, particularly if they**
 6 **are kept secret to the priest, him or herself. If you**
 7 **are going to abuse, you ignore the condition and don't**
 8 **tell anybody about the condition. It is possible that**
 9 **those conditions or limitations would be told to**
 10 **neighbouring clergy, but, as I understand it,**
 11 **conditions, perhaps even in relation to Roy Cotton, were**
 12 **verbal and not written. It seems to me that's complete**
 13 **and utter dereliction of what should actually have**
 14 **happened.**
 15 Q. So you agree that there should be -- I mean, because
 16 permission to officiate, as we understand it, in effect,
 17 can be granted at will and, in effect, revoked at will,
 18 subject to an appellate process --
 19 **A. I'm not sure there is an appellate process.**
 20 Q. I think we might hear the fact that -- I think -- well,
 21 yes.
 22 **A. I think there is some debate about it.**
 23 Q. Some debate.
 24 **A. Most bishops do not accept that there is one.**
 25 Q. Subject to that, what is your view about, in cases where

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| <p>1 there are concerns about safeguarding, whether or not 2 permission to officiate should, in effect, not be 3 granted in those circumstances? I know that you say 4 that there's some debate within your sentence -- one of 5 your sentences in paragraph 5, that there is currently 6 a disagreement in the church as to whether those clergy 7 who have been convicted of sexual offences should in any 8 circumstances thereafter be granted -- 9 A. Yes. 10 Q. -- permission to officiate. What is your view about 11 that? 12 A. I don't believe they ever should be. Quite apart from 13 the fact that they may well reoffend, for the reasons 14 which we have already gone into, it seems to me it is 15 a matter of perception, insofar as the victims and their 16 families are concerned. It seems to me that, although 17 one can forgive, one should not forget what has 18 happened, and one should act accordingly. 19 Q. Do you think it is practicable to exercise conditions 20 upon permission to officiate, or do you think it is more 21 sensible, in cases of risk, simply not to grant it 22 rather than to grant it with conditions which are 23 unenforceable? 24 A. It seems to me, when children and vulnerable adults may 25 be at risk, you always act conservatively. Therefore,</p> <p style="text-align: center;">Page 57</p> | <p>1 place without it coming to his knowledge. 2 Q. And that in a -- 3 A. May I add that the diocesan chancellor was aware that 4 this was fallacious, because that diocesan chancellor 5 sat on the Probation Committee, whatever I should call 6 it, and knew that there were abusive clergy in the 7 diocese. 8 Q. Right. And that, in a different diocese, the view had 9 been expressed by the diocesan bishop that the 10 safeguarding of vulnerable adults was too politically 11 correct? 12 A. So we were told, yes. 13 Q. I understand that the church has sought to address this 14 by making it mandatory, firstly, that there is 15 a diocesan safeguarding adviser and, secondly, that that 16 individual has to have social work or relevant 17 background and training, such as probation or police? 18 A. Absolutely right. 19 Q. If I may come back to the fact that not everyone who was 20 criticised in your report necessarily agrees with your 21 critique. I'm asked on behalf of Bishop John to say 22 that one of your conclusions is that the authorities 23 within the diocese were very slow to recognise what was 24 happening. You indicate that your comment was based on 25 a number of factors. One of them is the diocesan</p> <p style="text-align: center;">Page 59</p> |
| <p>1 I personally don't believe they should ever be granted 2 in those circumstances. 3 Q. The last issue that you raise -- we will come on to the 4 issue about the seal of the confessional slightly later. 5 But at paragraph 46 of your witness statement, 012, you 6 were concerned at the time not in fact about the Diocese 7 of Chichester, but about other dioceses, where 8 individuals at that time were acting as diocesan 9 safeguarding officers when you considered they didn't 10 have the appropriate qualifications or training in 11 place. 12 A. Yes. 13 Q. You give two examples: one, the safeguarding officer was 14 the diocesan secretary, who had no experience or 15 qualification in safeguarding? 16 A. As we understood it, yes. 17 Q. And secondly, in another, the safeguarding officer was 18 the registrar? 19 A. Yes. 20 Q. So that's the lawyer, as I -- 21 A. Yes. 22 Q. Yet in another, there was, at that time, no safeguarding 23 officer as the bishop thought the post was unnecessary? 24 A. He thought that because of the type of diocese that it 25 was, there would be no possibility of any abuse taking</p> <p style="text-align: center;">Page 58</p> | <p>1 bishop's failure to respond to the report by 2 Ian Sandbrook. Now, Ian Sandbrook's report, which we 3 haven't gone to before, chair and panel, is ISK000001. 4 Ian Sandbrook was an independent safeguarding expert who 5 was brought in, as I understand it, by Bishop John -- 6 A. No. 7 Q. No? 8 A. We were told that Sandbrook was commissioned by the 9 diocesan secretary, not by the bishop. We were also 10 told, because I think he had been away -- I can't 11 remember why, but he had been away -- that she showed 12 the bishop that report when he came back. He burst into 13 tears and it was never referred to again. 14 Q. So that's why you say the diocesan bishop's failure to 15 respond to the report, because, as you understood it, he 16 hadn't grappled with the contents of it, which in fact 17 were largely positive, about improvements in the 18 diocese? 19 A. That is what we were told. 20 Q. Okay. 21 A. May I say, I also think that we say "in the past". 22 I think the quotation with which you began was not 23 complete. 24 Q. Thank you. 25 I'm also asked on behalf of Bishop Hind to identify</p> <p style="text-align: center;">Page 60</p> |

1 that you identified that safeguarding training had
 2 a tendency to slip. I am asked by those representing
 3 Bishop Hind to put to you WWS000063. Now, this is an
 4 example of a training session from March 2010 which
 5 seems to be shortly -- well, a year before your
 6 particular visitation took place. I think the point
 7 that's being tried to be made is, you identified that
 8 safeguarding training had tended to slip without having
 9 the appropriate evidential foundation, and this, for
 10 example, is just an example of the training which was in
 11 fact taking place at the time?
 12 **A. Well, I don't remember seeing that before it was drawn**
 13 **to my attention by the inquiry. When I looked at it,**
 14 **it's impossible, I think, on the second page to say**
 15 **precisely what was included in that training, and,**
 16 **therefore, it is actually difficult to comment on how**
 17 **thorough or otherwise it may have been. Perhaps it is**
 18 **the third page. But when one looks at it, it is**
 19 **difficult, I think, to say exactly what was said or**
 20 **done. But that which Bishop Gladwin and I learned was**
 21 **almost exclusively from Colin Perkins.**
 22 Q. Thank you. I also wish to identify the fact that --
 23 Paul, if you wouldn't mind getting up -- I understand
 24 that Bishop -- you met with Bishop Wallace?
 25 **A. We did.**

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1 Q. He then wrote a letter, in effect, of complaint?
 2 **A. Well, his solicitors did.**
 3 Q. His solicitors did. Well, his solicitors on his behalf.
 4 **A. Yes.**
 5 Q. -- did so. Paul, could you get the letter up? It is
 6 WPB000049. Chair and panel, we saw this briefly
 7 yesterday.
 8 It fairly roundly criticises you and your fellow
 9 commissary, identifying, firstly, that you have exceeded
 10 the scope of your appointment; secondly, that the nature
 11 of your appointment -- in effect, you have taken it upon
 12 yourselves to sort of go around -- I suppose -- I hate
 13 to use this term, sort of badmouthing various people
 14 without any justification; and, thirdly, in the
 15 production of your report, you have failed to act fairly
 16 and abide by the principles of natural justice. I think
 17 that's because you refused to identify or indicate who
 18 it is you have had various pieces of information from
 19 which made up the conclusions in your report.
 20 Obviously, I want to give you a chance to say what
 21 you wish to say about the contents of this letter.
 22 Firstly, did you formally respond to it, either yourself
 23 or Bishop John Gladwin?
 24 **A. We deliberately did not.**
 25 Q. Secondly, did it lead to changes in the content of your

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1 reports at all?
 2 **A. I don't believe so.**
 3 Q. Because what I am asked to ask you on behalf of
 4 Bishop John and the team at Winckworth Sherwood is that
 5 Bishop Wallace was in effect trying to bully you into
 6 making less critical comments about him and more
 7 critical comments, therefore, about Bishop John by
 8 letters such as this, and that you, in effect, acceded
 9 to that pressure?
 10 **A. That had not even occurred to me until you just put it**
 11 **in that way. It certainly was not our intention. We**
 12 **were aware that Bishop Benn had, in effect, prevented**
 13 **the Meekings Report being published, at least initially,**
 14 **because of threats of defamation. We knew that there**
 15 **were similar threats in relation to Dame Butler-Sloss.**
 16 Q. If I could just identify just for the purposes of
 17 the record, Bishop Wallace said that he didn't ever
 18 threaten anybody with libel, but other witnesses have
 19 said that that was the case and that is what happened.
 20 **A. That is certainly what we understood. We also**
 21 **understood that similar threats were being made by**
 22 **Bishop Benn against Bishop Hind. There is a clear**
 23 **threat of further legal action in the letter to which**
 24 **you have just drawn my attention.**
 25 Q. Yes.

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1 **A. We thought this was part and parcel of an ongoing --**
 2 **perhaps understandable -- campaign by the bishop to**
 3 **fight his corner. But we weren't going to be bullied,**
 4 **to put it simply.**
 5 Q. I am asked by Bishop John's team to show you ACE025158.
 6 Again, this is a further letter which was sent from
 7 Bishop Benn's solicitors, I understand to Mr Rees, who
 8 I believe undertook some sort of legal function in
 9 respect of Lambeth Palace?
 10 **A. He is the provincial registrar. You can't get much more**
 11 **senior than that.**
 12 Q. "I refer to your letter dated 5 July attaching
 13 a document headed 'Note from Commissaries'" -- I'm
 14 afraid I haven't seen this note before this morning, so
 15 I'm going to read it along with you, if I may:
 16 "... and a revised draft of an 'extract' from the
 17 Commissaries' report to the Archbishop of Canterbury."
 18 I should say, I just had overlooked it:
 19 "The comments of the Bishop of Lewes on the revised
 20 'extract' provided by you are set out in the attached
 21 document, which I hope the Commissaries will find of
 22 assistance."
 23 What they are saying is the Bishop of Lewes was
 24 allowed to both look at the extract and to comment upon
 25 its factual accuracy and otherwise and, in effect,

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| <p>1 therefore, was allowed to water down and/or influence</p> <p>2 your proposals and your recommendations and the</p> <p>3 findings?</p> <p>4 A. I have no recollection of this note from the</p> <p>5 commissaries to the Bishop of Lewes, and it certainly</p> <p>6 isn't amongst the documentation which I have passed on.</p> <p>7 Having said that, I'm not saying that there wasn't one.</p> <p>8 Q. There was a note of the meeting which you held. That</p> <p>9 may be what it is that's being referred to?</p> <p>10 A. Possibly.</p> <p>11 Q. There was a note of the meeting which I believe</p> <p>12 Bishop Wallace's solicitors identified. We do have</p> <p>13 a copy of that, if you wish to see it at some later</p> <p>14 point in time, but I don't --</p> <p>15 A. If that's the attendance note --</p> <p>16 Q. Yes.</p> <p>17 A. -- upon which Bishop Benn complains that we were being</p> <p>18 unfair and he left very concerned about it.</p> <p>19 Q. Yes, it's that one.</p> <p>20 A. What I would say about that, I think, is this: first of</p> <p>21 all, it clearly is incomplete. It is only an attendance</p> <p>22 note and the quotations, I think three in number from me</p> <p>23 without any comments from other people, and what I said</p> <p>24 must be read within a context which is now lost.</p> <p>25 I would also say that we made it quite clear, or I made</p> <p style="text-align: center;">Page 65</p> | <p>1 think I can say more than that.</p> <p>2 Q. I'm also asked to ask on behalf of Bishop John's team,</p> <p>3 you identified earlier on today the views -- you said,</p> <p>4 "Ah, is the Anglo Catholicism and the evangelicalism" --</p> <p>5 I don't actually think that's a word -- the evangelical</p> <p>6 wing, I will put it that way, did their views on the</p> <p>7 ordination of women distract from safeguarding, and</p> <p>8 I have been asked to ask you, where is the evidence for</p> <p>9 this? I think you were trying to answer a question</p> <p>10 I was clumsily putting, but I am asking the question and</p> <p>11 asking for your response.</p> <p>12 A. The answer is it was our perception from that which we</p> <p>13 heard. At this late stage, I'm afraid I can't quote</p> <p>14 chapter and verse. I still have no doubt that it was</p> <p>15 right.</p> <p>16 Q. Can I take you now to some comments that Bishop John</p> <p>17 himself has made. Again, I am asking these questions on</p> <p>18 behalf of Bishop John.</p> <p>19 In his witness statement, which should be in the</p> <p>20 bundle in front of you, and, chair and panel in the</p> <p>21 bundle in front of you, behind tab C5. Paul, WWS000138.</p> <p>22 We need paragraphs 84 through to 95, Paul.</p> <p>23 Just for reference, the internal pagination is</p> <p>24 page 27. This identifies -- in fact, question 29, it's</p> <p>25 from paragraph 84 onwards, he makes various comments</p> <p style="text-align: center;">Page 67</p> |
| <p>1 it quite clear, that nobody could force Bishop Benn to</p> <p>2 retire. I also made it quite clear, though it's not</p> <p>3 quoted in the letter from the solicitors to us, which we</p> <p>4 didn't answer, they say that we could scapegoat</p> <p>5 Bishop Benn. They fail to point out that I next said,</p> <p>6 "But we wouldn't do so". They took it entirely out of</p> <p>7 context.</p> <p>8 Q. But I think the concern that Bishop John's legal</p> <p>9 representatives have is, in fact, because you said you</p> <p>10 wouldn't scapegoat Bishop Wallace, you in fact then</p> <p>11 attributed, for example, dysfunction to both Bishop John</p> <p>12 and Bishop Wallace and other members of the senior team,</p> <p>13 when the reality is -- and I'm putting this question on</p> <p>14 behalf of Bishop John -- that the dysfunction was all</p> <p>15 about Bishop Wallace and not about anybody else and that</p> <p>16 he was the problem. Do you have any response to that?</p> <p>17 A. When you say "he" ...?</p> <p>18 Q. Bishop Wallace. Bishop Wallace was the problem.</p> <p>19 A. Well, he was one of the problems. I think that we were</p> <p>20 wrong not to send a copy of what we intended to say to</p> <p>21 Bishop John Hind, and for that I apologise. I think, in</p> <p>22 hindsight, we should have done.</p> <p>23 Having said that, all we did was quote that which he</p> <p>24 himself had said. He said it was dysfunctional and,</p> <p>25 more particularly, he said he felt paralysed. I don't</p> <p style="text-align: center;">Page 66</p> | <p>1 upon the findings of the Chichester visitation. I'm not</p> <p>2 going to take you through all of them, but I would like</p> <p>3 to hear your response to some of the things he says.</p> <p>4 You conclude in the interim report that the practice</p> <p>5 of safeguarding fell woefully short of expectations, but</p> <p>6 it was his -- it is his view that that assessment was</p> <p>7 unfair because successive diocesan safeguarding advisers</p> <p>8 had worked tirelessly to improve awareness and practices</p> <p>9 throughout the dioceses and you maybe didn't recognise</p> <p>10 that, relying perhaps on historic information rather</p> <p>11 than anything else. He says that at paragraph 86.</p> <p>12 Paul, it is on the top of the next page, page 28:</p> <p>13 "There was a practice of safeguarding which fell ...</p> <p>14 "I do not think this is a fair statement."</p> <p>15 I'm summarising.</p> <p>16 A. I'm trying to find it in the interim report, and I think</p> <p>17 that's important.</p> <p>18 Q. I think it's page 5 for the interim report.</p> <p>19 A. I'm nonetheless trying to find where on page 5 --</p> <p>20 Q. That's what it says in the witness statement. Whether</p> <p>21 that's true or not, I will just have a look as well.</p> <p>22 A. Yes, it's paragraph 6. Yes.</p> <p>23 Q. I think, do you accept that, on reflection, that may</p> <p>24 well have been putting things a bit high?</p> <p>25 A. No. No, I don't. I'm not trying to denigrate the fact</p> <p style="text-align: center;">Page 68</p> |

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| <p>1 that the diocese was moving forward. In our final</p> <p>2 report, we go out of our way to praise the work of</p> <p>3 Colin Perkins in doing just that. But the history was</p> <p>4 a woeful falling short of what the victims and the</p> <p>5 church were entitled to expect.</p> <p>6 Q. Was it a woeful falling short in respect of one</p> <p>7 particular individual, which is what Bishop John would</p> <p>8 say?</p> <p>9 A. No. No, it was of the diocese.</p> <p>10 Q. Okay.</p> <p>11 A. For which, of course, he is responsible, but he would of</p> <p>12 course have to delegate a lot of that which would then</p> <p>13 happen.</p> <p>14 Q. Ian Gibson, if maybe we could turn to Ian Gibson's</p> <p>15 report, at paragraph 17 of his witness statement --</p> <p>16 Paul, that's WWS000070. I'm afraid it isn't in your</p> <p>17 bundle. I did in fact give you a paper copy, but, chair</p> <p>18 and panel, it is not in your bundle.</p> <p>19 A. You did.</p> <p>20 Q. So paragraph 17. Again, this is a question on behalf of</p> <p>21 Bishop John Hind. Paragraph 17, which is 006. He says:</p> <p>22 "I am astonished that the Commissaries' interim</p> <p>23 report says that on 14 June there were 138 clergy ...</p> <p>24 without current CRB checks, ie within the past five</p> <p>25 years. I can only assume that this was a misreading of</p> <p style="text-align: center;">Page 69</p> | <p>1 altogether ... I did not let a licensing take place ...</p> <p>2 I recall an occasion when a blue file revealed</p> <p>3 a safeguarding concern ... He was refused appointment as</p> <p>4 a result ... appears to record the issuing of PTO to</p> <p>5 someone in May 2010 ..."</p> <p>6 In fact we had a discussion, chair and panel, you</p> <p>7 may remember, with Bishop Wallace. AN-F3, I believe the</p> <p>8 gentleman's name is, who moved into the diocese, asked</p> <p>9 for PTO, was interviewed, granted PTO before it turned</p> <p>10 out that in fact he had a number, shall we say, of</p> <p>11 significant safeguarding allegations against him.</p> <p>12 Was that what you meant -- was that the reference</p> <p>13 that you wished to make or were there other references</p> <p>14 that you were identifying?</p> <p>15 A. I don't know who AN-F3 is, so I may or may not know the</p> <p>16 circumstances of it. Having said that, the diocese, as</p> <p>17 I understand it, was the Diocese of Southwark, in which</p> <p>18 we are at the moment, which, as I understand it, said</p> <p>19 for data protection reasons they weren't releasing the</p> <p>20 files. I discussed this with John Rees, the provincial</p> <p>21 registrar, who told me that he had had some discussions</p> <p>22 about this. It seemed to us a matter of concern so we</p> <p>23 put it in the interim report. But we understood this to</p> <p>24 have happened at least once as far as the Chichester</p> <p>25 Diocese was concerned.</p> <p style="text-align: center;">Page 71</p> |
| <p>1 the data ... and that this was in fact the number</p> <p>2 falling due to be renewed ... I certainly was not aware</p> <p>3 of anyone without a CRB check by this stage and we tried</p> <p>4 very hard ..."</p> <p>5 I suppose the question is: did you get your figures</p> <p>6 wrong?</p> <p>7 A. All I can tell you is, we gave the figures that we were</p> <p>8 given by Colin Perkins either verbally or in documentary</p> <p>9 form. Of course, anybody can make a mistake. I don't</p> <p>10 believe that we did. I suspect the 138 were those --</p> <p>11 some of those 300-and-whatever-it-was who had PTOs.</p> <p>12 Q. If I can then take you to paragraph 54, that's 016,</p> <p>13 Paul, he questions the conclusion in the interim report</p> <p>14 that he says:</p> <p>15 "We also understand ..."</p> <p>16 This is page 27 of your interim report. Would you</p> <p>17 like to --</p> <p>18 A. It is up, thank you.</p> <p>19 Q. 'We also understand that in the past it has not always</p> <p>20 been the case that the clergy files ... from other</p> <p>21 dioceses have been seen within the Chichester Diocese</p> <p>22 before new appointments have been made'. I do not know</p> <p>23 the basis of that 'understanding', but if appointments</p> <p>24 were made without the blue file being received, that</p> <p>25 must have been pre 2004 ... it might be overlooked</p> <p style="text-align: center;">Page 70</p> | <p>1 Q. I am also asked on behalf of Bishop John to ask for --</p> <p>2 in your statement at paragraph 33 you talk about the</p> <p>3 radical changing culture. We discussed this.</p> <p>4 Primarily, in relation to the absolute necessity of</p> <p>5 placing safeguarding at the forefront of the diocesan</p> <p>6 agenda.</p> <p>7 I want to ask you for your assistance in how you</p> <p>8 reconcile this with what Bishop Nicholas Reade says</p> <p>9 within his witness statement at paragraph 35. Chair and</p> <p>10 panel, that's WWS000072. I don't think it's in your</p> <p>11 bundles, chair and apparently, but let me just check.</p> <p>12 Yes, it is behind C9, chair and panel, and it should be</p> <p>13 behind your bundle as well, Dr Bursell, at C9.</p> <p>14 Could I take you to paragraph 35 where he recalls --</p> <p>15 could we get up paragraph 35? It is page 12. He says:</p> <p>16 "... on bishop's staff we were on a journey ...</p> <p>17 I remember, after Bishop John Hind was appointed ... but</p> <p>18 before he was installed, asking him what he saw as the</p> <p>19 big issues during his forthcoming episcopate. He</p> <p>20 mentioned child protection either first or second on his</p> <p>21 list. I was still, at that point, surprised and queried</p> <p>22 whether it would be such a dominant issue."</p> <p>23 A. Could I comment? That's hardly surprising, bearing in</p> <p>24 mind that Janet Hind was a diocesan safeguarding</p> <p>25 adviser. I would be amazed if he didn't.</p> <p style="text-align: center;">Page 72</p> |

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| <p>1 Q. But do you think, therefore, that you overblew the need 2 for a radical change in culture in that Bishop John 3 would say, "Well, I already had a very good 4 understanding of safeguarding if for no other reason 5 than I was married to somebody who was a safeguarding 6 professional and, therefore, it was obviously always at 7 the forefront of my mind"?</p> <p>8 A. Well, it may have been, but I repeat that which we were 9 told about the Sandbrook report and I point to the 10 things that came out in the Crown Court cases. I think 11 the facts speak for themselves. However well 12 intentioned the bishop was -- and I have no doubt at all 13 that he was well intentioned -- the fact is that 14 safeguarding was not good enough in the diocese of 15 Chichester. I may say it's greatly improved since.</p> <p>16 Q. Thank you very much. In 2014, you carried out a further 17 report on behalf of the Bishop of Chichester to carry 18 out an enquiry, and you wrote a report summarising your 19 findings. Paul, can we bring it up? It's 20 ANG000030_003. Chair and panel, it is behind tab 11. 21 It is a short report. If I could just take you to the 22 conclusions, it's ANG000030_004 to 005, paragraph 10. 23 This was all about whether or not there was a serious 24 failing in the 2008 historic review, and an allegation 25 was received in 1995, in fact, and this is the</p> <p style="text-align: center;">Page 73</p> | <p>1 This is simply to identify, chair and panel, 2 Ian Gibson identified that he had had the letter on or 3 around the time of the past cases review?</p> <p>4 A. No, he came across it when he was looking at what 5 celebrations there might be for the, I think, 900th 6 anniversary of the cathedral.</p> <p>7 Q. Anniversary, yes.</p> <p>8 A. He was looking at this file which was almost completely 9 letters of lauding the wonderful work which Bishop Bell 10 had done, and indeed he had. And suddenly, in the 11 middle of this, there was this one letter. Why it was 12 filed there, I do not know, other than I suppose there 13 was no other file concerning Bishop Bell. But if it 14 should have been a blue file, it would have been in 15 Lambeth.</p> <p>16 Q. Just to identify for the purposes of the chair and 17 panel, blue files about bishops are kept at Lambeth.</p> <p>18 A. This particular file was not in a cabinet with all the 19 other clergy files, which I also looked at, because it 20 seemed to me that I ought to do so.</p> <p>21 Some of those did not have the requisite stamp on, 22 for reasons I do not know, in spite of the fact that 23 I knew there were queries about some of these clergy, 24 and hence my comment, because I wrote that and 25 Bishop Gladwin agreed with me.</p> <p style="text-align: center;">Page 75</p> |
| <p>1 allegation which subsequently turned out to be the 2 allegation that we all know was made by Carol --</p> <p>3 A. Yes.</p> <p>4 Q. -- in respect of Bishop George Bell.</p> <p>5 A. Yes.</p> <p>6 Q. So you were asked to look at whether or not the file 7 was, I suppose, deliberately not put before the past 8 cases review or whether or not they would or would not 9 have seen that documentation.</p> <p>10 You found -- this is what you found at paragraph 10: 11 "There is no evidence that we have seen to suggest 12 that the safeguarding officer at the time ... was aware 13 of the existence of the letter. In addition, although 14 there may be some questions about the stamping of 15 the documents by the historic cases reviewer ..."</p> <p>16 Although I identified there was an issue you found 17 that some documents were stamped and some weren't?</p> <p>18 A. But not in that particular file.</p> <p>19 Q. "... we have found no reason why he should have been 20 aware of the relevant letter; we have therefore not 21 sought to speak to him. We do not know why Ian Gibson 22 did not draw it to the attention of either the reviewer 23 or Shirley Hosgood at the time of the review if his 24 recollection as to when he first discovered it is 25 accurate."</p> <p style="text-align: center;">Page 74</p> | <p>1 Q. Thank you very much. Can we now turn on to a slightly 2 different topic, which is the seal of the confessional. 3 Now, I understand this is an area in which you are 4 particularly interested, and in fact we have behind 5 tab 6, chair and panel, a paper that you wrote for an 6 ecclesiastical journal about this matter.</p> <p>7 A. I don't think that's right.</p> <p>8 Q. No?</p> <p>9 A. I think that I wrote that for the commission appointed 10 by the House of Bishops to look into the doctrine and 11 legal aspects of the seal of the confessional, the 12 report of which is fairly imminent, I think.</p> <p>13 Q. Yes. I understand it hasn't as yet been revealed, or 14 certainly we in the inquiry haven't as yet seen it. But 15 I understand some work has been going on I think since 16 your visitation, in fact --</p> <p>17 A. Yes.</p> <p>18 Q. -- about what's going to happen in respect of the seal 19 of the confessional.</p> <p>20 Paul, this is ACE025268_001?</p> <p>21 A. May I add this: the Legal Advisory Commission was asked 22 to advise the House of Bishops about the position and we 23 couldn't actually come to a common mind.</p> <p>24 Q. Right.</p> <p>25 A. Hence my writing this to that commission.</p> <p style="text-align: center;">Page 76</p> |

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| <p>1 Q. Okay. Firstly, as I understand it, as has already been 2 explained by other clerics, confession, in and of 3 itself, within the Anglican Church is only something 4 which is practised by the Anglo Catholic wing? 5 A. No. Confession is practised by all Christians. It is 6 auricular, private, confession, which is only, I think, 7 within the Anglo Catholic wing. 8 Q. That's what's known, maybe colloquially, as the seal of 9 the confessional? 10 A. No. The seal of the confession is alleged to attach to 11 that confession. 12 Q. I'm reaching the edge of my Canon law knowledge, and 13 I apologise for my misunderstandings -- 14 A. There's a confession and then the question is whether 15 the cleric who hears the confession can, in any 16 circumstances, breach the confidentiality of that 17 confession. The seal suggests that they can't. 18 Q. What is your view about that, about whether or not there 19 should be, in effect, complete confidentiality in the 20 context of a confession, if somebody confesses within 21 that confessional that they have abused a child or 22 a vulnerable adult? 23 A. My belief is that there should be no seal of 24 the confession in relation to child sexual abuse. There 25 is not in relation to terrorism, whether the</p> <p style="text-align: center;">Page 77</p> | <p>1 respect of the Anglican Church. 2 They say here -- where do they say in the 3 Anglican Church -- it doesn't actually appear -- 4 A. They don't spell it out. I think it is page 55, from 5 memory. 6 Q. Page 55 is the Australian Catholic Bishops' Conference. 7 In fact the Anglican recommendations are recommendations 8 16.1 through to 16.5 and don't in fact identify anything 9 particular about the confessional. However, I am sure 10 it must apply mutatis mutandis. 11 A. It may be page 102. I looked at it this morning. My 12 memory may be wrong about the page numbers. 13 Q. No, you are quite right, 102. 14 A. 35(c). 15 Q. 35(c): 16 "Religious confession should be defined to include 17 a confession about the conduct of a person associated 18 with the institution made by a person to a second person 19 who is in religious ministry in that second person's 20 professional capacity according to the ritual of 21 the church or religious denomination concerned." 22 What it says, in effect, at the top of 35, is that: 23 "Each state and territory government should ensure 24 that the legislation it introduces to create the 25 criminal offence of failure to report ..."</p> <p style="text-align: center;">Page 79</p> |
| <p>1 Anglo Catholics like it or not, and whether they are 2 aware of it or not. But the relevant part of 3 the opinion of the Legal Advisory Commission is 4 somewhere in these papers, and you will see that they 5 point out two sections of the Terrorism Act which 6 actually says -- for example, in relation to money 7 laundering, there's no confidence, such as the seal of 8 confessional, is an excuse, and I can't see why that 9 should not apply to child abuse. 10 Q. I understand that this is a similar recommendation, 11 albeit not an identical recommendation, to that which 12 was made by the Australian Royal Commission in respect 13 of the Roman Catholic Church. We have that, chair and 14 panel, at ANG000194. 15 A. But they recommended also in relation to the 16 Anglican Church in Australia. It is not only the Roman 17 Catholic Church. 18 Q. It is just I have a reference here to the Holy See and 19 therefore I automatically say that. 20 I know that you have some comments you wish to make 21 about the recommendations as they have been identified. 22 It is page 55, chair and panel, behind tab 12 of 23 ANG000194. This, in fact, is in response to the 24 Catholic Bishops' Conference, which is why I got it 25 wrong. But I think they say exactly the same thing in</p> <p style="text-align: center;">Page 78</p> | <p>1 That, in effect, is saying there needs to be an 2 amendment of the criminal law rather than an amendment 3 of any Canon law? 4 A. No, I don't think that's right. Because the Australian 5 Anglican Church have now looked at it and have come up 6 with some Canons which purport to answer this problem 7 and, in my view, do not, and this morning I handed 8 you -- 9 Q. You did. 10 A. -- some comments on this, which I think may have been 11 copied for the panel, at least in due course. 12 Q. Yes. They have been copied for the chair and panel. 13 Just -- I think we may be using the overhead projector. 14 Is that right? I don't think I need to take you through 15 it, but just to identify, we have a document, which will 16 be circulated to everybody and up on the website, which 17 is written by yourself, "Discussion of proposed new 18 Australian Canons". 19 So maybe in layperson's terms, what do you think the 20 Anglican Church should do in England to clarify what you 21 think is a considerable problem in respect of the seal 22 of the confessional? 23 A. I believe that the church ought to amend its Canon so 24 that, at the very least, it does not apply to the sexual 25 abuse of children. I think I would just say "any abuse</p> <p style="text-align: center;">Page 80</p> |

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| <p>1 of children", but, for present purposes, sexual abuse of</p> <p>2 children.</p> <p>3 There is a problem here because the law that is</p> <p>4 presently relied upon is a 1603 Canon and merely</p> <p>5 a proviso. When the whole Canons were amended in the</p> <p>6 1980s and 1990s, there was an attempt to revise the</p> <p>7 Canon in relation to the seal of the confessional, but</p> <p>8 the church apparently was advised that this was</p> <p>9 politically unacceptable, as far as parliament was</p> <p>10 concerned. It was unlikely to get past parliament that</p> <p>11 there's a seal of the confessional. Therefore, the</p> <p>12 proviso was left in place. I frankly think that if</p> <p>13 there were an attempt now to legislate through the</p> <p>14 church in relation to it, it would run into exactly the</p> <p>15 same problem, which is why I believe that government</p> <p>16 should be passing an Act of Parliament imposing a duty,</p> <p>17 particularly on the clergy, but actually on other people</p> <p>18 as well, to notify the relevant authorities -- social</p> <p>19 workers and/or the police -- of any suspicions or actual</p> <p>20 abuse of children. That would be binding on the</p> <p>21 Church of England, just as the Terrorism Act is, because</p> <p>22 the Anglican Church law is part of the general law of</p> <p>23 England, whereas the Roman Catholic Canon law is not.</p> <p>24 I hope that's clear.</p> <p>25 Q. Yes, it is part of the secular law of the land, is what</p> <p style="text-align: center;">Page 81</p> | <p>1 A. Yes.</p> <p>2 Q. On that point, what is your view about the current</p> <p>3 training for curates and for those just post ordination?</p> <p>4 Do you think it's sufficient on safeguarding?</p> <p>5 A. I can only speak about the Diocese of Oxford because</p> <p>6 it's only in relation to their training -- I was going</p> <p>7 to say only in relation to their training that I'm</p> <p>8 involved. That's not entirely true, because I also do</p> <p>9 go and speak to some theological colleges about the</p> <p>10 generalities of Canon law, but that's usually two hours</p> <p>11 and that's all they get in the whole of their training,</p> <p>12 which is woefully inadequate.</p> <p>13 As far as IME is concerned -- I'm concerned in the</p> <p>14 Oxford Diocese -- we used to deal with some safeguarding</p> <p>15 training until recently and now the national training</p> <p>16 requirements are in force. The training of the curates</p> <p>17 in relation to safeguarding is done by the diocesan</p> <p>18 safeguarding advisers. I have been present at nearly</p> <p>19 all of those, and they have been of very high standard.</p> <p>20 I have to say that the current curates, particularly</p> <p>21 those whom I have met, are adamant that proper</p> <p>22 safeguarding should be at the forefront. I think the</p> <p>23 message has got through to them, at the very least.</p> <p>24 Q. You still have a number of continuing concerns which you</p> <p>25 helpfully set out for us in true legal fashion at</p> <p style="text-align: center;">Page 83</p> |
| <p>1 Mr Slack told us within his witness statement. So any</p> <p>2 Act of Parliament could specifically, in effect,</p> <p>3 introduce something along those lines?</p> <p>4 A. Well, as it has with the Terrorism Act, yes.</p> <p>5 Q. Could I identify furthermore that you also within your</p> <p>6 role provide some sort of training for those who are</p> <p>7 curates, I understand?</p> <p>8 A. I do, yes.</p> <p>9 Q. As part of something called the IME?</p> <p>10 A. Yes.</p> <p>11 Q. I'm not even going to ask what that acronym means,</p> <p>12 but --</p> <p>13 A. I'm relieved, because I can never remember. I think</p> <p>14 it's intermediate ministerial education, something like</p> <p>15 that.</p> <p>16 Q. So you have direct and ongoing views about the training</p> <p>17 of individuals right at the start of their career. What</p> <p>18 is your --</p> <p>19 A. It is not right at the start of their career. It's only</p> <p>20 once they're ordained.</p> <p>21 Q. I suppose I consider that maybe you don't start your</p> <p>22 career until after ordination, but I'm obviously wrong</p> <p>23 about that.</p> <p>24 A. I think that the ordinands would not.</p> <p>25 Q. So shortly after ordination.</p> <p style="text-align: center;">Page 82</p> | <p>1 paragraph --</p> <p>2 A. Is that a bad thing?</p> <p>3 Q. No, I think it is a very good thing. Obviously,</p> <p>4 speaking as a fellow lawyer, I think it is a very good</p> <p>5 thing. At paragraph 52 of your witness statement,</p> <p>6 ACE025279_014 through to 016. We have already</p> <p>7 identified some of those concerns, but if we can maybe</p> <p>8 briefly deal with some other of your concerns, we have</p> <p>9 dealt with the issue in respect of the seal of</p> <p>10 the confessional and your view about reporting.</p> <p>11 A. Yes.</p> <p>12 Q. You then say at paragraph 52.2 that you have some</p> <p>13 concerns about spiritual abuse. Perhaps you'd like to</p> <p>14 tell us, what do you mean by "spiritual abuse" and what</p> <p>15 are your concerns?</p> <p>16 A. It's the manipulation of the person concerned by reason</p> <p>17 of the ordained status and/or teaching of the abuser.</p> <p>18 Indeed, on Saturday, this last Saturday, a cleric from</p> <p>19 the Oxford Diocese was given a penalty -- he was removed</p> <p>20 from office, and I think prohibited from returning to</p> <p>21 office for a period of two years, and then only after</p> <p>22 assessment -- risk assessment, and within that there was</p> <p>23 an example of spiritual abuse. I handed to you this</p> <p>24 morning a copy of that decision for the panel to see in</p> <p>25 due course, if they wish.</p> <p style="text-align: center;">Page 84</p> |

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| <p>1 I have also given a copy of a letter, which I think 2 is anonymous, from The Church Times very recently giving 3 some examples of abuse of which that writer is aware. 4 Q. Chair and panel, you do have copies of those and we will 5 ensure all this material is placed upon the website. 6 So you would identify that, in fact, in respect of 7 both children and vulnerable adults, there needs to be 8 a clear definition and clear disciplinary action taken, 9 as obviously was the case in the particular circumstance 10 of the individuals you identify? 11 A. Yes, definition I know is difficult and I know it's 12 being fought by the evangelical wing because they feel 13 it may impinge upon them. I can't see why it should, if 14 it's sensibly defined. 15 Q. You then move on to the misuse of the healing ministry. 16 A. Yes. 17 Q. Again, perhaps for lay people, what is a healing 18 ministry? 19 A. It is a service -- usually a service -- by the church 20 praying for the healing of the individual concerned, 21 either from physical or mental problems that person may 22 suffer from. 23 Q. At its most extreme, are you talking about practices 24 whereby people are seen to be possessed by demons and 25 that people pray over them to have those demons leave</p> <p style="text-align: center;">Page 85</p> | <p>1 Q. You say that you say this in particular because, when 2 you have been training curates, they are not really 3 aware of the fact that there needs to be a special 4 licence and there needs to have been special training 5 and that you can't just necessarily go around sort of 6 performing deliverance? 7 A. Yes, absolutely. 8 Q. You then identify, at paragraph 52.4, concerns that you 9 have -- you may or may not know that we are due to hear 10 evidence from Bishop David Walker, oral evidence, who is 11 the bishop who deals with the Advisory Council for 12 Religious Communities. But one of your other concerns 13 is the fact that safeguarding in religious communities 14 is not -- the current guidance isn't good enough? 15 A. I think the guidance is very good indeed. It is just 16 not enforceable, other than upon those who are ordained. 17 As I understand, this is currently being addressed 18 through the General Synod and, as long as that goes 19 through, then my concern is gone. But until it does, my 20 concern is a very strong one because, as the panel again 21 knows better than I do, much abuse has gone on, 22 certainly in the Catholic Church, through religious 23 communities. 24 Q. You then say two matters which really fall upon schools 25 or theological colleges, at 52.5 and 52.6. You say:</p> <p style="text-align: center;">Page 87</p> |
| <p>1 them? 2 A. They do. 3 Q. You are particularly concerned that this is problematic 4 for both children and vulnerable adults? 5 A. Well, as I understand it, the majority of -- perhaps 6 I should say, I don't believe in demons. That's my own 7 theological position. But be that as it may, as 8 I understand it, many of the ways in which this demonic 9 possession is alleged to manifest itself is usually, in 10 fact, a psychiatric matter, and there is an enormous 11 danger of a cleric or a layperson giving that person the 12 impression that it's demonic, whereas in fact it's 13 psychiatric, and the last estate is therefore worse than 14 the first. 15 Q. You identify that there should be a specific licence to 16 carry out what I believe is sometimes called exorcism or 17 deliverance -- 18 A. The act of deliverance. 19 Q. The act of deliverance, I think it is called. 20 A. That doesn't appear in the Canons, but it is actually 21 part of the general church law on the same basis we 22 discussed earlier, that you can't do anything without 23 a licence or permission from the bishop, and indeed all 24 dioceses do have people who are trained in the 25 deliverance ministry.</p> <p style="text-align: center;">Page 86</p> | <p>1 "I understand that there is no equivalent mandatory 2 provision in relation to safeguarding in theological 3 colleges." 4 Is that that there is no practice guidance currently 5 issued, or is that that there is no duty to teach 6 safeguarding? 7 A. I'm not aware of any practice guidance. I'm not saying 8 there isn't. I'm not aware of one. But, again, the 9 only way it can be enforced is in relation to the clergy 10 personnel. 11 Q. Yes. 12 A. I have heard people being -- expressing concern about 13 it, and it seemed to me part and parcel of the previous 14 concern, or similar to it. 15 Q. You then identify at 52.6: 16 "... query the sense of having different 17 safeguarding regimes in schools depending upon who runs 18 them." 19 A. Yes. 20 Q. That's a sort of general concern, is it? 21 A. As I understand it -- and this is not my expertise -- 22 there is a different safeguarding regime in church 23 schools -- I don't know about other faith schools -- 24 from nonchurch schools. That seems to me a matter which 25 could be a problem in future.</p> <p style="text-align: center;">Page 88</p> |

1 Q. At 52.8 -- I think we can skip over 52.7 which is about
 2 online safeguarding training, which you have already
 3 addressed:
 4 "Words matter, especially to those who have suffered
 5 abuse. I therefore find it unfortunate that, although
 6 a cleric may be 'deposed from holy orders' for offences
 7 involving matter of doctrine, ritual or ceremony" --
 8 **A. "Ceremonial".**
 9 Q. I apologise:
 10 "... the penalty in relation to any other form of
 11 misconduct ... is prohibition for life. Although the
 12 practical results are the same in each case, the message
 13 is for many rather different."
 14 Would you like to say deposed from holy orders or
 15 prohibited for life?
 16 **A. I would want deposed from holy orders; in lay terms,**
 17 **defrocked. For those who have been abused, they cannot**
 18 **understand why those who have abused them are still, in**
 19 **effect, carrying on in a clerical way, even though they**
 20 **are technically not allowed to administer. It is**
 21 **a matter of perception, and words matter.**
 22 Q. You then identify something about:
 23 "The church's ability to ban from divine service
 24 those who are regarded as safeguarding risks should be
 25 put on a standard and clear basis."

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1 I know we have heard from Bishop John and some other
 2 individuals about the difficulties there are about
 3 managing lay people who may well be sex offenders --
 4 **A. Yes.**
 5 Q. -- and providing any sort of practical mechanism whereby
 6 they can be appropriately supervised and monitored
 7 either within a parish or more widely.
 8 What do you think the church should therefore do:
 9 create an amending Canon which makes it clear; or have
 10 an Act of Parliament which enables injunctions to
 11 prevent people from being able to come into church
 12 buildings if they have been convicted of certain
 13 offences without express permission?
 14 **A. At the moment, the law is that anybody is entitled to**
 15 **attend divine service, and they can't be banned from it.**
 16 **There's a question of the definition of divine service,**
 17 **but I don't think that's the particular problem.**
 18 **The view currently taken, as I understand it, is**
 19 **that if there is a health and safety issue, a person can**
 20 **be banned from attending. But that -- although I think**
 21 **it's strongly arguable, I would rather it was made**
 22 **entirely specific -- it would have to be an Act of**
 23 **Parliament if it was at all -- that they couldn't.**
 24 Q. That's what I was thinking, Canon law --
 25 **A. They couldn't cover it.**

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1 Q. 52.10. I think you also identify this, that although it
 2 is good sense to ask convicted sex offenders to sign
 3 good behaviour contracts, you're concerned about the
 4 situation that people will then regularly worship in
 5 other churches or if they go on holiday somewhere, and
 6 you think that there should be a duty on the church that
 7 there is a duty for them to contact the other church if
 8 they know that they're attending in order to provide
 9 them with the relevant conditions?
 10 **A. I think it's virtually impossible to police.**
 11 Q. Yes.
 12 **A. I think that, in the majority of cases, that sort of**
 13 **contact is usually made, but I'm all for a duty being**
 14 **made -- being clarified.**
 15 Q. Now at 52.11, one of the concerns you have is that there
 16 is no legal requirement upon dioceses to report
 17 complaints made under the 2016 measure and your
 18 experience is that some dioceses haven't done so?
 19 **A. Well, it is not my experience. I got that from the**
 20 **clerical -- the Clergy Discipline Commission annual**
 21 **report. I think some attempt is being made at the**
 22 **moment to gather --**
 23 Q. There is some discussion about this. I think we are
 24 going to ask both Bishop Peter and Graham Tilby about
 25 what changes, because you're not the only person who has

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1 said one of the difficulties is --
 2 **A. We don't know.**
 3 Q. -- that we don't have central records of complaints, we
 4 don't know how many there are and of what nature. As
 5 well, I think you say the returns aren't broken down to
 6 show which ones relate to safeguarding and which ones
 7 relate to other matters. So it is impossible, really,
 8 to get an even vaguely accurate picture at the moment of
 9 where the safeguarding concerns are and the nature of
 10 them for the national church?
 11 **A. That is my view and, bearing in mind the problems that**
 12 **there have been, I'm rather cynical and want to know**
 13 **what the actual answer is.**
 14 Q. You then identify, at 52.12:
 15 "Of greater concern is the situation where a diocese
 16 is anxious, if possible, to gain the resignation of an
 17 incumbent ..."
 18 **A. I have referred to this already.**
 19 Q. Yes, you have already referred to that. 52.13 deals
 20 with the difficulty that arises in relation to fairness
 21 in respect of posthumous allegations. You are of
 22 the view that the church does not seem to handle such
 23 situations well:
 24 "... and I suggest that the Archbishops' Council
 25 should set up a separate body to provide guidance

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| <p>1 and ... to assist those dioceses ... in the future." 2 So you are of the view that something like 3 posthumous allegations really needs to be dealt with 4 almost on a national level rather than on a diocesan 5 level? 6 A. This was written before Lord Carlile had issued his 7 report. 8 Q. Yes. 9 A. May I say, I disagree with Lord Carlile about 10 confidentiality clauses. I think that's entirely 11 contrary to all good practice. 12 Q. I think the church in fact disagrees with that 13 themselves. We may well hear some evidence about that. 14 A. I'm sure the church is right. But these problems do 15 arise in relation to non-recent sexual abuse and there 16 is a duty of fairness in relation to the person who is 17 deceased and is accused. In effect, one almost needs 18 a devil's advocate to act on behalf of the deceased 19 person, it seems to me. 20 Q. That is one of the recommendations of 21 the Carlile Report: there should be somebody on the core 22 group who should represent the deceased person and 23 represent their views? 24 A. I don't think they should be on the core group. I think 25 it should be separate. Otherwise, there's going to be</p> <p style="text-align: center;">Page 93</p> | <p>1 the difficulties you've just identified? 2 A. I certainly wouldn't oppose that at all. I personally 3 think it would be better if all these sort of 4 safeguarding complaints were dealt with nationally 5 rather than on a diocesan level. It would get rid of 6 a number of the problems which I have flagged up 7 already. 8 Q. The last point I wanted to ask you about is, in 2016, in 9 order to address the difficulties that there were with 10 using the Clergy Discipline Measure in respect of 11 safeguarding, there was an amendment to the Clergy 12 Discipline Measure to identify that if somebody failed 13 to have due regard to the national guidance issued on 14 child protection, that in and of itself would be 15 a disciplinary offence. Now, what some individuals have 16 said is, well, what on earth does "due regard" mean? 17 Now, if you are a lawyer, you may have some -- 18 certainly my understanding of it, as a lawyer, is, that 19 means you have to follow it unless there are cogent 20 reasons not to do so, and there's a sort of various 21 Supreme Court/Appellate Court cases which identify such. 22 However, unless you are a lawyer, it could be said, what 23 on earth does "due regard" mean? Doesn't that mean 24 I just have a quick look at it and then I can ignore it? 25 What's your perspective about that?</p> <p style="text-align: center;">Page 95</p> |
| <p>1 a conflict of interests somehow. 2 Q. Okay. Finally, and you say but by no means least, you 3 have heard anecdotal evidence that adequate support is 4 not always given to victims and survivors and that 5 therefore puts them off from making properly founded 6 complaints. Perhaps you would like to elaborate on that 7 a little? 8 A. That is one of the things that was flagged up, 9 I believe, during our visitation, certainly in the 10 Oxford Diocese, and I have no reason to doubt that it 11 doesn't apply throughout the Church of England now. 12 I think proper support is being offered. They may not 13 always feel able to take it up, which is one of 14 the tragedies of the situation. 15 The church has gone forward, for the church, a very 16 long way in a short period of time. I'm not saying 17 there's not more to be done, but a lot has been done. 18 Q. Do you think it would be more useful for victims and 19 survivors if the support provided was slightly at 20 arm's-length from the church so that there wasn't 21 necessarily the need to engage directly with dioceses in 22 order to do so; there could be a sort of separate 23 organisation, some of the victims and survivors groups 24 have advocated a sort of separate helpline and 25 arm's-length organisation to try to overcome some of</p> <p style="text-align: center;">Page 94</p> | <p>1 A. I have to confess that when I saw the draft "due 2 regard", I raised with Adrian Iles what it meant and he 3 had to point out to me the legal decisions of which 4 I was unaware. I should have been aware, but I wasn't. 5 Of course it is imperative that people know that it 6 means that there must be cogent reasons for reporting, 7 and, frankly, in safeguarding circumstances, I can think 8 of few reasons which would be cogent enough for you to 9 ignore it. 10 All I can say is that, in the practice guidance 11 which is currently coming out in printed form, it is set 12 out not always in footnote, it is better in the text 13 itself, and I think the most recent one it is in the 14 text, making it clear what it means, and certainly in 15 the C4 training that I received last Monday, it was made 16 abundantly clear. So hopefully that is being addressed. 17 MS SCOLDING: Thank you very much, Dr Bursell. I have no 18 further questions. Chair and panel, do you have any 19 questions? 20 A. Before the panel ask me, can I just say that I have 21 given you an aide-memoire of my continuing concerns. 22 I hope I don't need to go through them in the light of 23 what I have said and there being there. 24 MS SCOLDING: No. I'd rather hoped that we had dealt with 25 all of those, but don't worry, I have paper copies of</p> <p style="text-align: center;">Page 96</p> |

1 all of this, Dr Bursell, and it will all go onto the
 2 website and will be considered by the panel.
 3 **A. Because one of them is the question flagged up by**
 4 **Colin Perkins about risk assessments and risk assessment**
 5 **opinions becoming facts. When I was still a judge in**
 6 **the Crown Court, it was a problem in probation reports**
 7 **of opinion, in effect, becoming fact and being virtually**
 8 **impossible for the offender to challenge. The same must**
 9 **apply – I don't know what the answer is. I don't have**
 10 **the wisdom. But there is a problem there.**
 11 MS SCOLDING: Thank you very much.
 12 **A. I'm sorry, yes.**
 13 **Questions by THE PANEL**
 14 MR FRANK: Just one matter, if I may. Just in regard to the
 15 Archepiscopal Visitation in 2011. You very kindly have
 16 produced for us a copy of a list of those whom you
 17 interviewed for the visitation.
 18 **A. Yes.**
 19 MR FRANK: Just for the sake of completeness, really, the
 20 entry at number 3 on that list -- it is behind tab 2 of
 21 your statement, as I have got it.
 22 **A. Thank you, yes.**
 23 MR FRANK: Item number 3:
 24 "A number of diocesan clergy whom we met in
 25 confidence ..."

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1 Just for the sake of completeness, can you give us
 2 an indication as to why it was it was necessary to meet
 3 them in confidence? Whether that was their request or
 4 your suggestion? What was the reason for it?
 5 **A. My recollection is it was their request because they**
 6 **were concerned there might be repercussions if their**
 7 **names became known. I think that also is indicative of**
 8 **the dysfunction that we found in the diocese at the**
 9 **time.**
 10 MR FRANK: Thank you very much.
 11 THE CHAIR: Thank you very much, Dr Bursell.
 12 MS SCOLDING: Chair, I don't know whether or not you wish to
 13 start the next witness now or whether or not it might be
 14 more appropriate to -- or whether or not it would be
 15 more appropriate to take a slightly earlier luncheon and
 16 come back slightly earlier?
 17 THE CHAIR: We will take our lunchbreak now and return at
 18 1.40 pm. Thank you very much.
 19 (The witness withdrew)
 20 MS SCOLDING: Thank you, chair.
 21 (12.40 pm)
 22 (The short adjournment)
 23 (1.43 pm)
 24 MS SCOLDING: Good afternoon, chair and panel. We will now
 25 hear from Professor Julie Macfarlane. Please could you

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1 affirm or take the oath?
 2 PROFESSOR JULIE MACFARLANE (affirmed)
 3 Examination by MS SCOLDING
 4 MS SCOLDING: Professor Macfarlane, it is very nice to see
 5 you here. I understand you were slightly held up in
 6 traffic this morning.
 7 **A. Yes, and I do apologise. I'm not used to London**
 8 **traffic.**
 9 Q. Can I also identify that in fact your name appears to be
 10 spelt incorrectly throughout the majority of this
 11 material. You are an M-A-C-F-A-R-L-A-N-E, but the "F"
 12 is a small "f", for which the inquiry apologises?
 13 **A. Correct.**
 14 Q. I will explain in particular in respect of your case,
 15 your alleged abuser has not as yet been convicted of any
 16 criminal offending, so I will refer to you throughout as
 17 the complainant and the abuse as either the complaint or
 18 the alleged abuse. Can I ask as well that you do not
 19 refer to your abuser by name. He does have a cipher,
 20 which is AN-F12, so if you wish to call him anything
 21 please call him "F12" or "he".
 22 As well, just to identify, this isn't a test of
 23 memory. If you need to refresh your memory through any
 24 notes you have, please feel free to do so. You are also
 25 free to take a break from your evidence at any point.

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1 If I can just identify, the panel have a witness
 2 statement in front of them from you, Ms Macfarlane.
 3 **A. Professor Macfarlane.**
 4 Q. Professor Macfarlane. I apologise. So you are, as
 5 I understand it, a Distinguished University Professor
 6 and Professor of Law at the University of Windsor in
 7 Ontario; is that correct?
 8 **A. Correct.**
 9 Q. You are a legal academic specialising in conflict
 10 resolution and have produced a number of books about
 11 dealing with conflict resolution, certainly in the
 12 context of 20th and 21st century law; is that also
 13 correct?
 14 **A. 21st century.**
 15 Q. 21st century law. However, prior to your move to
 16 Canada, you grew up on the south coast of England and,
 17 as I understand it, in the early 1970s you were
 18 converted by Billy Graham to become an evangelical
 19 Christian. At that time, you were a teenager; is that
 20 correct?
 21 **A. That's correct.**
 22 Q. Following your conversion -- I think that's the correct
 23 terminology -- what religious activities did you become
 24 involved with?
 25 **A. Initially, I was a member of an evangelical group that**

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| <p>1 met in a community centre, a little building, 2 a community hall, in Chichester. It wasn't attached 3 formally to any church. It was a group of people who, 4 yes, had very much adopted the Billy Graham evangelical 5 approach and there was speaking in tongues, and so 6 forth. 7 Q. Right. 8 A. It was very exciting for a 14-year-old. 9 Q. You describe it in your witness statement at paragraph 2 10 as: 11 "It was, if you like, a fad, although a sincerely 12 held one." 13 A. Correct. 14 Q. So after about six months of the Billy Graham style 15 worship, you then, as I understand it, went and joined 16 a mainstream Anglican Church; is that right? 17 A. Yes, it was [redacted] church in Chichester. 18 MS SCOLDING: I think we have to stop the feed. 19 A. Oh, because I said [redacted]. I'm sorry. I apologise. 20 MS SCOLDING: So you joined what could be called 21 a mainstream Anglican Church within your local area when 22 you were on or around 14. 23 A. Correct. 24 Q. Were your parents part of that church as well? 25 A. No, they weren't, and that was part of the attraction,</p> <p style="text-align: center;">Page 101</p> | <p>1 about your faith? 2 A. Yes, that's right. 3 Q. Perhaps you would like to tell us about that? 4 A. I was having -- had initially -- an initiation into 5 Christianity through this very exciting evangelical 6 strand and then, as I was wont to do, I was a very 7 serious teenager, became very serious about Christianity 8 and did a lot of reading, a lot of studying, and by the 9 time I was 16 I was also teaching myself ancient Greek 10 so I could read the New Testament in its original -- 11 this is how precocious I was -- but by the time I was 12 16, I realised that I was having doubts about a lot of 13 what I had, for the previous couple of years, taken on 14 board, and so I thought that the most appropriate person 15 to go to to talk about those doubts -- obviously, 16 I couldn't talk to my parents about this. In fact, the 17 idea that I would no longer be a Christian was very 18 annoying, insofar as my parents would believe they had 19 become victorious, so I instead went to my then 20 minister, F12, for what I would call spiritual 21 counselling. I was expressing my doubts in a frank way 22 and this was the person to whom I believed I should take 23 them. 24 Q. This conversation took place in the late summer of 1975? 25 A. Yes.</p> <p style="text-align: center;">Page 103</p> |
| <p>1 really. It was sort of one of those inverse teenage 2 rebellions, because my parents were not religiously 3 minded. For me to become religiously minded constituted 4 a rebellion, so they were not. 5 Q. But did they seek to actively dissuade you from this? 6 A. Oh, yes. 7 Q. So at some slightly later point in time, somebody whom 8 we will call F12 became a rector of that church? 9 A. Yes. 10 Q. At the time that he arrived, what was your involvement 11 with the local church? 12 A. I went to church on Sunday and I was a member of 13 a church youth group that met generally after services 14 on a Sunday, and did Bible study and so forth. 15 Q. What involvement did F12 have with that Bible study 16 group, with the youth group, so to speak? 17 A. Well, he -- I wouldn't say he came every Sunday, but 18 most Sundays he would appear at some point during the 19 course of the evening, usually towards the end of 20 the evening, and would participate in the discussion. 21 Q. Did you ever spend any time alone with him at that 22 particular point in time? 23 A. Not at that point in time; only as part of a group. 24 Q. So after a couple of years, you went to see F12 in 25 private because I understand you were having doubts</p> <p style="text-align: center;">Page 102</p> | <p>1 Q. So you were 16 during that time? 2 A. Yes, that's right. 3 Q. So you met with him privately in his study, which was 4 attached to the rectory? 5 A. That's right. It was a room in the rectory. 6 Q. What did he say to you during this discussion about what 7 God would show you to do? 8 A. Well, he didn't answer any of my questions directly that 9 I had. I had some very precise questions about the 10 things that I was doubting, theologically speaking, if 11 you like. Instead, he told me that God would help me 12 and God would show me what to do, and he then 13 stood up -- he was behind his desk and I was sitting in 14 front of the desk talking to him -- walked around his 15 desk, dropped his trousers and told me that I should 16 kneel in front of him and take his penis in my mouth, 17 and that this was what God would want me to do. So 18 I did it. 19 Q. After that had happened, I understand you walked from 20 the study to the kitchen of the house, where you had 21 a conversation with his wife, who appeared to be 22 completely unaware of what had happened? 23 A. Yes. The study was actually right beside the kitchen, 24 and I could hear the sounds of his children, who were 25 young at that point, through the wall, and after this</p> <p style="text-align: center;">Page 104</p> |

1 had happened, and I got up again, and presumably he put
 2 his trousers on again, I walked into the kitchen, he
 3 came behind me, and I had a few words with his wife.
 4 Q. At the time of this incident, what knowledge did you
 5 have of the male anatomy? Had you ever seen an erect
 6 penis before?
 7 A. I had never seen an erect penis. I'm not sure I'd seen
 8 a non-erect penis, but I certainly hadn't seen an erect
 9 one.
 10 Q. I understand you had a boyfriend, but that relationship
 11 was very chaste?
 12 A. It was very chaste. We used to hold hands and we were
 13 both Christians, so we believed we shouldn't have any
 14 kind of sexual interaction. It's interesting that he
 15 had actually just left Chichester when this period
 16 began. He left in the summer of 1975.
 17 Q. What did you think about what F12 was asking you to do
 18 at the time?
 19 A. I had gone to F12 and asked him to guide me, as the
 20 person that I saw as my, if you like, spiritual mentor,
 21 the authoritative figure to whom I would turn. I mean,
 22 when I say I had doubts, I had doubts but I was still
 23 very much a doubting Christian. I was still within that
 24 fold and I wanted to resolve those doubts. While it
 25 seems completely extraordinary now to look back on this

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1 and imagine that I could have believed that God wanted
 2 me to give him oral sex, at the time, that was indeed
 3 what I believed.
 4 I had no points of reference to understand either
 5 the physical and sexual component of this or, if you
 6 like, the moral component of this; none whatsoever.
 7 I couldn't possibly imagine that this man of God
 8 would ask me to do something wrong and immoral. That
 9 was inconceivable. Yet, at the same time, it seemed
 10 a pretty surreal experience. And it was also a very
 11 frightening experience because it was something so far
 12 outside of my experience, and the whole sense of then
 13 kind of moving back into this normalcy by talking to the
 14 minister's wife a few minutes later left me with this
 15 complete confusion over what any of this meant. I had
 16 no way of making sense of it at all.
 17 Q. Did you tell your parents or anybody else --
 18 A. No.
 19 Q. -- about this?
 20 A. That would have been absolutely inconceivable. Because
 21 I didn't even really know what I would be describing.
 22 I mean, even today, all these years later, describing
 23 this is difficult, and at the time I had no idea what
 24 I would be describing, and I think that -- and I can see
 25 this in hindsight -- I immediately became, in part of

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1 me, concerned that this was something I had done wrong,
 2 that this was a wrong thing and it was my fault, and
 3 that was certainly in part of me at that point. So, no,
 4 it never occurred to me to tell anybody.
 5 Q. So there was an almost instinctive sense of guilt and
 6 shame?
 7 A. Yes, exactly, thank you.
 8 Q. Following this incident, did F12 abuse you again?
 9 A. Yes. What became a pattern was that he would call
 10 around at my home and offer to take me for driving
 11 lessons. I'd just started learning to drive. And
 12 somewhat ironically -- my father was of the view that
 13 women didn't need to learn to drive, and we had had
 14 quite a lot of dispute about this, so when he
 15 appeared -- when F12 appeared and offered to take me for
 16 driving lessons, my mother saw this as a great
 17 opportunity for me to learn to drive.
 18 In fact, what would happen is that, you know, we
 19 didn't -- I suppose I drove the car, so in that sense
 20 I had a driving lesson, but what always happened was
 21 that at some point during that journey, he would expose
 22 himself. He would usually precede that by wanting to
 23 touch me, but not in a sexual way. He never touched my
 24 breasts or my crotch, but hugging me, hugging me very
 25 closely, and then he would take his penis out of his

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1 trousers and masturbate. So at some point, that always
 2 happened. Occasionally, we would stop somewhere, get
 3 out of the vehicle and then he would either masturbate
 4 or he would tell me to give him oral sex.
 5 So the driving lessons became the kind of gateway to
 6 the abuse.
 7 Q. Was there anything else you did, other than driving
 8 lessons? At paragraph 8 of your witness statement you
 9 mention that he also inveigled you into baby-sitting for
 10 him?
 11 A. Yes, that's right. He had young children at the time
 12 and would either walk me home, because I lived very
 13 close, or drive me home afterwards, and then that was
 14 another opportunity for him to abuse me, yes.
 15 Q. You identify that in fact, on occasions, he would take
 16 you to places?
 17 A. Yes.
 18 Q. You identify a situation where he suggested that you
 19 went for a swim.
 20 A. Yes.
 21 Q. And then --
 22 A. This actually happened on a number of occasions in
 23 different places.
 24 Q. Right.
 25 A. But I think the one that I particularly refer to in my

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| <p>1 statement -- again, this is something that happened on 2 a couple of different occasions. We would go for a swim 3 and while we were swimming he would somehow miraculously 4 lose his swimming trunks and then be naked in the water 5 and want to get hold of me. 6 Q. You also describe at paragraph 10 on at least one 7 occasion being made to go into an adjacent cornfield 8 with F12 -- 9 A. Yes. 10 Q. -- where he forced you to give him oral sex while lying 11 in the field? 12 A. That's right. I actually managed to find that cornfield 13 about five years ago, it's still there. I mean, there 14 were other places. So those are just the ones that 15 I can, you know, remember with a certain amount of 16 clarity. 17 Q. How did your parents feel, or did they notice how much 18 time you were spending with this man? 19 A. Well, yes, and I think eventually started to become 20 uncomfortable, although for, you know, a while -- 21 I think -- despite the fact my parents were not 22 Christian, they still carried with them what many people 23 of their generation did, which was this sort of 24 reverence for ministers. So they saw his attention as 25 somehow flattering, which I know sounds a bit strange</p> <p style="text-align: center;">Page 109</p> | <p>1 Q. Did anyone from the parish notice or observe that he was 2 spending significant amounts of time with you outside of 3 sort of clerical duties, so to speak? 4 A. There was no-one who would have known that directly, 5 unless I'd told them, aside from my parents, and so no. 6 Q. And you didn't tell anyone? 7 A. I didn't tell anybody. 8 Q. Now, you say that he started to write you notes. 9 A. Mmm. 10 Q. As I understand it as well, you had a sort of part-time 11 job washing up in a local restaurant, and you were sort 12 of just about to finish, I suspect, your A levels and go 13 off to university? 14 A. That's right. 15 Q. What did F12 do whilst you were washing up? 16 A. Well, I would have a couple of shifts a week usually in 17 this restaurant, washing up, and to begin with, what 18 would happen is, he would appear at the window that 19 I faced outwards on while I was doing the dishes, and 20 start to wave (indicating), and so forth, and I'd try to 21 ignore him. Then he started to wait for me at the end 22 of an alleyway that actually joined where this 23 restaurant was to the street of the rectory. It was 24 a shortcut for me to take that alleyway to go home. 25 Otherwise, I had to do a very long circuit. These were</p> <p style="text-align: center;">Page 111</p> |
| <p>1 because they weren't Christians, but that was their 2 mentality. 3 Q. They were seen, and are still seen, as respected figures 4 of authority, irrespective of whether one is a Christian 5 or not? 6 A. Correct. That was how they felt. And also, you know, 7 given that this was apparently teaching me to drive, 8 I think my mother thought that this was a good thing, 9 and I would -- he would come and call for me and I would 10 be upstairs, often in my room, doing my homework, and 11 I would call down that I had too much homework. I was 12 already taking steps to try to avoid being in this 13 situation, and my mother would call me down and say, 14 "No, no, no, F12 is here, come, come", and I would go 15 down and get in the car. 16 But I think, partly because I was starting to resist 17 leaving the house with him and partly because they were 18 starting to notice, at least a little bit, that there 19 was a lot of attention, he transferred over to 20 a slightly different approach, which was to leave me 21 notes to say, "Meet me in such and such a place at such 22 a time", rather than actually come to the house. 23 Q. I'm assuming you were still attending church regularly 24 during this time? 25 A. I was, yes.</p> <p style="text-align: center;">Page 110</p> | <p>1 the days, of course, when nobody thought anything of 2 a 17 or 16-year-old woman walking around at night, 3 apparently safe, and he would be at the end of 4 the alleyway. So when I reached the end of 5 the alleyway, he would grab me and rub himself against 6 me and all of that would happen again. 7 Q. How did you manage to extricate yourself from him, then? 8 A. Well, and just to say, in terms of that last 9 explanation, by this point, this was becoming terrifying 10 because I felt that I just couldn't get away from him. 11 I wanted to still go to church. I had friends at 12 church. I had friends in the youth group where he would 13 still constantly appear. But he was appearing all over 14 my life in other places and I couldn't escape, it 15 seemed. I couldn't escape from this. And although 16 I wouldn't go and meet him in the rendezvous, he would 17 just come back and give me another note and this was 18 like a bombardment. 19 So that summer, which was, as you have mentioned, 20 the summer that I took my A levels and I was preparing 21 to go to university in the fall, I was a little young, 22 I was, like, a year younger than normal, I went to 23 friends of my parents who lived in Switzerland for 24 a holiday, which meant that I got away from there for 25 I think it was about four weeks.</p> <p style="text-align: center;">Page 112</p> |

1 What actually isn't in my statement, which happened
 2 on the way home, is that, because I was travelling alone
 3 back from Zurich to England, my mother wanted me --
 4 sorry, let me put this differently.
 5 I was travelling alone from Zurich back to my home
 6 town. When F12 found that I was going to be in Zurich
 7 for this period, which he did, which I told him, he then
 8 came back to me a little bit later and said that his
 9 family had rented a villa in France which just happened
 10 to be about halfway back on the journey from Zurich to
 11 my home town, and he went to my mother and said, you
 12 know, "It's a long way for Julie to travel in one day.
 13 Maybe she should break her journey with us". And so --
 14 and I told my mother, "I don't want to do that. I don't
 15 want to do that. I will just take the train. I'll just
 16 do the overnight journey, whatever. I don't want to do
 17 that", and my mother insisted, "No, it's so kind.
 18 I mean, this would be so nice for you to break ..." so
 19 I wound up being picked up at a railway station
 20 somewhere -- I can't exactly identify where -- in France
 21 halfway between Zurich and coming back to the south
 22 coast, was driven back to the house by F12, where we had
 23 dinner with his family. I excused myself immediately
 24 after dinner. I went to the bedroom that I'd been told
 25 I was going to be sleeping in. I moved every single

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1 piece of furniture in that room, except for the bed, in
 2 front of the door of the bedroom, and I went to bed.
 3 And a couple of hours later, he appeared, and he
 4 tried to get the door open, but he couldn't get it open
 5 because of the weight of the furniture. Just another
 6 little additional piece of information.
 7 Q. Did you at this point think about sort of blowing the
 8 whistle on him either to your parents or to anybody else
 9 in a position of authority or otherwise?
 10 A. You know, one of the things that I really want the
 11 inquiry to understand, although it is very difficult to
 12 understand, is that that was something that didn't even
 13 cross my mind for a nanosecond. By this point, I had
 14 all of this information about what this man had been
 15 doing, and I felt that if I -- having more information
 16 about what he'd been doing made me feel that if I was to
 17 go to authorities and try to tell these stories, that
 18 they would not believe me, that it would just sound too
 19 incredible to be believable, that a minister would act
 20 in this way, and that I would be in big trouble.
 21 So I focused instead on getting away from there,
 22 which I knew I was going to be able to do in October
 23 when I went to university. I had, by the way, applied
 24 and been accepted at the university geographically the
 25 furthest from my home that I could find that did the

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1 course that I wanted to do -- Durham.
 2 Q. How did the abuse make you feel emotionally whilst it
 3 was happening and in the immediate aftermath?
 4 A. I was still -- I said before I was a very serious
 5 teenager. I was still trying to work out whether I was
 6 a Christian, and I was still trying to work out what
 7 this behaviour meant in light of the Christian faith,
 8 that somebody could behave in this way. I didn't have,
 9 as I said, any way to understand it as morally wrong in
 10 a direct way, but it felt incredibly dirty, invasive,
 11 and completely disorienting, because, as I say, and this
 12 is what's so difficult to understand, I know, it was so
 13 difficult for me to make any sense of what was happening
 14 to me.
 15 I, as a child, and as a teenager, kept a daily
 16 journal. I was a completely obsessive journal writer.
 17 The only period from about 10 years old until I was in
 18 my mid 20s that I didn't write a daily journal was
 19 during this period. I just couldn't write. I just
 20 didn't know what was happening to me. It was all so
 21 completely overwhelming and confusing.
 22 I started to write again once I'd gotten away, but
 23 I stopped when this started to happen, because I have no
 24 records of this. My journals just dried up completely.
 25 Q. So you got away to university.

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1 A. Yes.
 2 Q. And, as I understand it, you didn't see F12 again?
 3 A. I think I caught maybe glimpses of him around my home
 4 town, but, no, I was never again -- I made sure I was
 5 never again in a situation on my own with him.
 6 Q. So when did you first tell anyone about your abuse?
 7 A. I -- not exact -- I didn't tell the story in the way
 8 I've told it to you. It's taken me years to be able to
 9 do that -- many, many years. But I first intimated that
 10 I had had an abusive relationship with a church minister
 11 to one of my girlfriends probably when I was in my mid
 12 20s, I think was the first time I would have raised it,
 13 and there were two girlfriends to whom I had said that
 14 there had been some abuse in my past, and it involved
 15 a church minister.
 16 Q. When did you -- or have you ever -- or did you ever tell
 17 your parents?
 18 A. I felt that, for many, many, many years I couldn't tell
 19 my parents because I believed that they would find it
 20 deeply distressing. So I actually decided to tell my
 21 mother after the death of my father, a little while
 22 after the death of my father. So I told my mother only.
 23 And her response was -- was not the response that I had
 24 expected. She didn't appear distressed at all.
 25 Q. You say in your witness statement that about eight years

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1 ago you decided you were going to come out about your
 2 sexual abuse and that it had taken you until that time,
 3 so 30 years, 40 years, for you to come out about this,
 4 and you said you wanted to protect others from F12, not
 5 because you wanted revenge. So I understand you managed
 6 to trace F12 to another country, if we can keep it as
 7 "another country"?

8 **A. Actually, that was a little bit earlier, Fiona. I first**
 9 **discovered F12 was in a far-away country -- I ordered**
 10 **the Anglican Church yearbook.**

11 Q. Is it Crockford's or something different?

12 **A. In those days there was no internet and it was like this**
 13 **big (indicating). I discovered that F12 was in**
 14 **a far-away place as an Anglican minister. That was in**
 15 **1991. It took me -- I contacted the diocese in that**
 16 **place and they, of course, you know, said that if**
 17 **I wanted to make a complaint, I would need to actually**
 18 **write out a statement of what happened. I started to**
 19 **try to write it out. It was really hard. The computer**
 20 **I was writing it on crashed and I stopped and that was**
 21 **it until 1999, my new year's resolution at the end of**
 22 **1998/99 was that I would actually make myself do this.**
 23 **I did write out my statement and I did submit that**
 24 **complaint to that diocese in 1999.**

25 Q. What then happened?

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1 **A. They first of all showed my complaint to F12, who wrote**
 2 **a response. That was a very ambiguous response, a sort**
 3 **of, "Yes, I did. No, I didn't" response, and then they**
 4 **decided that they would take it to a hearing, which was**
 5 **their next stage in their procedure under Canon law, and**
 6 **before the hearing took place, he resigned, and**
 7 **I received a letter from the archbishop of the far-away**
 8 **place telling me that he would not be employed again by**
 9 **the Anglican Church.**

10 At the time, I thought that meant that he was out of
 11 circulation. It turned out that I was wrong about that.

12 Q. Tell us about that.

13 **A. Well, as you just said, my intention here was to try to**
 14 **protect others, because I had, by that point, learned**
 15 **enough about abuse through some other situations and**
 16 **through other people's experiences to know that it would**
 17 **be very, very unlikely that I was the only person who**
 18 **had received this kind of treatment from F12, and so it**
 19 **seemed to me that it was quite likely that this was**
 20 **continuing, and that was why I had come forward.**

21 I thought that the statement that he would not be
 22 employed meant that he would no longer be able to
 23 exercise a sort of status/power as a minister, but what
 24 I overlooked was that that was "employed by the
 25 Anglican Church", and in fact what happened was, he went

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1 **about 10km up the road and became a minister in another**
 2 **church and, until very recently, was practising there.**

3 Q. You made a complaint to Sussex Police in 2014, and
 4 I understand criminal proceedings are ongoing, so they
 5 haven't as yet been resolved. What action did the
 6 police take upon receiving your complaint?

7 **A. Do you want me to talk about the complaint, which was**
 8 **a bit later, or do you want me to talk about what**
 9 **happened when the police first contacted me?**

10 Q. The police first contacted you.

11 **A. Yes.**

12 Q. How did that come about?

13 **A. Right. I received a phone call in the summer of 2014**
 14 **from David Greenwood, who represents me, and was**
 15 **representing me in my civil suit at that point, telling**
 16 **me that another complainant had gone to the local police**
 17 **of the town where I lived and had told a very similar**
 18 **story to the one I had told about F12, and this**
 19 **obviously, for that person as well, was many decades**
 20 **later.**

21 Up to that point, I had not wanted to be involved in
 22 any way in bringing a complaint to the police. I had
 23 been very opposed to doing that because I was extremely
 24 sceptical of the knowledge and the understanding of
 25 a local police force in dealing with an historic sexual

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1 abuse case, and I really didn't want to put myself
 2 through that.

3 However, when I heard that there was another
 4 complainant, I agreed with David that, you know, if
 5 I was prepared to come forward as well, there now was
 6 a chance of prosecution, and I felt that I had some
 7 responsibility.

8 So I was told that the police -- and there was
 9 a particular DC identified -- wanted me to call and were
 10 expecting my call. So over the next couple of days --
 11 and I actually went back and checked my records last
 12 night -- I called them four times. The first three
 13 times I called -- sorry, the first two occasions
 14 I called, I was told that the officer that I was asking
 15 for was not there, was away. I explained this was about
 16 an historic sexual abuse and there was another case on
 17 file that had just been opened and perhaps they could at
 18 least link me to that, and I was just told repeatedly to
 19 call back, to call back, "No, no, no, call back".

20 The third time I called, I actually for some reason
 21 got through to a call centre rather than to the police
 22 station, and I spoke to a call centre operator who was
 23 absolutely outstanding, who, when I told her that I was
 24 trying to report an historic sexual abuse claim, was
 25 just phenomenal. I mean, she knew exactly how to talk

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| <p>1 to me. She took all the details down, and I asked her 2 if she would please make sure these details reached the 3 police. 4 I tried a fourth time. I still couldn't get hold of 5 the officer, and this time I was told that if I wanted 6 to make a complaint, I would have to come to 7 Chichester -- sorry, to the place, in order to make the 8 complaint. 9 Q. I think we probably need to break the feed. 10 A. I don't think so. I mean, this is what the whole thing 11 is about. 12 Q. That's fine. 13 A. But I will be more careful. Thank you. 14 Q. I'm being supercautious. 15 A. I understand. So on the fourth occasion, I was told 16 that if I wanted to make a complaint I, would have to 17 come in person to the police station. 18 So at that point, I decided I couldn't go through 19 this any longer. I'd told the story now four times on 20 the telephone: once to the operator -- the call centre, 21 who was terrific, but three times to a completely 22 unsympathetic person who wasn't interested and 23 apparently wasn't taking any notes. No-one ever called 24 me back, and I said to David, "If they want me to be 25 a complainant, then I will need to obviously be</p> <p style="text-align: center;">Page 121</p> | <p>1 would completely deter most people from reporting 2 historic child abuse to the police. You know, I'm 3 fairly determined, and I did keep trying, and I did 4 eventually follow through, as we know, with the process, 5 but it was -- it was surprising to me, I have to say, 6 that there was not a greater level of competence on the 7 ground, and now that I know more about some of 8 the context of what that particular area dealt with over 9 many years, perhaps even more surprising that there was 10 so little interest apparently or ability to really 11 relate to the story in any kind of professional way. 12 Q. You identified earlier that you'd also by this time, by 13 2014, issued a civil claim -- 14 A. Yes. 15 Q. -- against the church. In fact, you were upset about 16 both the way the police had treated you, but also the 17 way that the church -- well, that the defence, shall we 18 say, had been run -- 19 A. Yes, I was often told not to make that conflation. 20 Q. That the defence -- the way the defence had been run, 21 I say that very carefully, that you published an article 22 in The Church Times which was published on 23 11 December 2015? 24 A. Yes. 25 Q. Chair and panel, it is behind tab 5 of your bundle.</p> <p style="text-align: center;">Page 123</p> |
| <p>1 interviewed when I get back to where I live, in Canada, 2 and I don't want to be interviewed other than by 3 officers who have been trained to take statements from 4 sexual abuse victims". 5 Q. We have to cut the feed. 6 A. What did I say that was wrong this time? 7 Q. No, it's from the Chichester bit. 8 A. Oh. 9 Q. Don't worry. (Pause) 10 Professor Macfarlane, we can start again. 11 A. Thank you. Sorry. 12 Q. Would it be fair to say that you would consider that, 13 despite all the strides that have been made -- and this 14 was in 2014, so it was only four years ago -- 15 A. Yes. 16 Q. -- which have been made by the police in this respect, 17 on the ground there are still some basic problems in 18 dealing with the initial complaints made by victims and 19 survivors? 20 A. Yes. I mean, it was -- apart from the fact that it was 21 pretty upsetting for me personally to try to tell this 22 story, thinking that they wanted to hear from me, and to 23 be rebuffed, the other thing that I felt really strongly 24 about what happened and I wanted, therefore, to put this 25 on the record here today was that that kind of attitude</p> <p style="text-align: center;">Page 122</p> | <p>1 Paul, if we could get it up, INQ0011017_001. Maybe try 2 ANG000218. We have obviously got two references for it. 3 My reference is the INQ one at the bottom of the page. 4 You express in your article your concern about the 5 way that you were treated by the defendants in the 6 context of your civil claim brought, and in particular 7 you have concerns and, if I could take you to the fourth 8 page of your article, this is where you identify the 9 concerns. The first concern you had, at the bottom of 10 the page: 11 "The church and its insurer's representatives 12 perpetuate discredited and offensive myths about sexual 13 assault." 14 A. Right. 15 Q. In this, you identify details about what was set out in 16 the defence, and in particular the fact that it is 17 alleged that there "might have been inappropriate but 18 not unwelcome 'touching' on occasions". 19 A. Mmm-hmm. 20 Q. What was your reaction to that? 21 A. I think I wrote, "There is not a shred of evidence for 22 this disgusting assertion". 23 You know, I think that it is common knowledge that 24 a strategy for defending sexual assault and rape is to 25 allege that the victim invited or enjoyed or welcomed in</p> <p style="text-align: center;">Page 124</p> |

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| <p>1 some way the assault, and that is a very common what 2 I would call rape myth. 3 I probably shouldn't have been surprised to see it 4 being argued in this case, that this was not unwelcome, 5 but this just reinforces the stereotype that somehow 6 someone -- and in this situation, as I have already 7 explained to you, someone who had no sexual experience 8 whatsoever, had absolutely nobody to be able to talk to 9 about what was happening to me, and found it 10 a terrifying and disgusting experience, that I was still 11 being told was what God wanted me to do. To suggest 12 that somehow I was welcoming what was being forced upon 13 me felt -- well, it felt re-traumatising, to be 14 perfectly honest. 15 Q. The second concern that you had is the fact that the 16 insurers relied upon the statute of limitations. 17 A. Yes. 18 Q. And this is in particular because you became a student 19 at law school, and therefore, as I understand it, in 20 year 1 of tort you should have known that -- you know, 21 that was your knowledge under the Limitation Act? 22 A. I should have suddenly leapt to my feet and said, "I've 23 just realised, I've only got X years left to sue the 24 church", but unfortunately, I didn't do that since, at 25 that time, I still hadn't told anybody whatsoever about</p> <p style="text-align: center;">Page 125</p> | <p>1 home province of Ontario, it was repealed in 2016. It's 2 also been repealed in British Columbia, in Nova Scotia 3 and the rest of the provinces in Canada are expected to 4 follow suit, and of course this is also happening state 5 by state in the US. 6 Obviously, this needs to happen in England and Wales 7 as well because it is a completely archaic way of 8 understanding the process through which a survivor will 9 go before they are ready to bring a case forward. 10 Q. If you wouldn't mind, Paul, if you could get up the 11 witness statement of David Bonehill from the 12 Ecclesiastical Insurance Office, behind tab 3 of your 13 bundle, chair and panel, EIO000140. Could I ask you to 14 go to pages 8 and 9, which is paragraph 33. I just 15 wanted to identify in your process, paragraph 33, 16 David Bonehill indicates that a change was introduced to 17 the internal guidance to make it clear that if the 18 defence of limitation was to be pleaded in any PSA case, 19 it had first to be escalated to the committee and that, 20 in 2016, a further section was added in relation to 21 pleading the defence of consent: 22 "It stated that pleading consent ... was 23 inappropriate in the majority of cases, particularly if 24 there was evidence of a power imbalance ... [only in 25 exceptional circumstances could consent be considered]."</p> <p style="text-align: center;">Page 127</p> |
| <p>1 what had happened to me. 2 Q. What is your view about the way that that particular 3 defence was pleaded in your particular case, and what 4 wider concerns do you have about that? 5 A. Well, I was told that in my case what happened was, by 6 that point, EIG had a policy of only pleading 7 limitations if they got the approval of a constituted 8 committee for that. 9 Q. I think we will go to the witness statement from the 10 Ecclesiastical Insurance witness in which they say that. 11 A. Okay. Thank you. So apparently they had decided that 12 this was an exceptional case in which they should plead 13 the statute of limitations, which, given that they were 14 equating in the way that they pleaded it the fact that 15 I had knowledge of the law from taking torts at law 16 school with the idea that I therefore should have 17 pursued my action earlier, just seemed completely 18 ridiculous to me, and obviously a complete 19 misunderstanding of the ways in which people who survive 20 sexual abuse come to a point where they are ready to 21 finally bring forward a claim and try to understand what 22 has happened to them. 23 On the wider question of the statute of limitations, 24 this is something that other jurisdictions in the world 25 are repealing in relation to sexual offences. In my</p> <p style="text-align: center;">Page 126</p> | <p>1 I am assuming that the defence in fact predated the 2 change in 2016 because the defence I think you identify 3 was 2015? 4 A. Yes, the defence predated the change in 2016 because, as 5 I understand it, the change in 2016 was the result of my 6 settlement process in which I asked for the negotiation 7 of a new claims protocol, which this refers to, that 8 changed the approach towards pastoral care, counselling, 9 pleading consent, pleading limitations, and so forth. 10 So in fact they are referring there, I believe, to the 11 outcome of my settlement process. 12 Q. Paragraph 43 of David Bonehill's report, 012, sets out 13 the fact that in 2016 the EIO issued some guiding 14 principles. 15 A. Yes. 16 Q. Paul, would you mind getting those up on the screen? 17 That's EIO000132. I think we probably need the next 18 page: 19 "Principles of claim handling." 20 So we have those there. Have you had an opportunity 21 to -- I mean, it goes over onto page 4 and page 5. 22 Having had a chance to have a look at those principles 23 of claims handling, do you think that they are now 24 appropriate or, if not wholly appropriate, then 25 certainly better than they were, in terms of recognising</p> <p style="text-align: center;">Page 128</p> |

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| <p>1 the difficulties that arose in your case and would have 2 arisen in others?</p> <p>3 A. Mmm. I mean, just to clarify quickly, myself and 4 David Greenwood wrote most of those principles because 5 what happened was, I said -- when -- after I wrote the 6 Church Times article -- and this actually I do want to 7 get on the record. The insurers had refused to consider 8 meeting for settlement until I wrote the Church Times 9 article, which galvanised them into sudden activity and 10 in January they proposed to David Greenwood that we meet 11 for the purposes of settlement, which we did, 12 in February. At that settlement meeting, I explained 13 that what I wanted in my settlement agreement was to be 14 part of the negotiation of a new claims protocol for 15 EIG.</p> <p>16 We dispensed with the financial part of my 17 settlement in 20 minutes, and we spent the rest of 18 the time arguing about whether or not they would be 19 willing to participate with me in changing their claims 20 process, and putting the final process up on the website 21 so that people could read it and could understand what 22 they were committing themselves to.</p> <p>23 So the principles that you see here, Fiona, are 24 drawn from the document that I prepared and David worked 25 on with me that we brought to the meeting in April of</p> <p style="text-align: center;">Page 129</p> | <p>1 they would not discontinue pastoral care from people who 2 brought forward complaints, because I had heard from 3 a lot of people after my Church Times article who told 4 me that that was exactly what happened to them, that 5 they were basically shunned from their local church 6 communities.</p> <p>7 How well that's actually working on the ground, I'm 8 not sure, and in fact I'm just about to begin a study 9 that will now, two years on -- it is two years since 10 this was put in place -- begin some systematic 11 monitoring and evaluation via claimants' representatives 12 to see just how well these principles are being adhered 13 to, because obviously that's what's really crucial.</p> <p>14 Q. The third concern you had in your Church Times article 15 is the church claims it cannot control how legal claims 16 brought against it are handled?</p> <p>17 A. Yes.</p> <p>18 Q. You don't think that's the case, do you? Perhaps you 19 would like to tell us why?</p> <p>20 A. In actual fact, what really tipped me over the edge and 21 led to me writing the Church Times article in -- in 22 a state that probably could be well described as a fury 23 one evening was receiving some correspondence which 24 actually was a couple of months old, but David's office 25 had just forwarded to me, that included a letter written</p> <p style="text-align: center;">Page 131</p> |
| <p>1 2016 by this point, and my settlement agreement had said 2 that there would be all best efforts made to get this 3 new protocol in place by the end of June, which was 4 exactly what happened.</p> <p>5 So how far does it meet my concerns? I would like 6 to see it say that the statute of limitations will never 7 be used in cases of child sexual abuse.</p> <p>8 Q. At the moment, I think it says it will consider it 9 carefully and it will only be in exceptional cases?</p> <p>10 A. That's right, exceptional. Exceptional. And you and 11 I both know, as lawyers, what the word "exceptional" 12 means, it can mean whatever the colour of the sky is 13 that day, so that worries me, given that they apparently 14 considered my own case exceptional enough that because 15 I'd studied torts that made me a good candidate for 16 trying to use the statute of limitations against me. So 17 I would rather it said "never".</p> <p>18 I'm happy with what it says about consent insofar as 19 it recognises power relationships. This inquiry, of 20 course, is focused on child sexual abuse, but I believe 21 that we could add "and adult" to every sentence that 22 that phrase is uttered in, since there are many adults 23 who are also abused by ministers, who hold a position of 24 power. So that I'm happy with.</p> <p>25 I was happy with their -- their undertaking that</p> <p style="text-align: center;">Page 130</p> | <p>1 on behalf of the Archbishop of Canterbury that said to 2 David, "As lawyers" -- let me actually read this. This 3 is important:</p> <p>4 "As a lawyer ..."</p> <p>5 This is addressing David Greenwood:</p> <p>6 "... you will be very aware of the constraints under 7 which we in the profession have to work in dealing with 8 these miserable matters."</p> <p>9 So the implication of this is, "We just can't do 10 anything, we are just in the hands of the lawyers and 11 they are going to -- you know, they are going to give us 12 their advice and we can't do or say anything because we 13 have an insurance policy", and pleading this passivity 14 while, on the other hand, making public statements of 15 repentance and remorse about what had happened to those 16 who'd been abused by priests.</p> <p>17 I just found the hypocrisy absolutely infuriating. 18 One of the things that I have done in my scholarly work 19 is, I have done a lot of research and writing about the 20 relationship between lawyers and clients, and I think if 21 there's one thing that not just I but most people 22 understand, it's that the lawyer does not tell the 23 client what to do; the client tells the lawyer what to 24 do.</p> <p>25 So for the church to be arguing that somehow they</p> <p style="text-align: center;">Page 132</p> |

1 just "couldn't help it, they were in the hands of
 2 the lawyers" seemed to me to be the ultimate hypocrisy.
 3 Q. How have your experiences as a teenager impacted upon
 4 your life, emotionally or otherwise? At first blush,
 5 you are a very successful, professional woman. You have
 6 had a very successful academic career. You have
 7 children. Your life has been outwardly happy and
 8 fulfilled. How has abuse impacted you?
 9 A. The first thing I would say is that, like so many other
 10 pieces of this very complex puzzle, we all hold a lot of
 11 stereotypes about the way people will be if they have
 12 been impacted by abuse. People are impacted in many,
 13 many, many different ways. We are all impacted but we
 14 are impacted in different ways.
 15 I think that, for me, the most important impact was
 16 that, following that period of abuse, I then had two
 17 subsequent abusive relationships, one of them a very
 18 severely physically and sexually abusive relationship
 19 that went on for a period of 18 months. I think, when
 20 I look back at all of this, there was a way in which --
 21 and you will hear other survivors say this, that that
 22 experience of abuse at the hands of the minister kind of
 23 set me up for these other relationships in which I had
 24 a similar sense of being in a surreal place that didn't
 25 fit with the rest of my identity, that didn't fit with

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1 the rest of my life, but nonetheless I was trapped in,
 2 and I was trapped in it in a very real way.
 3 I carried throughout my 20s, once I got out of
 4 the last of those abusive relationships, a great deal of
 5 guilt and a great deal of shame. I, by this point, felt
 6 that it was very difficult to talk about what had
 7 happened to me because I wouldn't be only talking about
 8 the abuse by the minister, but these other things as
 9 well, and, you know, it was kind of like a serial
 10 disaster.
 11 So it took a long time before I actually told
 12 anybody the entire story, and I mean a really, really
 13 long time.
 14 I was in a marriage then that was not a marriage
 15 that worked for me insofar as my husband didn't really
 16 understand the extent of the abuse that I'd been through
 17 and the emotional impact on me. He was not a bad
 18 person, but he just couldn't grasp it. So that was
 19 very -- that was a very difficult period. And I think
 20 that, you know, the thing that I would say that I still
 21 feel, and I'm probably going to feel when I go home
 22 tonight, and I certainly felt throughout the process of
 23 bringing the civil case and now the complaint, is that
 24 it's difficult not to feel lonely, and I say that
 25 despite the fact that I now have, you know, a whole

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1 world that knows about what happened to me, I've taken
 2 a very conscious decision to be public because
 3 I actually want to be something of a sort of example of
 4 how people can survive this, but there are still moments
 5 at which it is intensely lonely because there really is
 6 no-one other than me who can possibly understand what it
 7 felt like to go through that experience with the
 8 minister and the subsequent experiences, and I say that
 9 despite the fact that my daughters know, that my friends
 10 know, and I have become much more resilient about
 11 talking about it.
 12 I probably should just mention finally that I have
 13 had years and years of therapy. I have worked with two
 14 absolutely wonderful therapists over this time. And my
 15 current therapist, who was also involved in the civil
 16 case, did diagnose me with chronic PTSD and I do have
 17 symptoms of PTSD that jump up and bite me occasionally,
 18 like PTSD does when you least expect it to, but it's
 19 always there in the background. But the key, I think,
 20 for me is learning how to manage it and to carry on with
 21 my life.
 22 Q. You mentioned that you considered the process of civil
 23 compensation re-traumatised you --
 24 A. Yes.
 25 Q. -- in a way. What's your view about a dispute

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1 resolution process which could avoid the trauma that you
 2 felt?
 3 A. Well, I mean, the obvious point, to start with -- and
 4 forgive me because it is obvious -- is that an
 5 adversarial process is totally inappropriate for
 6 a sexual abuse case or a sexual assault case, I believe,
 7 and I believe that to be the case whether the person was
 8 a child or an adult at the time.
 9 The most difficult part of the process for me --
 10 and, I mean, I say this as a law professor who fully
 11 understood what that train was that was coming down the
 12 tracks towards me, so in some ways I had an advantage.
 13 The most traumatising parts of the process were, first
 14 of all, the filing of a defence, which we have already
 15 been over, had some -- although I was anticipating it --
 16 very difficult parts to it.
 17 Second of all, and this just infuriated me, the
 18 unwillingness of the other side to consider talking to
 19 us about settlement, which, given that there had already
 20 been a complaint upheld against F12 in a far-away place
 21 seemed to me to be somewhat ridiculous, that they
 22 wouldn't even consider talking settlement.
 23 And then, thirdly, I went through a so-called
 24 examination by an expert, by a psychiatrist, who was
 25 supposedly an expert in this area, although in fact does

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1 not actually have expertise in abuse but specialises in
 2 another area, but I was examined by this expert who then
 3 wrote a report, and that process was not only
 4 increasingly adversarial nature, because it was a report
 5 that was then written to support the church's case, but
 6 it was also very traumatic to go through that
 7 experience, and I think, again, you know, I knew what
 8 I was walking into, and I think it would be very, very
 9 hard for lots of people to go through that two hours
 10 that I had with that individual.

11 So, you know, those are things that I think we have
 12 to get rid of. I think that we need some kind of
 13 independent redress body that has a process similar to
 14 those that we have seen in other countries -- in Canada
 15 there is a redress body that has now taken the
 16 residential schools abuse cases out of the courts. It
 17 is not perfect, but it is a model. Also, of course, the
 18 Australian model. And looks at these cases on the basis
 19 of, first of all, being aware of the fact that the false
 20 reporting of sexual assault and sexual abuse cases
 21 consistently throughout jurisdictions, if you look in
 22 the US and Canada and England and Wales, at the police
 23 numbers, it's consistently 5 to 8 per cent. In other
 24 words, it's extremely low.

25 And there should be a presumption going in that,

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1 although, yes, it could be one of those 5 to 8 per cent,
 2 it is much more likely that it falls into the other
 3 category, and there is an investigative procedure that
 4 is predicated upon that.

5 And then there is some measure of compensation that
 6 people can access that doesn't -- you know, we have the
 7 wrong measure of compensation going as well. We have
 8 the wrong measure of quantum going here. We measure
 9 quantum in these cases by the measurable harm, and of
 10 course, in my case, you know, you could look at me and
 11 say, "Well, she looks okay", and, you know, I have gone
 12 on with my career, I can't claim lost earnings at any
 13 one point, et cetera, and I think that that is entirely
 14 the wrong assessment. The assessment should be about
 15 helping to make people whole again, and helping to make
 16 people whole again costs money, it takes therapy, and it
 17 should be a holistic approach rather than simply this
 18 very forensic measure of damages.

19 Finally -- I will stop in a minute, but I have a few
 20 things to say on this -- we use the civil standard on
 21 the balance of probabilities in the civil suits, but it
 22 is applied in a very forensic way, and it is applied
 23 within the context of lawyers continuously doing risk
 24 assessment around this. I think it's the wrong --
 25 I think it's the wrong standard. I think that there

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1 should be, as I say, a clear and competent and
 2 professional investigation of complaints in an
 3 independent redress body that of course has to ensure
 4 that the complaint is well founded. But I think
 5 a measure like the balance of probabilities is
 6 unhelpful. It makes people move towards that very
 7 forensic level of proof.

8 Nobody was in the car with me when I went out with
 9 the minister. No-one else was swimming with us when he
 10 lost his swimming trunks. I mean, it's very difficult
 11 for people to corroborate these stories, obviously. So
 12 I think that we need to take all of that into account in
 13 building a different system.

14 MS SCOLDING: Thank you very much. Thank you very much,
 15 Professor Macfarlane. Thank you for sharing your story
 16 with us.

17 Chair and panel, do you have any questions?

18 Chair, I don't know, as this is a natural break
 19 between one witness and another, whether it would be an
 20 appropriate place to take a short break at this time, if
 21 that is convenient for you.

22 Can I also ask and invite you to make an amended
 23 restriction order to cover the pieces of information to
 24 which I will not refer again, thank you very much.

25 THE CHAIR: Yes, I will make that order, thank you. Thank

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1 you very much, Professor Macfarlane. We appreciate very
 2 much you coming here today to give us your testimony and
 3 your views.

4 **A. Thank you. Thank you very much.**

5 **(The witness withdrew)**

6 THE CHAIR: We will return slightly after 3.00 pm.

7 MS SCOLDING: Thank you very much, chair.

8 (2.47 pm)

9 (A short break)

10 (3.06 pm)

11 THE CHAIR: Ms Scolding, Mr Frank has a question to put to
 12 you before we move on.

13 MR FRANK: Ms Scolding, you will remember that Dr Macfarlane
 14 indicated to you that she was either engaged or about to
 15 become engaged on a study concerning the implementation
 16 of recommendations. I just wonder whether she might be
 17 invited to draw the outcome of that study to our
 18 attention as soon as possible so that we don't forget
 19 about it.

20 MS SCOLDING: I don't think that Professor Macfarlane is in
 21 fact in the room. What I will do is ask that the
 22 inquiry, but also that solicitors acting on her behalf,
 23 Mr Greenwood and his associate, that they provide us
 24 with that study once it is done, because I think it will
 25 be useful material for the inquiry. Thank you very

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| <p>1 much.</p> <p>2 MR FRANK: Thank you.</p> <p>3 MS SCOLDING: We now pass to the evidence, chair and panel,</p> <p>4 of Bishop Mark Sowerby.</p> <p>5 BISHOP MARK SOWERBY (sworn)</p> <p>6 Examination by MS SCOLDING</p> <p>7 MS SCOLDING: Chair and panel, you have two witness</p> <p>8 statements in the bundle which I would ask to go up on</p> <p>9 the website at the appropriate time: one is ACE025934,</p> <p>10 and the other is ACE026133, and that second number is</p> <p>11 Bishop Mark, as I am to call him, as I understand,</p> <p>12 witness statement acting as chair of the Diocesan Board</p> <p>13 of Education, rather than as Bishop Mark the suffragan</p> <p>14 Bishop of Horsham.</p> <p>15 So can I also identify, Bishop Mark, have you had an</p> <p>16 opportunity to read those statements recently?</p> <p>17 A. I have.</p> <p>18 Q. Are they true, to the best of your knowledge and belief?</p> <p>19 A. They are, except that you will recall --</p> <p>20 Q. You made an amendment?</p> <p>21 A. -- that I made an adjustment to paragraph 15 of my first</p> <p>22 witness statement.</p> <p>23 Q. Just to indicate what that adjustment is, paragraphs 15</p> <p>24 and 16 should now reflect the fact that paragraph 15</p> <p>25 said that -- originally, that under the area scheme,</p> <p style="text-align: center;">Page 141</p> | <p>1 A. That's correct.</p> <p>2 Q. From paragraph 4 through to paragraph 7, you identify</p> <p>3 your curriculum vitae, so to speak?</p> <p>4 A. I do.</p> <p>5 Q. In particular, you were vocations officer and selections</p> <p>6 secretary in the Ministry Division of</p> <p>7 the Archbishops' Council and held permission to</p> <p>8 officiate in the Diocese of Southwark?</p> <p>9 A. That's correct.</p> <p>10 Q. The first question I am going to ask you is based upon</p> <p>11 that: we heard from Philip Jones in evidence last week</p> <p>12 about the fact that one of the issues that he raised was</p> <p>13 about the need for better training for ordinands and</p> <p>14 better selection of ordinands and better supervision and</p> <p>15 mentoring during their first years after ordination --</p> <p>16 I have learned from Dr Bursell this morning not to say</p> <p>17 "from the beginning of their careers". Do you agree</p> <p>18 with what Philip Jones said, given your experience both</p> <p>19 within Horsham but also operating on almost like</p> <p>20 a national level, as I understand it, in terms of</p> <p>21 vocations?</p> <p>22 A. I think that the selection procedure is actually fairly</p> <p>23 good, but it's always capable of improvement. I think</p> <p>24 that the selectors, as I knew them -- they are now</p> <p>25 called bishops' advisers -- would benefit from some</p> <p style="text-align: center;">Page 143</p> |
| <p>1 which we have already heard about, chair and panel, that</p> <p>2 Bishop Sowerby would have had responsibility, or</p> <p>3 certainly the area bishop would have had responsibility,</p> <p>4 for the granting of permission to officiate. He now</p> <p>5 recognises that in fact it was Bishop John Hind who had</p> <p>6 reserved all grants of PTO to himself.</p> <p>7 A. Thank you.</p> <p>8 Q. Just a few housekeeping matters. I have seen you</p> <p>9 sitting at the back, so I know that you have been here</p> <p>10 a number of days, so I apologise, but if I could</p> <p>11 identify that the statement and the exhibits have been</p> <p>12 read by the panel, so I'm not going to take you through</p> <p>13 them line by line. This is not a test of memory, so if</p> <p>14 you have notes or you wish to refresh your memory in any</p> <p>15 way, please feel free to do so. We may have as many</p> <p>16 breaks as you wish, so please don't hesitate to ask if</p> <p>17 you need them. I don't think there are any matters</p> <p>18 within your statement which are redacted and where there</p> <p>19 is a cipher. If that is the case and you're not clear,</p> <p>20 please only refer to the individual by their cipher. If</p> <p>21 you are not clear who that person is, Ms Scholefield can</p> <p>22 provide you with a Post-it note with it on.</p> <p>23 A. Thank you.</p> <p>24 Q. You are, as I understand it, Bishop Mark Sowerby, and</p> <p>25 from 2009 you have been the Bishop of Horsham?</p> <p style="text-align: center;">Page 142</p> | <p>1 additional training, given that they do receive</p> <p>2 disclosures during those contexts, and that is a matter</p> <p>3 that's already been raised by -- raised with</p> <p>4 Ministry Division staff.</p> <p>5 Q. So sort of more training at that stage so that</p> <p>6 individuals can respond sensitively to the disclosures</p> <p>7 which may well be made?</p> <p>8 A. I think that is the gap that I have identified. I think</p> <p>9 that in other respects the selection process, as I knew</p> <p>10 it, was fairly good, though most things are capable of</p> <p>11 improvement as new techniques come to light.</p> <p>12 Q. We're going to talk to you about your role in</p> <p>13 safeguarding, both within the Diocese of Chichester but</p> <p>14 also nationally, as I understand, you are the deputy to</p> <p>15 Bishop Peter Hancock, who is currently the lead on the</p> <p>16 Bishops' Council. So we are going to talk to you</p> <p>17 firstly about matters within the Diocese of Chichester</p> <p>18 and then, secondly, about your role in the context of</p> <p>19 the national church, as I will call it.</p> <p>20 So, as we have already identified, when you were</p> <p>21 appointed, you were the area suffragan bishop --</p> <p>22 A. Yes.</p> <p>23 Q. -- rather than the suffragan bishop. So you were</p> <p>24 appointed just before -- well, three years before the</p> <p>25 scheme was changed, which, as we understand it, was when</p> <p style="text-align: center;">Page 144</p> |

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|---|--|
| <p>1 Bishop Martin, who we are going to hear from tomorrow, 2 was appointed. 3 So were your responsibilities the same as has been 4 outlined by Bishop John and Bishop Wallace in their 5 evidence in respect of safeguarding and responding to 6 allegations of child sexual abuse? 7 A. They were broadly. I was responsible for matters to do 8 with recruitment and so for handling the paperwork in 9 advance of an appointment; I was responsible for 10 interviewing, for exploring all of the paperwork 11 beforehand, for making sure that CRB checks had been 12 done, safe to receive and CCSLs had been received. When 13 people were leaving the diocese, I would be responsible 14 for writing references, safe to receive letters, and so 15 on, as well, of course, as the general responsibility to 16 promote good practice and to respond to safeguarding 17 cases or incidents as they came along in consultation 18 with the diocesan safeguarding adviser. 19 Q. I also understand you had specific responsibility during 20 the archbishop's visitation because of the vacancy in 21 See, as I understand it should be called, in 2012. 22 I want to make sure I get that right after my 23 infelicities of language with Dr Bursell this morning? 24 A. I believe you're right with that one. 25 Q. Thank you very much. So you were in fact in charge of</p> <p style="text-align: center;">Page 145</p> | <p>1 appointments, I understand that there was, in effect, 2 a moratorium on appointments for a period of time before 3 the enthronement -- I think that's the right word -- 4 A. That's correct. 5 Q. -- of Bishop Martin? 6 A. That's correct. Bishop Martin asked us to hold back on 7 appointments. Where something was already in train, it 8 was allowed to proceed; but in general, we were asked 9 not to make appointments. 10 Q. Subsequent to what we understand to be the revocation of 11 the area scheme, what is now your responsibility for -- 12 I think it was three things that the area bishops were 13 particularly responsible for, I think it was 14 recruitment, I think it was for some sort of 15 institutions, and it was something else I think 16 Bishop Wallace said yesterday. So you are no longer 17 ultimately responsible for recruitment; is that right? 18 A. No, I -- the bishop has reserved that -- the diocesan 19 bishop has reserved that to himself. So those 20 safeguarding functions which surround recruitment or 21 departure of clergy from the diocese are now handled 22 centrally by the diocesan bishop. 23 Q. Can I ask, on your appointment, what training had you 24 had in respect of safeguarding, before you were 25 appointed the area bishop? I think you set out the</p> <p style="text-align: center;">Page 147</p> |
| <p>1 day-to-day management of safeguarding within the diocese 2 during that time? 3 A. Yes. 4 Q. What did that involve doing, additionally to your 5 responsibilities already as suffragan/area bishop? 6 A. Those details were quite specific from the archbishop, 7 that I was to notify his registrar, John Rees, about all 8 proposed new appointments and that he would check them 9 against the necessary lists. He needed to be advised 10 about -- that CRBs, and so on, had been carried out, 11 I believe; that when clergy were to be given permission 12 to officiate, again, the appropriate checks were being 13 made, they would be referred to him; it would be up to 14 me to withdraw or to grant PTOs and, during the 15 visitation, I actually withdrew PTO from those clergy 16 who were thought not to have a current CRB. I was 17 responsible for notifying John Rees when PTO was 18 withdrawn. There was one particular instance with which 19 you will probably deal later. During that period, 20 I also met with representatives of MACSAS and operated 21 the Clergy Discipline Measure and in particular heard 22 the case against two clergy, one of whom had been 23 ministering without permission to officiate and the 24 other who had allowed him to do so. 25 Q. As far as I'm aware, particularly in respect of</p> <p style="text-align: center;">Page 146</p> | <p>1 training you've received generally between paragraphs 17 2 and 20 of your witness statement, if you would find that 3 of assistance. 4 A. Before I was a bishop, it was largely self-education, 5 though I had to learn how we did the POCALS thing, made 6 sure that the appropriate paperwork was in what would 7 become blue files for those who were ordination 8 candidates. But most of my training has been 9 subsequent. 10 Q. So certainly when you were operating within the 11 Ministry Division, for example, with recruitment, you 12 didn't have any specific training about, I don't know, 13 spotting signs of grooming or spotting worrying signs, 14 those sorts of kind of making sure that the appointments 15 being made weren't inappropriate? 16 A. Yes, we were -- it wasn't specific safeguarding, but we 17 were taught to look through paperwork -- sponsoring 18 papers, registration papers and references -- in a way 19 that, if there was anything that caused anxiety or 20 suspicion, we would raise that with the bishops' 21 selectors in order that those could be pursued, and that 22 continues to happen and no doubt it's because of their 23 vigilance over that that some people are making 24 disclosures. 25 Q. You said that most of your training has come subsequent</p> <p style="text-align: center;">Page 148</p> |

1 to you becoming a suffragan bishop.
 2 **A. Yes.**
 3 Q. What training have you received subsequent to that
 4 period?
 5 **A. In 2009, we had some legal training from none other than**
 6 **Rupert Bursell and John Rees. Then in 2012, some**
 7 **training for working with the media during**
 8 **a safeguarding crisis. In 2014, I attended the national**
 9 **safeguarding conference, which invariably has a training**
 10 **element. The bishops' staff meeting in 2015 did some**
 11 **work on domestic violence. Again, I attended the**
 12 **safeguarding conference that year. In 2016, we did some**
 13 **further training as a senior staff. In 2016, we did**
 14 **some work on resilience, working with the media. Again,**
 15 **I attended the National Safeguarding Summit, along with**
 16 **Bishop Peter, last year. I refreshed my C1 and C2**
 17 **training towards the end of last year and, as a senior**
 18 **staff, we did C4, the latest senior staff training,**
 19 **in January of this year.**
 20 Q. So you're all up to date with your training, then?
 21 **A. I hope so.**
 22 Q. Good. You're also the deputy bishop for safeguarding.
 23 I think that's what I have to call you. What does that
 24 mean, in effect?
 25 **A. It means that I will deputise for Bishop Peter as and**

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1 **when he asks, and I will chair meetings occasionally if**
 2 **he is unable to be there. I have a particular**
 3 **responsibility in respect of the training, the national**
 4 **training framework.**
 5 Q. You are also a member of the National Safeguarding
 6 Panel. Is that correct?
 7 **A. That's true, yes.**
 8 Q. In which case, you act with other individuals from whom
 9 we have already heard evidence, for example,
 10 Mr Johnson --
 11 **A. That's true.**
 12 Q. -- and other external, shall we say, advisers?
 13 **A. That's true.**
 14 Q. I will come on to ask you a bit later about what your
 15 view is about the teeth of the National Safeguarding
 16 Panel, but just to sort of introduce you in that way.
 17 How does safeguarding currently work within
 18 Chichester? You set this out in particular at
 19 paragraphs 24 through to 31 of your witness statement.
 20 **A. As I've already explained, those aspects of safeguarding**
 21 **which surround recruitment and departure now belong with**
 22 **the diocesan bishop. The suffragan bishops do have**
 23 **authority to grant licence and PTO to readers.**
 24 Q. We haven't heard much about readers.
 25 **A. No.**

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1 Q. Perhaps you'd like to explain just in a couple of
 2 sentences what a reader is?
 3 **A. Readers are lay women and men who are licensed by the**
 4 **diocesan bishop to exercise the ministry of teaching and**
 5 **preaching in the diocese. They are ordinarily**
 6 **associated particularly with a parish, but their licence**
 7 **or permission to officiate allows them to be invited to**
 8 **preach or teach in other parishes as well.**
 9 Q. Right.
 10 **A. They customarily lose their licence in favour of**
 11 **permission to officiate at the age of 70.**
 12 Q. I understand you have in fact been involved in
 13 disciplining an individual who had viewed pornographic
 14 material on a school computer, and you withdrew his
 15 licence to read?
 16 **A. I can't remember if it was a licence or permission to**
 17 **officiate, but, yes, I did.**
 18 Q. As I understand it, one of the concerns that you raise
 19 at paragraph 27, which is something that Bishop John and
 20 others have raised, is that there isn't really a lot of
 21 discipline that you, as a bishop, can stamp upon the
 22 laity rather than upon members of the clergy?
 23 **A. No, there are considerable limitations to what the**
 24 **bishop can do in terms of disciplining the laity unless**
 25 **they're licensed under Canon, such as readers. There**

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1 **are things that the bishop can do if somebody who is an**
 2 **office holder demonstrates they are not fit to hold that**
 3 **office, perhaps as a church warden or as a trustee. Do**
 4 **you wish me to say a little bit more about**
 5 **responsibilities for safeguarding?**
 6 Q. What I wanted to identify is, you identify in particular
 7 that you have been involved -- and you have already
 8 identified -- in disciplinary action against the clergy
 9 and you have had to hear complaints under the Clergy
 10 Discipline Measure and acted in stages, I believe, sort
 11 of pre an actual hearing of the measure conveying formal
 12 letters of suspension or offering pastoral support?
 13 **A. Yes.**
 14 Q. What's your view about the suitability of the Clergy
 15 Disciplinary Measure as a vehicle to discipline
 16 individuals who have breached safeguarding guidance or
 17 have behaved in ways contrary to both the legal and
 18 moral imperatives of clergy?
 19 **A. My experience as a suffragan is limited in that, both to**
 20 **the period of the vacancy in See and to those very**
 21 **occasional times when Bishop Martin has delegated it to**
 22 **me. In the instances where I have operated the measure,**
 23 **it has been effective. I can think of an instance where**
 24 **a complaint was made out of time, and that additional**
 25 **layer before the complaint could even be made was**

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| <p>1 certainly distressing to the alleged perpetrator, but 2 I think to everybody around. That was a layer of delay 3 that was painful to all concerned. 4 Q. As I understand it as well, you identify at paragraph 30 5 that there were -- there used to be difficulties before 6 there were wide powers to suspend clergy. Now, 7 I understand -- 8 A. Yes. 9 Q. -- in the past couple of years there's now pretty much 10 as much power as you need to suspend whoever you need 11 who's operating in any form of clergy post? 12 A. Yes. 13 Q. But before that, there were a number of very practical 14 difficulties about that, as I understand it? 15 A. There were, and I can recall an instance where we wished 16 somebody to be withdrawn from ministry. The CDM did not 17 allow us to do that instantly. What I had to resort to 18 was a written agreement that the person concerned would 19 withdraw from ministry and that breach of that agreement 20 would constitute an offence under the Clergy Discipline 21 Measure. 22 Q. Was that individual someone whom I may have mentioned in 23 my opening who was subsequently convicted of sexual 24 offending? 25 A. No.</p> <p style="text-align: center;">Page 153</p> | <p>1 authorities that you service within your area. 2 A. We do. Again, I believe they are very good now, they're 3 appropriately watchful, but I think that they're very 4 good. They're represented on the safeguarding advisory 5 panel. 6 My conversations with Colin Perkins suggest that 7 he's in very regular contact. So I think those 8 relationships have been restored after their low point. 9 Q. What is your relationship like -- you had a relationship 10 firstly with Shirley Hosgood and then with 11 Colin Perkins? 12 A. Yes. 13 Q. Maybe we will talk about Shirley Hosgood in a moment. 14 What is your relationship like with Colin Perkins, the 15 current diocesan safeguarding adviser? 16 A. I regard it as very strong and professional. 17 Q. In fact, I think if I take you to paragraph 32 of your 18 witness statement, you say in the social care excellence 19 report it said: 20 "The DSA reported a very strong relationship with 21 the Bishop of Horsham and particularly valued the 22 support he offered for the team during the periods when 23 they were especially weighed down by the pressures of 24 work. Both the DSA and the suffragan bishop discussed 25 the manner in which they can disagree and healthily</p> <p style="text-align: center;">Page 155</p> |
| <p>1 Q. Can I ask, one of the things that has been identified 2 previously, historically, is problems in the 3 relationship between the diocese and the police in terms 4 of information sharing and in terms of handling of 5 cases, and, secondly, in respect of statutory 6 authorities. We have a whole chain of correspondence 7 which I don't think I need to take you to specifically, 8 but from East Sussex County Council in which they 9 express grave concerns about safeguarding during 2011 10 and 2012. 11 A. Yes. 12 Q. Firstly, in respect of the police, what is the nature of 13 the relationship? I suspect it will be principally 14 between the diocesan safeguarding adviser and the 15 police. But what is now the nature of the relationship 16 between yourself as the diocese and the police? 17 A. I believe it's very good. You're quite right to 18 identify the principal point of contact as the diocesan 19 safeguarding adviser. But the relationship is very 20 good. They are represented on our safeguarding advisory 21 panel. There seems now to be a much more free-and-easy 22 exchange of information. The protocols are working 23 well. 24 Q. How about your relationship with the local authority, 25 both -- well, in fact, you've got three local</p> <p style="text-align: center;">Page 154</p> | <p>1 challenge each other as to their roles. It felt like 2 a positive relationship between the two." 3 It again says: 4 "Where senior clergy were involved in cases, it was 5 evident that they respected the expertise of the DSA and 6 the ADSA and made themselves available for discussion 7 and support, but typically left the key safeguarding 8 decisions to the safeguarding team." 9 Would it be fair to characterise the fact that there 10 have been a large number of criminal investigations 11 within the Diocese of Chichester involving clergy who 12 were either living there or who administered there 13 between your arrival in 2009 to date? 14 A. There have been a significant number, yes. 15 Q. In particular, you said: 16 "Especially in periods when they were weighed down 17 by the pressures of work." 18 Is that what has largely caused the pressures of 19 work between all of you, is trying to manage all of 20 those criminal trials and all the run-up to them? 21 A. I think that the pressure upon our safeguarding staff 22 has involved very serious and sometimes very complicated 23 safeguarding cases. 24 I think that their concern for victims and survivors 25 has been demanding of them.</p> <p style="text-align: center;">Page 156</p> |

1 **I think that we are all very grateful for the**
 2 **appointment of IDSVa to help with that. I think that**
 3 **the rebuilding of trust after the low point of**
 4 **relationships with the LEAs has taken time to -- time**
 5 **and energy. And of course this inquiry itself, as well**
 6 **as a number of other elements of scrutiny, have been**
 7 **quite demanding of the safeguarding staff.**
 8 Q. Well, the inquiry is most grateful for all the time and
 9 efforts that you and the rest of the diocese have made.
 10 **A. I'm sure they will be very grateful to hear that from**
 11 **you.**
 12 Q. If I could identify, you say -- do you think that you
 13 have got enough resources in terms of personnel and
 14 money to manage safeguarding at the moment, within the
 15 diocese, not nationally?
 16 **A. I think we have at the moment, but along with members of**
 17 **the safeguarding advisory panel, we are attentive to**
 18 **what Colin Perkins says and would certainly not want to**
 19 **get ourselves into a situation where the staffing**
 20 **complement was inadequate for the ongoing work of**
 21 **safeguarding.**
 22 Q. Can we now pass on to the fact that you identify at
 23 paragraph 37 your general experience of the approach of
 24 the diocese to allegations of child sexual abuse, and
 25 you identified some sort of good things and some less

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1 good things, I think, and this is set out at
 2 paragraph 37, chair and panel, pages 8 over to 10.
 3 Paul, would you mind getting this up: ACE025934.
 4 Thank you very much.
 5 Just a few things, because we have heard from lots
 6 of different people about who took what seriously and
 7 when. You arrived in 2009, I would say just as the
 8 hurricane was about to hit, so to speak, just before the
 9 hurricane hit, in terms of the Meekings Report and the
 10 fallout from that.
 11 When you arrived, what was your view about both the
 12 role of the senior clergy in respect of safeguarding and
 13 also in respect of Ms Hosgood?
 14 **A. With regard to the senior clergy, the diocesan bishop,**
 15 **Bishop John Hind, seemed to me to take it very**
 16 **seriously. One or two people have said -- have even**
 17 **gone as far as to say he was obsessed by it. He**
 18 **certainly personally took it very seriously.**
 19 **What I think was -- proved very difficult was**
 20 **getting something which was at the forefront of his mind**
 21 **to the forefront of the diocesan agenda. I think that**
 22 **the Meekings Report and the litigious environment that**
 23 **that generated made it very difficult to make that move**
 24 **from his personal concern to the diocesan agenda.**
 25 Q. What was your relationship like with Ms Hosgood?

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1 **A. My own relationship with her was, I think, friendly and**
 2 **professional. I didn't come to know her terribly well.**
 3 **She had relatively few needs to make contact with me or**
 4 **me with her. But when we did find ourselves working**
 5 **together, it was, I think, a professional relationship.**
 6 Q. Is there anything you wish to tell the panel about what
 7 you noted about her relationship with other members of
 8 staff or senior clergy?
 9 **A. I was aware that there were tensions particularly**
 10 **between her and Bishop Wallace, though not much of**
 11 **the detail.**
 12 **I think that, although we have heard in her evidence**
 13 **that there was a good relationship between her and**
 14 **parishes, I think there were some parishes and clergy**
 15 **where that was less the case than others.**
 16 Q. You set out at paragraph 37.5, if we could turn that up,
 17 please, Paul, some issues about problems in terms of
 18 adverse reactions within parishes to the arrests of
 19 Robert Coles, Gordon Rideout, Bishop Ball and
 20 Christopher Howarth?
 21 **A. Yes.**
 22 Q. Could you flesh that out a bit, or elaborate on what
 23 those problems were and what you have done to try to
 24 address them?
 25 **A. I think the problems were largely to do with inability**

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1 **to believe it. The reputations of those people,**
 2 **sometimes simply in the community in which they were**
 3 **servicing and sometimes more broadly, were such that**
 4 **people found it difficult to believe the allegations,**
 5 **and sometimes refused to believe it even when**
 6 **convictions had been had in a court of law.**
 7 Q. I mean, as I understand it, certainly in the case of the
 8 Reverend Howarth, I don't know whether you were involved
 9 directly in the sort of mediation work that had to take
 10 place within the context of the parish?
 11 **A. I wasn't involved directly, but I'm aware that some work**
 12 **was done there.**
 13 Q. Have you had to do that sort of work in other parishes,
 14 so literally sit people down and say, "Look, they have
 15 been convicted"?
 16 **A. I haven't personally had to do that very much, though**
 17 **I have sat down with one or two individuals who continue**
 18 **to find it impossible to believe that**
 19 **Christopher Howarth is guilty of the things of which he**
 20 **was found guilty.**
 21 Q. What you say at 37.5.3 is I think quite interesting:
 22 "Sometimes distrust of complainants is the most
 23 influential factor. Where such complainants have
 24 a reputation for dishonesty or antisocial behaviour,
 25 their testimony against someone of good repute may be

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1 dismissed."
 2 **A. Yes.**
 3 Q. That's very interesting. That's a very sort of
 4 knee-jerk reaction, isn't it, but that's something that
 5 you found, that people say, "Well, he's the local
 6 tearaway. So and so is terribly respectable. That
 7 can't possibly be the case?"
 8 **A. I think it is more than that. I think that some**
 9 **perpetrators may well have latched their attentions upon**
 10 **people deliberately who will not be believed and, if**
 11 **that is the case, then it's very successful.**
 12 Q. You also identify -- again, I'm picking up on what
 13 Dr Bursell said earlier today -- at 37.6 a number of
 14 cultural factors, but an important factor is that there
 15 remains, particularly amongst older people with a high
 16 regard for the church, deference and trust in clergy?
 17 **A. Yes.**
 18 Q. Is that definitely a generational thing? I mean,
 19 obviously, as a clergyman, you know better than the rest
 20 of us about the trust and the deference you are shown
 21 from those around you. Has there been a generational
 22 shift or does that still exist?
 23 **A. I think it still exists. I think that it nonetheless is**
 24 **lessening with succeeding generations.**
 25 Q. You also identify very helpfully at paragraphs 38

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1 through to 44 some discussions about sort of wider
 2 culture within the Diocese of Chichester. Taking these
 3 as they arrive, the first issue you say may well have
 4 caused maybe a lack of energy, I think Bishop Martin
 5 describes, I think, the predecessor to Bishop John as
 6 demonstrating a lack of energy towards the end of his
 7 very long tenure. You seem to say there that
 8 Bishop John had been in post for eight years and
 9 Wallace Benn had been in post for 12 years and you
 10 describe these as long tenures in a policy-light
 11 diocese -- this is about halfway down paragraph 38 --
 12 enabled quite different customs to become the norm. Can
 13 you give me an example of that?
 14 **A. I think I gave one in the witness statement, which is**
 15 **simply the manner in which services -- what services**
 16 **were taken and so on.**
 17 **The lengthy terms of office meant that the senior**
 18 **staff was being refreshed at its most senior level less**
 19 **frequently than might have been the case.**
 20 Q. Right.
 21 **A. That, I think, over a period of years, did leave the**
 22 **diocese behind the curve in a number of areas.**
 23 Q. Right.
 24 **A. I think that we did not have many strong diocesan-wide**
 25 **policies. We did have some -- notably safeguarding --**

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1 **but we didn't have many, which did mean that more was**
 2 **reliant upon the character and practice of three bishops**
 3 **working in their own episcopal areas.**
 4 Q. So you would say it led to a kind of -- possibly
 5 a greater variation in culture than may have been
 6 preferable?
 7 **A. I'm saying that I think the long tenures and the**
 8 **structure led to that happening.**
 9 Q. You have also identified at paragraph 40 that Chichester
 10 has established a reputation for a traditional and
 11 Catholic outlook?
 12 **A. Yes.**
 13 Q. I'm assuming by "Catholic" you mean Anglo Catholic
 14 rather than Roman Catholic?
 15 **A. I don't like labels. Everybody will get up here and say**
 16 **they don't like labels. I think that succeeding bishops**
 17 **had a consciousness that, however separated the**
 18 **Church of England had become from other Christian**
 19 **churches, they wished to keep in their minds and in the**
 20 **minds of the people the essential belonging together**
 21 **and, recognising that the largest numbers of Christians**
 22 **the world over belong to the Roman Catholic and Orthodox**
 23 **traditions, they don't want to lose sight of those**
 24 **relationships and common understandings.**
 25 Q. You said:

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1 "However, in practical expression, this leads to
 2 worship which resembles that of the church to which we
 3 have become to a degree separated."
 4 **A. That's right.**
 5 Q. You also say:
 6 "The dioceses had little reputation for
 7 innovation ..."
 8 **A. Yes.**
 9 Q. Which isn't to suggest you say that anybody was
 10 intolerant or discouraging, but just that it was seen
 11 as -- I don't know, would a bastion of traditionalism be
 12 a sweeping statement too far?
 13 **A. Not too far. I think that was the perception.**
 14 Q. You also identify at paragraph 41 that you saw that
 15 Bishop Wallace, you say, had a reputation for exercising
 16 his patronage over a number of years to increase the
 17 number of parochial clergy sharing his own conservative
 18 evangelical views?
 19 **A. Yes.**
 20 Q. What impact did that have upon safeguarding or upon
 21 cultural issues, which may well have fed into
 22 safeguarding, if any?
 23 **A. Yes, I'm not sure that it did. I think that he was**
 24 **perceived to draw into the eastern part of the diocese**
 25 **a larger number of clergy who broadly shared his views.**

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| <p>1 I think it might be going too far to say that affected 2 their opinion on safeguarding. 3 Q. As well, if we can just identify, you were around and 4 you were the suffragan bishop whilst the tension, shall 5 I say, between Bishop John and Bishop Wallace played 6 themselves out. You identify at paragraph 43 that from 7 your perspective, and of course it is your opinion, 8 Bishop Hind found it difficult to manage the personality 9 conflict between himself and Bishop Wallace: 10 "This I believe made it difficult to resolve 11 conflicts of opinion, including over matters relating to 12 safeguarding reports he had commissioned. Bishop Hind's 13 own attitude to safeguarding seemed to me to take child 14 protection very seriously and I took his commissioning 15 of the Butler-Sloss Report as an indication of this." 16 A. Yes. 17 Q. Obviously we have heard a lot about this over the past 18 week. I don't necessarily need you to elaborate any 19 further. Is there anything else you want to say about 20 how far the personality conflict stymied the 21 implementation of appropriate safeguarding? 22 A. It did, because I felt -- I think we were unable to move 23 on from the reports that had been written and 24 commissioned. Whether or not litigation was actually 25 threatened, there was very definitely a sense that it</p> <p style="text-align: center;">Page 165</p> | <p>1 deliberate. I think my comments at 48.1 and following 2 are about balance and nuance rather than head-on 3 collision with Canon Dr Bursell. 4 Q. Okay. If you would like to tell us about the balance 5 and the nuance, I would be most grateful? 6 A. Okay. I think that the term "dysfunctional" when 7 Bishop John used it, I don't think he intended to be 8 taken quite as broadly as Rupert Bursell felt was 9 appropriate. So I think there was a difference in 10 perception between the two of them. 11 I think it is simply worth recognising that, 12 notwithstanding the real problems that did exist, the 13 senior staff were working collaboratively and in 14 a healthy fashion in much of their day-to-day work. 15 Q. You said at 48.2 that the diocesan bishop felt 16 paralysed. I think your view is because you think 17 Bishop John found it difficult to rein them in. 18 I think, in fact, in his evidence he sort of accepted 19 that that was probably true. I think he said he wasn't 20 the sort of person to impose his personality on people, 21 I think was the way he put it? 22 A. I think he had postponed the revision or revocation, 23 whatever he was actually going to do, of the area scheme 24 until Bishop Wallace had retired. I think he felt that 25 Bishop Wallace had exercised -- he had been entrusted</p> <p style="text-align: center;">Page 167</p> |
| <p>1 might happen, and in that environment, I think that 2 Bishop John and those who had seen the reports felt that 3 even sharing it among the whole senior staff was 4 inappropriate. 5 So I don't recall the senior staff ever sitting down 6 together, all of us, with the Meekings Report. 7 Q. Which would have been obviously an ideal thing to do, 8 for everybody to sit around the table and bash out -- 9 A. You can't go on and address the recommendations of 10 reports that you are not allowed to see. 11 Q. After the Meekings Report and the Elizabeth Butler-Sloss 12 report, we then have the visitation. Now, we have heard 13 all about the visitation and the various recommendations 14 that it makes. You have some observations about the 15 visitation which you set out at paragraph 48. The first 16 one of those is you question whether or not the term 17 "dysfunctional" was applied correctly. I don't know 18 whether you were in the room when Dr Bursell gave his 19 evidence this morning? 20 A. I was. 21 Q. I think you may have been. He said, "Well, that's what 22 Bishop John told me: it was dysfunctional". What is it 23 you're trying to tell us at paragraph 48.1? 24 A. I think the first thing I want to say is I do not in any 25 way seek to challenge the findings. That was</p> <p style="text-align: center;">Page 166</p> | <p>1 with a particular job and had exercised that ministry 2 with those delegations and it would be very hard to 3 withdraw them, and I think he was waiting for an 4 opportune time. 5 Q. Can we have a discussion -- you also have some concerns, 6 I put it no higher than that, or you think that there 7 needs to be a little more nuance, as to whether or not 8 the dioceses were or weren't reacting quickly enough to 9 concerns of both non-recent and current child sexual 10 abuse, and you set this out at paragraph 48.3. 11 A. Yes. 12 Q. From your perspective, you say there was perhaps a lack 13 of cooperation but there wasn't any lack of ability, so 14 to speak. Is that fair? 15 A. I think that the diocesan bishop would be hampered in 16 his identification of what was going on, particularly in 17 terms of patterns of behaviour, and so on, if he didn't 18 get all the information that he needed. I think that 19 Bishop John was not receiving all of the evidence that 20 he needed in order to identify precisely what was going 21 on. 22 Q. There was also a criticism of letters of apology which 23 I believe you in fact signed on behalf of Bishop John 24 whilst he was abroad which were criticised as being 25 insufficient in their actual content -- this is 48.4 --</p> <p style="text-align: center;">Page 168</p> |

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| <p>1 and crass in their presentation. You wanted to say 2 something about that, I understand? 3 A. Only that they clearly were not appropriate. I accept 4 the criticisms that Rupert Bursell has made. I had no 5 option, really, but to sign them. Otherwise, they would 6 simply not have gone at all, for a long period, and 7 I did enclose a covering note. Rupert Bursell feels 8 that was inadequate, and I accept that. 9 Q. You also wanted to identify that you don't quite agree 10 with the fact that in some quarters the diocese was 11 arrogantly in denial or like a parent defending his 12 child right or wrong. Can you tell us what the nuance 13 you wish to bring to that is? You set it out at 14 paragraph 48.5. 15 A. Yes. I can understand why it would appear that we were 16 in denial, in that reports had not been published, it 17 looked as though evidence had been gathered but was 18 being concealed or we were not being frank. 19 As we have said already, there was difficulty about 20 publishing reports, and I can see why people would not 21 feel that we were being open and frank at that time, or 22 with the immediacy that we would have liked. 23 Q. You then go on to identify that there has been 24 a cultural shift following the appointment of 25 Bishop Martin, and you set this out at paragraphs 49</p> <p style="text-align: center;">Page 169</p> | <p>1 correspondence which was highly critical by the local 2 authority of the diocese, identifying, in effect, that 3 they have no confidence in the judgment and conduct in 4 particular of Bishop Benn in relation to safeguarding 5 issues, and in fact they said, "believe it appalling 6 that the church seems reluctance to take decisive and 7 immediate action. We further believe that this would be 8 the stance taken by the public were they aware of 9 the situation." 10 There are a number of letters which are written in 11 those terms which are extremely trenchant in nature. 12 I think you have already said -- I suspect you have 13 had to do quite a lot of work, you and the diocese have 14 had to do quite a lot of work, to rescue that 15 relationship. Is there anything in particular you would 16 like to say about how you have managed to do that? 17 A. My personal involvement has been relatively small. 18 I did join Colin Perkins to visit both the East and 19 West Sussex LSCBs during the vacancy, I think, but 20 Bishop Martin has very had constructive meetings with 21 them subsequently. 22 The involvement of members of the statutory bodies 23 on our own safeguarding advisory panel has helped draw 24 things together with common purpose. 25 Q. Can we turn now to something which I think to the</p> <p style="text-align: center;">Page 171</p> |
| <p>1 through to 51. How has that cultural shift been 2 effected? 3 A. The most immediate thing was Bishop Martin's visitation 4 of the diocese, which established beyond doubt that he 5 was the bishop with primary responsibility for all of 6 the diocese, what began as three episcopal areas, the 7 revocation of the area scheme further strengthened that. 8 There was a strong central authority. Nobody could have 9 any question but that Bishop Martin was the bishop of 10 the whole diocese. I think that's the key thing. 11 I think other things that have contributed to 12 a better culture is that the safeguarding team is not 13 only bigger but better, it is better integrated in the 14 diocese. The existence of the IDSVA highlights the 15 concern for victims and survivors. I think that the 16 clear operation of processes of suspension and 17 discipline when necessary have made a clear statement to 18 the diocese. And policy making in the diocese is felt 19 as a diocesan matter. So I think that the culture has 20 changed very dramatically in that period. 21 Q. I think you have already dealt with the fact that the 22 relationship with statutory authorities probably reached 23 a low in 2012, when -- I don't think I need to take you 24 through them, but, chair and panel, at paragraphs 53 25 through to 62, Mr Sowerby goes through a series of</p> <p style="text-align: center;">Page 170</p> | <p>1 outside world seems very peculiar, which is Peter Ball's 2 patronage in a personal capacity of a parish even after 3 he ceased being a bishop. This is paragraph 68 through 4 to paragraph 71, chair and panel. There is some 5 information about Bishop Wallace's recruitments and 6 various matters but I don't think we need to -- pass on 7 that. 8 As we understand it -- please try and explain this 9 to us for individuals who are not clear about patronage 10 within the church and how this came to pass? 11 A. The answer to this could be a comedy or a PhD. 12 Patronage can belong to individuals or institutions or 13 perhaps to the diocesan bishop. Quite how Peter Ball -- 14 Q. Because he held it personally, didn't he? 15 A. He held it personally. This might have happened were he 16 not ordained. He held it in a purely individual 17 capacity, as I understand it. But that gave him the 18 right to nominate to the bishop the person whom he felt 19 was appropriate to be vicar of one of those parishes. 20 Now, because they are held in plurality, a united 21 benefice, he was one of several patrons -- at least two 22 patrons -- that had the right jointly to nominate to the 23 bishop. 24 Q. He had the right of patronage of the Horsted Parva 25 parish, which must be a Saxon name, I'm assuming. What</p> <p style="text-align: center;">Page 172</p> |

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| <p>1 did that mean that he could do? In practice, what does 2 that mean? What does patronage mean in practice? 3 A. A patron has the right to identify an individual whom he 4 or she presents to the diocesan bishop for appointment 5 as the incumbent of that parish. 6 Q. So you had a problem because somebody who had resigned 7 from the Church of England over offending and then had 8 subsequently had problems, still had the right to in 9 effect have a say over who was to be appointed to 10 a certain parish. Is that right? 11 A. Yes, because it belonged to him almost as a property 12 right. It is only a right of presentation. So with due 13 diligence, the bishop who was making appointment would 14 still apply all of the usual checks to whoever the 15 nomination was, such that whoever was proposed should be 16 a suitable person. 17 Q. As I understand it, in fact, the former Bishop Ball 18 didn't in fact present anybody -- 19 A. No, he didn't. 20 Q. -- because his right had lapsed. So how long do people 21 have -- 22 A. But he had already delegated that to Bishop John Hind. 23 So he hadn't sought to exercise his patronage at all. 24 Q. Do you understand that for the outside world this all 25 seems extremely peculiar?</p> <p style="text-align: center;">Page 173</p> | <p>1 place that somebody thought they could misbehave. In 2 the past -- it's very difficult for me to know. The 3 instance of abuse from -- by people with a common thread 4 perhaps suggests that that is possible. But I'm not 5 wishing to dodge the answer, I'm just -- I don't think 6 I can give a clear answer in the affirmative. 7 Q. Professor Macfarlane also asks: you mention that senior 8 clergy didn't push a direction and seemed to allow 9 parishes to do their own thing. I think this was under 10 the previous reign, not under Bishop Martin's reign. 11 Could this have allowed a general sense amongst clergy 12 that they weren't really being policed or supervised 13 appropriately? 14 A. I'm sorry, I don't quite understand. That people could 15 "do their own thing"? 16 Q. I'm reading it out. I think the situation is that you 17 said earlier on in your evidence that there wasn't 18 a clear sense of direction and that every area bishop 19 sort of did their own thing, so to speak. So there 20 wasn't a commonality necessarily of purpose. So you had 21 what was going on in East Sussex was one thing, what was 22 going on in West Sussex was another thing, what was 23 going on in Brighton and Hove may well have been a third 24 thing again. Therefore, would that disparity possibly 25 have led to a view that people could get away with</p> <p style="text-align: center;">Page 175</p> |
| <p>1 A. Yes. It's sometimes a nightmare for us. 2 Q. What could realistically be done? I mean, this 3 situation could happen again. I mean, are there any 4 powers that you could have to stop people exercising 5 patronage in these circumstances if they have been 6 convicted of criminal offending or is it just not 7 possible because, in a way, it is a species of property 8 right and therefore has nothing to do with the church? 9 A. I'm not aware of any inability to do that unless 10 somebody were incapable of participating in a trustee 11 body that held patronage. 12 I think it is a very, very rare occurrence and in 13 this instance Peter Ball didn't seek to exercise his 14 patronage. It was delegated to Bishop John Hind. And 15 the complexities of this appointment were really around 16 the lapse of patronage, in any case. 17 Q. I'm asked to ask you some questions on behalf of 18 Professor Julie Macfarlane who is represented by 19 David Greenwood of Switalskis Solicitors, and so I will 20 ask them as written: is Bishop Sowerby aware of 21 indications that could lead clergy who want to abuse, or 22 wanted to abuse, to think Chichester would be a safe 23 place to be? Both in the past and currently, I'm 24 assuming. 25 A. I would hope in the present that was -- is the very last</p> <p style="text-align: center;">Page 174</p> | <p>1 things on the basis that they wouldn't be effectively 2 monitored? 3 A. I think that we are now much tighter on what people can 4 and cannot get away with, particularly in terms of who 5 has authority to exercise ministry in any place at all. 6 In terms of common direction, we now have a much 7 clearer sense of direction under Bishop Martin. There 8 are limits to how far any bishop can direct parish 9 clergy, because there is a real delegation of authority 10 to an incumbent parish priest, and so she or he does 11 have a very considerable degree of flexibility providing 12 they work within the canons and regulations of 13 the diocese. 14 So people -- the bishop doesn't have a simple line 15 management relationship with each of the parish clergy. 16 Q. I think we have heard -- I think one of the witnesses 17 coming later in the week says that every priest is 18 a Pope in their own parish. Now, you might not agree 19 with the analogy -- I suspect you don't -- but, you 20 know, there is no line management, in effect, between 21 bishop and parish in a way that anybody working in an 22 employment relationship would recognise? 23 A. A parish priest has his or her office in their own right 24 but is nonetheless responsible. 25 Q. Yes. I don't think we necessarily need to take you</p> <p style="text-align: center;">Page 176</p> |

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| <p>1 through Bishop Benn's retirement. I think we asked you 2 questions on behalf of the inquiry, which is set out at 3 paragraphs 72 through to 80, mainly because I think you 4 wrote some emails about what the bottom lines were in 5 order for him to retire. I think we have heard quite 6 a lot about what happened in that respect. I think you 7 identify you had no active role in negotiations? 8 A. No. 9 Q. So you can't really say anything other than, "I know 10 that it happened and I know that there were problems 11 that were going on at the time". 12 Now, I am going to ask you about the fact of what's 13 set out at paragraphs -- you then deal with some matters 14 about the tenacity of Colin Campbell, who I understand 15 is a BBC reporter, who reported on a number of occasions 16 about what was going on within the diocese. I don't 17 think I need to take you through that. However, I do 18 want to talk to you about an interview that you had with 19 the BBC in October 2015 that you raise at paragraphs 88 20 through to 90 of your witness statement, views which one 21 of the victims and survivors, Mr Gary Johnson, at 22 paragraph 89, it summarises, views to be outmoded and 23 distasteful and only to serve to re-traumatise victims 24 and as himself. 25 Can I ask, you were undertaking this interview at</p> <p style="text-align: center;">Page 177</p> | <p>1 different cases all at the same time. I didn't do it 2 very well and I am very sorry about that. 3 Q. You identify, however, at paragraph 90.1 through to 90.3 4 some observations, and I think they can be no more than 5 that. I think this was in response to the fact that 6 some of the victims and survivors considered it was 7 wrong for you to say there was no evidence of a coverup 8 by senior staff of what had been going on. You identify 9 some factors as to why -- well, I don't think it can be 10 anything more, in reality, than speculation. However, 11 "no conclusive evidence that the high evidence of abuse 12 was caused by particular factors". You observe the 13 following things -- 14 A. Yes. 15 Q. -- and then you identify those three things. Why are 16 those three things important. Those three things, just 17 for the purpose of the record are: "the historic 18 strength of the Anglo Catholic tradition", which 19 therefore means there are larger numbers of 20 Anglo Catholics than others; "most Anglo Catholic clergy 21 may be married but the unmarried priesthood has been 22 taken as a pattern by some", and that "among the 23 convicted offenders in Chichester, those priests who 24 abused boys or young men tended to belong to a broadly 25 Anglo Catholic theological tradition and most (but not</p> <p style="text-align: center;">Page 179</p> |
| <p>1 the conclusion of Operation Dunhill. Could you just 2 remind, Operation Dunhill was the operation into 3 Bishop Peter; is that right? Bishop Peter Ball? 4 A. And I think Vickery House. 5 Q. And Vickery House. So you gave a sort of 6 end-of-trial-type interview? 7 A. Yes. 8 Q. Do you agree with what Mr Johnson said, that your 9 comments within it were outmoded, distasteful and could 10 lead to re-traumatisation? 11 A. I think I handled that interview very badly and I deeply 12 regret the hurt that he felt. Whether I -- I think the 13 important thing is, that is what he experienced of my 14 interview, and for that I am deeply sorry. I would not 15 have wished that upon him or upon any of those others 16 who were hurt by what I said. 17 I did, as quickly as I reasonably could, write 18 a letter of apology to Mr Johnson, which I think was 19 sent by email, for the sake of speed. I was not seeking 20 to be in any way deceptive in what I said. The term 21 "coverup" is a difficult one. I had no interest or 22 intention of covering anything up at all. That 23 interview was the last of, I think, three or four that 24 I had done in successive days, and I was struggling, 25 I think, to marshal my thoughts about the intricacies of</p> <p style="text-align: center;">Page 178</p> | <p>1 all) were single men"; and "it is usual and proper for 2 people holding a common tradition or outlook to 3 associate professionally ... Those associations should 4 not, in themselves, give rise to suspicion", but you 5 cannot dismiss a possibility that there was 6 a "subculture that was permissive of sexual abuse"? 7 A. Those paragraphs, 90.1 to 90.3, reflect what I observed 8 as I looked at the information in front of me about the 9 individuals who had been convicted. I was trying to 10 look at very basic patterns. I am not competent to 11 interpret them beyond what I have written down, but 12 I could not help but notice a commonality of tradition 13 and gender. 14 Q. That may well simply be because, as they're all part of 15 the same tribe, they may well have sort of flocked 16 together, not necessarily because of their 17 Anglo Catholicism and not necessarily because of their 18 sexual orientation, but just because they all happened 19 to be people with an interest in abusing children? 20 A. It could also be that they had all kinds of things -- 21 Q. That we don't know about? 22 A. -- that we don't know about. People of a common 23 tradition will quite frequently and quite properly 24 associate with one another, but if that tradition or, as 25 you put it just now, "tribe" is a secret or in any way</p> <p style="text-align: center;">Page 180</p> |

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| <p>1 threatened group, it can behave inappropriately.</p> <p>2 Q. I don't mean "tribe" in any pejorative way. It is just</p> <p>3 a way of really identifying people who associate</p> <p>4 together for a commonality of purpose.</p> <p>5 A. Mmm.</p> <p>6 Q. You then identify and deal with the withdrawal of</p> <p>7 Reverend House's permission to officiate. I understand</p> <p>8 that, maybe in contrast to what had happened in previous</p> <p>9 cases, his permission to officiate was withdrawn in fact</p> <p>10 at the same time as he was arrested, or even before</p> <p>11 that?</p> <p>12 A. If I remember rightly, his permission to officiate was</p> <p>13 withdrawn on the night that he -- of his arrest, and</p> <p>14 that the police had asked Colin Perkins for us not to do</p> <p>15 anything that would give prior alarm either to him or</p> <p>16 more particularly to Bishop Peter Ball. So it was --</p> <p>17 Q. It was done in conjunction with the police?</p> <p>18 A. It was done in association with the police -- or not</p> <p>19 done in association with the police -- in order to make</p> <p>20 their case most effective.</p> <p>21 Q. Can I just take you now to some comments upon the</p> <p>22 Peter Ball -- about Bishop Ball, which is set out at</p> <p>23 paragraphs 96 to 99 of your witness statement. Paul,</p> <p>24 would you mind getting this up: ACE025934_027 over to</p> <p>25 028. This is all about the fact that you had to sort of</p> <p style="text-align: center;">Page 181</p> | <p>1 "... in order to fish for a few more accusations</p> <p>2 from the distant past ...</p> <p>3 "It is bitterly ironic that the offer of help is</p> <p>4 decidedly not extended to Bishop Peter himself, his twin</p> <p>5 brother, and their family, friends, and many, many</p> <p>6 supporters ..."</p> <p>7 So it is written in fairly trenchant terms?</p> <p>8 A. It is written in trenchant terms. I imagine it would be</p> <p>9 offensive to victims and survivors. It is discouraging</p> <p>10 of people to come forward and tell what has happened to</p> <p>11 them. It gives no credit to the fact that the</p> <p>12 allegations made would be true, or might be true. It</p> <p>13 was also at a time where the -- you know, if this was</p> <p>14 coming to trial, it would be inappropriate for this kind</p> <p>15 of material to --</p> <p>16 Q. This kind of material was posted in April 2014, and the</p> <p>17 trial was going on -- criminal proceedings were ongoing</p> <p>18 at that time.</p> <p>19 A. Yes.</p> <p>20 Q. So what did you do to try to get this off the internet?</p> <p>21 A. It was drawn to my attention by, I think, a very</p> <p>22 responsible priest who had contacted effectively the CEO</p> <p>23 of the society to enquire. He was away, so he got hold</p> <p>24 of two bishops, and one said, "Oh, leave it", and</p> <p>25 I said, "No, don't leave it. Take it down, and this is</p> <p style="text-align: center;">Page 183</p> |
| <p>1 engage, shall we say, with individuals who were unhappy</p> <p>2 about Bishop Ball's prosecution, as I understand it. In</p> <p>3 particular, some information that had been posted on</p> <p>4 a website relating to the society of St Wilfrid and</p> <p>5 St Hilda. Could you just briefly tell us what this</p> <p>6 society is, what they did and what you did to try to</p> <p>7 take it down?</p> <p>8 A. The society is a body of people within the</p> <p>9 Church of England who do not receive the ordained</p> <p>10 ministry of women but they seek to function</p> <p>11 cooperatively and collaboratively within the</p> <p>12 Church of England.</p> <p>13 What happened, I think, is that an individual wrote</p> <p>14 the piece that was inappropriate and was able to post it</p> <p>15 on their website, or via social media, I think.</p> <p>16 Q. In what way was it inappropriate?</p> <p>17 A. It was inappropriate in that it --</p> <p>18 Q. Would it be helpful if we got it up? It is at</p> <p>19 ACE025846.</p> <p>20 A. This is the letter itself?</p> <p>21 Q. I think so. Yes. Is this the letter which was posted</p> <p>22 on the website?</p> <p>23 A. Yes, it looks like it to me.</p> <p>24 Q. "... your cliché-ridden statement on the prosecution of</p> <p>25 Bishop Peter Ball.</p> <p style="text-align: center;">Page 182</p> | <p>1 why", and it was removed.</p> <p>2 Q. Thank you very much. Can I just ask you quickly, we</p> <p>3 will be meeting -- well, Ms Carmi will be giving us</p> <p>4 evidence next week. The Carmi Report, which was into</p> <p>5 the Chichester Cathedral, in fact, was written in 2004</p> <p>6 and then was disclosed in 2014, or was made public in</p> <p>7 2014. Why was that?</p> <p>8 A. I think that the diocese was very keen to -- and</p> <p>9 certainly Bishop Martin was very keen that we were seen</p> <p>10 to be operating openly and not withholding reports that</p> <p>11 were uncomfortable to us. So it was a matter of being</p> <p>12 seen to be open and frank about our safeguarding, about</p> <p>13 our history as well as our present. It hadn't been</p> <p>14 published because it wasn't the custom to publish</p> <p>15 serious case reviews, I understand, at that stage. But</p> <p>16 we felt, nonetheless, it was appropriate for it to be</p> <p>17 published to redress the concern that we were being less</p> <p>18 than frank.</p> <p>19 I think that Colin Campbell, the BBC journalist to</p> <p>20 whom you referred, was aware that such a report existed</p> <p>21 and we should in any case have been under considerable</p> <p>22 pressure to make it public, and it would have not seemed</p> <p>23 sensible to withhold it.</p> <p>24 Q. You have helpfully set out at paragraph 104 of your</p> <p>25 witness statement a series of lessons learnt. Perhaps</p> <p style="text-align: center;">Page 184</p> |

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| <p>1 briefly you'd like just to touch upon what the main 2 headlines of those lessons are? 3 A. That our structures for recruitment and record keeping, 4 and so on, must be sound. 5 Q. What do you mean by that in practice? Is that kind of, 6 there should be one electronic case file that everybody 7 inputs all data onto that everybody can have access to? 8 A. I don't think we are able to do that at the moment, for 9 recruitment purposes. We have the blue file system. 10 But that needs to work, and it hadn't been working, we 11 understand, during the latter period of the area system. 12 So whatever structure we do have, it's got to work. 13 That's the key thing. It needs to be sound, so that 14 people who have things in their history that need to be 15 brought to our attention are clearly there and responded 16 to, not taken on. 17 Q. You then identify some other matters, which is, bishops 18 are not safeguarding professionals. 19 A. Yes. 20 Q. There are two issues there, which is, how far can you 21 become professional in the arena of safeguarding, or how 22 far do you have to say, "Actually, we are never going to 23 be professional in the arena of safeguarding. We are 24 experts in being priests. We are not experts in 25 safeguarding, so let somebody else take responsibility</p> <p style="text-align: center;">Page 185</p> | <p>1 the request of Colin Perkins, but there have been other 2 instances where I have encountered people or heard 3 disclosures or dealt with them by other communication. 4 But I have had cause to meet individuals. 5 Q. You then identify at paragraph 105 on to 106 major 6 challenges facing the church and what you think needs to 7 be changed. Maybe at paragraph 106, it would be useful 8 for you to sort of bring some of those out and identify 9 what steps you think the church needs to take in the 10 future? 11 A. Well, we are in a situation at the moment where a deal 12 of trust has been lost over a period, and that is, 13 I hope, beginning to be restored because so much has 14 happened in the last few years. But what I would really 15 like us to get to is a position where people actually 16 trust the church above all others as agents of safety 17 where they know that they're going to be heard and 18 responded to. So rather than being a body where people 19 are cautious or even suspicious, I would like us to be 20 able to move to a position where we're their first port 21 of call, and in order to do that, I think we need to do 22 some of those things which I have listed in my witness 23 statement at 106.1 on to 106.9. 24 Q. In particular, you identify changes which are needed 25 firstly on prominence of justice; secondly, identifying</p> <p style="text-align: center;">Page 187</p> |
| <p>1 for that?" 2 A. Working alongside safeguarding professionals such as our 3 DSAs, I think you do learn a fair bit. But at the end 4 of the day, bishops aren't trained primarily as 5 safeguarding professionals, and we need to work 6 alongside and, as appropriate, defer to those who are 7 professionally trained. 8 Q. The next recommendation that you think you have learned 9 from Chichester is the need for trust between the 10 safeguarding adviser and the parish clergy, as well as 11 the bishop's senior staff. I think it's evident what 12 happens if that trust isn't present, for whatever 13 reason. 14 A. Yes. 15 Q. You also say: 16 "Careful listening to victims/survivors matters and 17 being heard by someone senior is both symbolic and 18 representative of the importance being attached to the 19 substance of their disclosure ..." 20 A. Yes. 21 Q. Is that something which you, yourself, have done and how 22 does it operate within Chichester currently? 23 A. I have done that. Most of the instances of that 24 happening have happened more with the diocesan bishop, 25 but I have met with victims and survivors, usually upon</p> <p style="text-align: center;">Page 186</p> | <p>1 perpetrators accurately; thirdly, robust structures for 2 recruitment; fourthly, a proper national safeguarding 3 training framework and ensuring that training is kept up 4 to date and is accurate, and that should expressly deal 5 with disclosures of abuse to prevent unnecessary 6 additional trauma; monitoring training; enlarging 7 understanding of safeguarding; resolving contemporary 8 debates about the best way to promote and deliver good 9 safeguarding. What do you mean by that? What 10 contemporary debates: within the church or outside the 11 church? 12 A. I think it is inside and outside. There is debate as to 13 whether things are best managed particularly at a local 14 level or at a national level, and I have an opinion on 15 that. 16 Q. We would like to know your opinion on that. 17 A. My own opinion is that we need a blend of the two. 18 There are things that are best done at the local level. 19 If we do not own something, then we will disown it. So 20 I think that there needs to be safeguarding training 21 that is delivered locally, there needs to be 22 a relationship between the parish clergy as well as the 23 bishops and the diocesan safeguarding advisers. All of 24 those things need to be local. Certainly the work of an 25 IDSVA needs to be local. Lots of things have to be</p> <p style="text-align: center;">Page 188</p> |

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| <p>1 delivered on the ground.</p> <p>2 However, I think that there are things that need to</p> <p>3 be established nationally. In particular, we need to</p> <p>4 establish standards, quality assurance, and where things</p> <p>5 cannot be confidently determined locally, then there</p> <p>6 needs to be national engagement, particularly with</p> <p>7 casework. And we are doing that now through core groups</p> <p>8 dealing with complex cases or cases that cross</p> <p>9 boundaries or senior appointments.</p> <p>10 Q. Can I ask, do you think that the church is capable of</p> <p>11 governing itself in respect of safeguarding, or do you</p> <p>12 think in fact, because of the failures of the past,</p> <p>13 there needs to be an independent body which is</p> <p>14 responsible -- which is external to the church. It</p> <p>15 might be paid for by the church, but at arm's length to</p> <p>16 the church, which operates and runs safeguarding?</p> <p>17 A. I think that the church is capable of managing its own</p> <p>18 safeguarding, but that there is no reason why it should</p> <p>19 not be accountable outside of itself. We are, all of</p> <p>20 us, I think, accountable to the Local Safeguarding</p> <p>21 Children's Boards and so on, who have responsibility in</p> <p>22 community for the well-being of children. So I don't</p> <p>23 think I'm resistant to some degree of accountability,</p> <p>24 but I think that the church should not opt out of</p> <p>25 responsibility for its own safeguarding. I think that</p> <p style="text-align: center;">Page 189</p> | <p>1 on the quality of safeguarding on the argument that</p> <p>2 resources aren't there. So if a national body is</p> <p>3 saying, "No, we need somebody so many hours a week in</p> <p>4 that place", that they will be there.</p> <p>5 Q. How about a complete overhaul of CDM? Some people would</p> <p>6 say that what you need to do is abolish CDM for</p> <p>7 safeguarding complaints and have a whole new process and</p> <p>8 body which is run independently of the diocese, maybe on</p> <p>9 a national -- a body which is similar to the Clergy</p> <p>10 Discipline Commission or maybe is the Clergy Discipline</p> <p>11 Commission but has a completely different route. So</p> <p>12 instead of going through two lots of screening process,</p> <p>13 you just turn up at the independent stage, like a sort</p> <p>14 of ombudsman's scheme, so to speak. What's your view</p> <p>15 about that?</p> <p>16 A. I'm not fundamentally opposed to it. I think that</p> <p>17 suggestion came up this morning with Canon Bursell and</p> <p>18 there were issues raised about threshold and so on and</p> <p>19 I think those issues would have to be resolved, but</p> <p>20 I would not be fundamentally opposed to disciplinary</p> <p>21 matters in relation to safeguarding being handled</p> <p>22 nationally.</p> <p>23 Q. How about the church being stripped of its -- I'm asking</p> <p>24 this question on behalf of Mr Scorer, who is</p> <p>25 representing several victims and survivors from</p> <p style="text-align: center;">Page 191</p> |
| <p>1 would be less effective.</p> <p>2 Q. In fact, what you recommend at paragraphs 110 through to</p> <p>3 113 is that there should be a local diocesan</p> <p>4 safeguarding adviser because you recognise the risks of</p> <p>5 having a diocesan safeguarding adviser line managed by</p> <p>6 the diocese as too much. I think you say bishops are</p> <p>7 powerful and authoritative figures and it may sometimes</p> <p>8 be hard for a DSA to mount appropriate challenges. So</p> <p>9 you think they should be paid for, appointed, line</p> <p>10 managed nationally, but working within a diocese?</p> <p>11 A. Yes. I think I might go so far as to allow the diocese</p> <p>12 some engagement with the appointment, because of</p> <p>13 the importance of making sure that the individual is</p> <p>14 going to work effectively in that locality and with that</p> <p>15 culture. But, yes, I think there is a good argument for</p> <p>16 the DSA being responsible to a central safeguarding</p> <p>17 function.</p> <p>18 Q. You talk about a national service level agreement. Is</p> <p>19 that so, in cases of crisis, you can put more staff in</p> <p>20 one place than another, so they can be moved around to</p> <p>21 deal with matters?</p> <p>22 A. Yes.</p> <p>23 Q. In a way that can't really happen at the moment?</p> <p>24 A. Yes, I think that's true, and also it helps make sure</p> <p>25 that resources are actually deployed and nobody reneges</p> <p style="text-align: center;">Page 190</p> | <p>1 Slater & Gordon. Should the church be stripped of its</p> <p>2 Equality Act law exemptions? That's what Roger Meekings</p> <p>3 said. I'm not entirely sure in what context. I think</p> <p>4 that's in terms of being able to discriminate in terms</p> <p>5 of the people it employs so that it is entitled to</p> <p>6 employ faith-based employees, although I'm not an expert</p> <p>7 in employment law, so I wouldn't necessarily want to ...</p> <p>8 A. I think it is an area where I don't know enough to give</p> <p>9 you an answer.</p> <p>10 Q. I will ask Mr Iles about that, who I think would</p> <p>11 probably be the appropriate person. Can I also ask</p> <p>12 about mandatory reporting. You have heard Dr Bursell</p> <p>13 and I think we need to be very careful. In this</p> <p>14 situation, it would be clergy having a responsibility to</p> <p>15 inform people if allegations of sexual abuse were made</p> <p>16 against them to the DSA and then the DSA would be under</p> <p>17 a responsibility to refer that to the statutory</p> <p>18 authorities, whether that's social services or the</p> <p>19 police.</p> <p>20 Do you think that's something which the church</p> <p>21 should consider or contemplate?</p> <p>22 A. In general terms, I consider that the clergy are already</p> <p>23 under an obligation to inform where child sexual abuse</p> <p>24 is there. I would expect anybody encountering child</p> <p>25 sexual abuse, or a suspicion thereof, to be in touch</p> <p style="text-align: center;">Page 192</p> |

1 **with the diocesan safeguarding adviser at the very**
2 **least, and directly with the police if the urgency of**
3 **the situation required.**
4 Q. You also identify -- I don't think, because I'm noticing
5 the time, chair. I don't think we have time,
6 Bishop Mark, unless you particularly want to go through
7 your recommendations at paragraph 108. But in
8 particular, I think what is clear is, one of the major
9 problems is that non-stipendiary clergy won't
10 necessarily have inappropriate behaviour within their
11 workplace, so you have -- these are thousands of clergy,
12 aren't they?
13 **A. Yes.**
14 Q. Something like 3,500 now?
15 **A. Yes.**
16 Q. Who may well be subject to -- they may well be
17 disciplinary offences of sexual harassment or they may
18 well be convicted of all sorts of things?
19 **A. I remember a particular instance of a priest who had**
20 **disciplinary processes against them in their secular**
21 **context which were of a safeguarding nature, and which**
22 **were not, by any process, brought to our attention.**
23 **They did eventually emerge, but rather later than they**
24 **should have done.**
25 Q. Can I just identify, just some basic things, which in

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1 fact I found last night just by Googling, is that parish
2 churches at the moment don't on their website have to
3 either identify that they have got a safeguarding policy
4 or necessarily talk about safeguarding at all. I looked
5 up a particular website and found lots of lovely
6 pictures of teddies going on holiday -- it was
7 Stone Cross, which was Jonathan Graves. So I thought,
8 well, I will look up one where there has been an
9 allegation. There were lots of pictures of teddies
10 waiting for the bishops' arrival, but absolutely nothing
11 about safeguarding, which I found somewhat surprising.
12 Is that because there is absolutely no duty or nothing
13 that -- no obligation, shall we say?
14 **A. I don't think there is any legal obligation requiring**
15 **people to post their position on safeguarding. But**
16 **I can understand your surprise, and I would hope that**
17 **parish churches would make every effort to make clear**
18 **their commitment to safeguarding, and I think that if on**
19 **notice boards, in porches or in locally produced**
20 **material it is clear that this is a parish that does not**
21 **tolerate safeguarding, that gives a clear message --**
22 Q. Or maybe doesn't tolerate breaches of safeguarding?
23 **A. I beg your pardon. Doesn't tolerate breaches of**
24 **safeguarding, that gives a clear message. I hope that**
25 **would make somebody with a tendency to perpetrate**

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1 **a crime to think twice. This is a place where they are**
2 **vigilant. So, yes, it is about sending that message out**
3 **and the website is one way of doing it, but there are**
4 **more local ones.**
5 Q. There is just one last question on behalf of
6 Professor Macfarlane in which she says, "We know there
7 are very many barriers to survivors disclosing and
8 reporting abuse. Do you think that a male-dominated,
9 elderly and untrained clergy are people to whom victims
10 are likely to report?"
11 I say this not on behalf of the inquiry.
12 **A. Could you say the last part of that again? Elderly?**
13 Q. "... elderly and untrained clergy are people to whom
14 victims are likely to report?"
15 **A. I think that -- it would be far better if there was**
16 **a balance, because people are individuals and they will**
17 **choose to report to a whole variety of people. My**
18 **concern is actually that they will disclose to an**
19 **elderly and untrained person who doesn't know how to**
20 **handle it. So I think that what that highlights for me**
21 **is the essential nature of training, but I do take the**
22 **point that an organisation, an environment, where there**
23 **are men and women of different ages in whom people can**
24 **have confidence increases the probability of somebody**
25 **being able to unburden themselves of whatever has been**

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1 **troubling them.**
2 MS SCOLDING: Thank you so much, Bishop Mark. Chair and
3 panel, do you have any questions for this witness?
4 THE CHAIR: No, we have no questions, Ms Scolding. Thank
5 you very much, Bishop Mark.
6 **A. Thank you.**
7 MS SCOLDING: Chair, can I ask you, before you rise, to
8 identify that I ask you on record that we are going to
9 sit, as I understand it, every day at 10.00 am, except
10 next Monday, as we want to try to ensure that we hear
11 all evidence to ensure that our non-sitting day remains
12 a non-sitting day.
13 THE CHAIR: Yes, that's correct.
14 MS SCOLDING: Thank you very much, chair.
15 (The witness withdrew)
16 (4.32 pm)
17 (The hearing was adjourned until
18 Wednesday, 14 March 2018 at 10.00 am)
19
20 I N D E X
21
22 Statement of MS KATE JUDITH WOOD1
23 (read)
24
25 DR RUPERT BURSELL (sworn)26

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